



L I C E N S I N G S U B C O M M I T T E E A

Thursday, 25th June, 2020

at 7.00 pm

Until further notice, all Council meetings will be held remotely.

Councillors sitting:

Cllr Sharon Patrick and Cllr Gilbert Smyth

Tim Shields
Chief Executive

Contact: Natalie Williams
Governance Services Officer
Tel: 020 8356 8407
Email: natalie.williams@hackney.gov.uk

This meeting can be viewed at:
<https://youtu.be/ZdOXy5oBQVs>

AGENDA

Thursday, 25th June, 2020

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Minutes of the Previous Meeting		(Pages 1 - 16)
5 Licensing Sub Committee Hearing Procedure		(Pages 17 - 18)
6 Application for a Premises Licence: 5-17 Crossway, N16 8LA	Dalston	(Pages 19 - 316)
7 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

A Licensing Sub-Committee will be held if:

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

Prior to your item being heard:

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk as soon as possible. For further information on the application process, please see the guidance notes at www.hackney.gov.uk/licensing.

Making decisions on the items being heard:

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair

opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

Before the meeting starts:

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues
- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deal with the above issues.

Attending the hearing that concerns you:

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk to

confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

Timings

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

Rights of Press and Public to Report on Meetings

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members can not be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest they leave the meeting room when the application is being considered unless they have been granted dispensation.

Reports

Agendas and Reports for Licensing Sub-Committees are published on the Council's website (www.hackney.gov.uk) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email governance@hackney.gov.uk. Copies of applications together with the detail of any objections will be included in the report.

Appeals

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

Withdrawal of an Item or Cancellation of a Hearing

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the

applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Contacts

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services –

Governance Services
2nd Floor Room 118
Hackney Town Hall
Mare Street
E8 1EA

Telephone: 020 8356 1266
E-mail: governance@hackney.gov.uk

.If your query relates general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Licensing Service
Hackney Service Centre
1 Hillman Street
London E8 1DY

Telephone: 020 8356 4970
Fax: 020 8356 4974
E-mail: licensing@hackney.gov.uk

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Interim Director of Legal and Governance, on 020 8356 6234 or email dawn.carter-mcdonald@hackney.gov.uk



FS 566728

Relevant Extracts from Hackney's Statement of Licensing Policy

Please find below relevant extracts from the Statement of Licensing Policy 2018.

LP1 General Principles

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

LP2 Licensing Objectives

Prevention of Crime and Disorder

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

Public Safety

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

Prevention of Public Nuisance

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

Protection of Children from Harm

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.

LP4 Off' Sales of Alcohol

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

LP5 Planning Status

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

LP6 External Areas and Outdoor Events

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further

LP7 Minor Variations

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user
- Consider any other control measures proposed to mitigate the objection

LP9 Personal Licences

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

- (i) Seriousness and relevance of any conviction(s)
- (ii) The period that has elapsed since committing the offence(s)
- (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;
- good character of the applicant; and
- extent of any variation sought

May not be in itself sufficient.

It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.

LP11 Cumulative Impact – General

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

This page is intentionally left blank



MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A WEDNESDAY, 7TH AUGUST, 2019

- Councillors Present:** Councillor Sharon Patrick in the Chair
Cllr Gilbert Smyth
- Apologies:** Councillor Brian Bell
- Officers in Attendance:** Mike Smith (Principal Licensing Officer), Amanda Nauth (Legal Officer), Butta Singh (Legal Services), David Tuitt (Licensing) and Rabiya Khatun (Governance Services Officer).
- Also in Attendance:** Pizza on Time
Matiullah Azimi - Applicant
- La Spiga Pasta
Fabio Settembre - Applicant
Roberto - Head Chef & Business Partner
Andy Newman- Applicant's Agent
- Luke Elford - Other Persons' Solicitor
Carly Turner – Other Person

1 Election of Chair

- 1.1 Councillor Patrick was duly elected to chair the meeting.

2 Apologies for Absence

- 2.1 Apologies for absence were received from Cllr Bell.

3 Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest.

4 Licensing Sub Committee Hearing Procedure

- 4.1 The Chair outlined the hearing procedure at the meeting.

5 Premises Licence: Pizza on Time, 260 Stamford Hill, N16 6TU

5.1 NOTED the additional information circulated at the meeting.

5.2 Mike Smith, Senior Licensing Officer introduced the application and reported that the police had withdrawn its representation following an agreement with the applicant to additional conditions. However, the representation remained from Licensing.

5.3 Matiullah Azimi made the following points in support of the application. The proposed later hours of licensable activities would allow him to generate more business and ensure his business was viable. He operated a pizza takeaway business only with no deliveries, which currently closed at 23.00 hours. There were no other pizza businesses and commercial premises within the vicinity of the premises.

5.4 In response to a questions from Members regarding the opening hours of nearby businesses and CCTV system, Mr Azimi stated that Dixy's closed at 23.00 hours and confirmed that the three staff members at the premises were familiar with the operation CCTV system.

5.5 David Tuitt, Licensing, outlined his representation against the application based on the grounds of the prevention of public nuisance and Council's core hours. He stated that the proposed hours of licensable activity exceeded the hours permitted within the Council's LP3 core hours. The premises was also located in a busy high street area that already experienced late night activity with other business operating beyond 23.00 hours including the Turnpike that closed at midnight.

5.6 Mr Tuitt indicated that if the Sub-Committee were minded to grant the licence that there would be minor amendments to the police's proposed conditions 4 and 6.

5.7 The applicant and Mr Tuitt did not sum up.

5.8 **RESOLVED:** The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application for has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Condition 4 – To delete the words 'incident' and delete condition 4(g) ' Any refusal of the sale of alcohol'
- Condition 6 – To delete the words 'Designated Premises Supervisor'

and the following additional condition:

- The Licensee shall instruct member of staff to make regular checks of the area immediately outside the premises and remove any litter and bottles emanating from the premises. A final check should be made at close of business.

Reasons for the decision

The application has been approved, with the above additional condition, as the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Metropolitan Police had withdrawn their representations, and agreed conditions with the applicant in advance of the hearing.

After hearing from the applicant, the applicant's representative, and the Responsible Authority (Licensing), the sub-committee believed that the nature and operation of the premises as well as the premises being located within a commercial area will not adversely impact on the area and local residents.

The sub-committee also noted that the applicant had demonstrated that he had engaged with the Responsible Authorities to address their concerns, no representations had been received from Other Persons and there are no residents living above the premises.

Having taken all of the above factors into consideration the sub-committee were satisfied, when granting the licence that the licensing objectives would be promoted.

6 Premises Licence: La Spiga Pasta, 39 Scrutton Street, EC2A 4HU

6.1 NOTED the additional information circulated at the meeting.

6.2 Mike Smith, Senior Licensing Officer introduced the new premises licence for the supply of alcohol. The supply of alcohol off premises had been removed from the application. Representations from Environmental Protection and the Police had been withdrawn following the applicant's acceptance of proposed conditions. The representation from the Other Person remained.

6.3 Andy Newman, agent representing the applicant, outlined his representation in support of the application. The premises was located outside the special area policy and the hours being sought for the supply of alcohol from 10.00 to 22.30 hours was within the Council's licensing policy. There would be a maximum of 20 covers and alcohol would be served to seated patrons and as an ancillary to food. This was a small Italian independent business serving authentic homemade Roman cuisine. Which was opened by two Italian friends with previous experience of working in licensed premises. The applicant admitted that the two sided board advertising the Pritz drinks had been done in error and that the other side advertising breakfast offer should have been displayed. However this error had occurred when he first opened the business.

6.4 Luke Elford, representing the Other Persons outlined his representation against the application based on the grounds of crime and disorder, public nuisance, the protection of children from harm and cumulative impact. The applicant had been operating licensable activities without a premises licence and Other Persons had witnessed breaches of the Licensing Act 2003 in relation to the supply of alcohol on 17, 19 and 26 July 2019. Concerns were expressed regarding the applicant's behaviour and as experienced operator he should have been aware that the supply of alcohol was a breach. This also demonstrated the applicant's lack of understanding of the licensing legislation and concerns of upholding the promotion the licensing objectives.

6.3 The Chair sought further clarification regarding the three alleged incidents of the supply of alcohol. Mr Elford confirmed that Mr Ward had witnessed the sale of a Heineken beer served with a meal on 17 July 2019. Ms Turner witnessed the supply of alcohol on 19 July and a board advertising the sale of alcoholic Spitz drinks on 26 July 2019. They believed that there had been repeated incidents of the supply of alcohol without a licence.

6.4 Mr Settembre responded that on 17 July 2019 an alcoholic drink had been served to a customer and accepted this had been a mistake. He confirmed that on 19 July 2019 that there had been no supply of alcohol to its customers and on 26 July 2019 the two sided board, advertising a breakfast offer on one side and Spitz drink on the other side, had mistakenly been left on the side displaying the Spitz drink however he assured the Sub-Committee that no alcoholic drinks had been supplied to customers on that day. Mr Newman added that the applicant accepted his mistake on 17 July 2019 and apologised for serving the alcohol. It was clarified that on 26 July 2019, a staff member had placed the board on the wrong side and the applicant refuted any allegation of the sale of alcohol on that day.

6.5 Members enquired about the remaining years on the lease, consultation with residents and operation of business. Mr Settembre replied that there were 2 years remaining with an option to renew the lease and that he had met two residents that had been concerned regarding the previous licence application submitted for a wine bar. The premises was divided into two sections with a kitchen in the middle and two entrances. An area had operated as a restaurant for nine months serving freshly made pasta meals and in future would be serving good quality wines with meals. The other area operated as a takeaway/ delicatessen. They had intended to submit an application in February 2019 but the business had grown and they had been busy.

6.6 Cllr Smyth asked the Other Person if there had been any issues since the business had opened. Mr Elford stated that there had been no issues arising from the restaurant however, concern was expressed regarding the sale of alcohol and if the licence were granted that the applicant would not trade as a restaurant. Ms Turner added that she did not have confidence in the applicant and his business partner to comply with the licensing conditions as they should have applied for a temporary event notice (TEN) if they had intended to supply alcohol at the premises. Ms Turner confirmed that she had never dined at the applicant's restaurant.

6.7 Mr Newman emphasised that the applicant and his business partner were good operators applying for a premises licence to sell alcohol and admitted to one mistake made on 17 July 2019, this was their first business and they were still learning and many of the allegations could not be corroborated with evidence. Mr Settembre confirmed that he had visited The Old King's Head.

6.8 The Chair enquired whether the Council had received any complaints of any breaches. Mr Smith confirmed that the Council had not received any complaints of breaches except those outlined at the hearing.

6.9 The Chair referred the applicant to Ms Turner's witness statement, which included five dates of the alleged sale of alcohol including 29 and 30 July. Mr Settembre clarified that some of the drink offers had been misunderstood and that they had supplied non- alcoholic drinks that could have been mistaken for alcoholic drinks.

6.10 Mr Elford stated that if the Sub- Committee was minded to grant the licence he wanted to propose additional conditions to promote confidence in the operators.

6.11 In response to questions from the Chair seeking further clarification regarding the application, Mr Newman confirmed that there was no designated seating area.

6.12 The hearing adjourned at 20.35 to enable the applicant to consider the proposed conditions submitted by the Other Person's representative and the hearing reconvened at 20.45 hours.

6.13 Mr Newman indicated that proposed condition 2 was similar to condition 17 within the pack but the applicant preferred condition 17. The applicant rejected proposed condition 5. Mr Newman highlighted that the applicant had proposed a further condition that 'there will be a maximum of 20 seats for the supply of alcohol.' to address the concern regarding capacity.

6.14 Cllr Smyth asked if there had been any issues with the premises for eight months prior to the breaches that occurred from July 2019. Mr Elford confirmed that there had been no issues with the operation of the premises as an unlicensed business. Mr Newman added that there had been no issues or complaints received when the applicant had operated under the five TENs outlined within the report.

6.15 The Chair noted the illegal sale of alcohol at the premises. Mr Newman stated that Mr Settembre admitted to the sale of one beer without a licence, which had been a mistake and was remorseful for this. This was the applicant and his partner's first business venture and they would now be taking professional training and advice to ensure no further mistakes were made, and now wanted to move forward. There would be no negative cumulative impact as the maximum capacity was 20 covers.

6.16 Mr Elford summarised that he lacked confidence in the operators to manage the premises responsibly as multiple breaches of the Licensing Act 2002 had already occurred. The granting of the application would be perceived as rewarding bad behaviour.

6.17 **RESOLVED:** The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application for has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Condition 4 – To delete the words 'incident' and delete condition 4(g) ' Any refusal of the sale of alcohol'
- Condition 6 – To delete the words 'Designated Premises Supervisor '

and the following additional condition:

- The Licensee shall instruct member of staff to make regular checks of the area immediately outside the premises and remove any litter and bottles emanating from the premises. A final check should be made at close of business.

Reasons for the decision

The application has been approved, with the above additional condition, as the Licensing Sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee took into consideration that the Metropolitan Police had withdrawn their representations, and agreed conditions with the applicant in advance of the hearing.

After hearing from the applicant, the applicant's representative, and the Responsible Authority (Licensing), the sub- committee believed that the nature and operation of the premises as well the premises being located within a commercial area will not adversely impact on the area and local residents.

The sub-committee also noted that the applicant had demonstrated that he had engaged with the Responsible Authorities to address their concerns, no representations had been received from Other Persons and there are no residents living above the premises.

Having taken all of the above factors into consideration the sub-committee were satisfied, when granting the licence that the licensing objectives would be promoted.

7 Temporary Event Notices - Standing Item

7.1 There were no temporary event notices.

Duration of the meeting: 7.00 - 10.00 pm

.....
CLlr Sharon Patrick Chair of Sub Committee

Contact:

Governance Services Officer:
Tel 020 8356 8407

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

THURSDAY, 14TH NOVEMBER, 2019

Councillors Present: Councillor James Peters (substitute) in the Chair

Officers in Attendance: Cllr Sharon Patrick and Cllr Gilbert Smyth
Butta Singh, Senior Licensing Lawyer
Mike Smith, Principal Licensing Officer
Gareth Sykes, Governance Services Officer

Also in Attendance: Mavya News

Applicant: Bobby Nakum, agent
Kunalkumar Patel

Responsible Authorities: David Tuitt, Licensing

Other Persons:

Luke Elford, solicitor, on behalf of objectors at C1:
Carly Turner, Director JP Cannon Ltd
Caroline Turner, Secretary JP Cannon Ltd
Andy Newman, licensing consultant, on behalf of
objectors at C2

Patel & Sons

Applicant: Bobby Nakum, agent
Mr Patel (Father of the applicant)

Responsible Authorities:

David Hunt, Trading Standards
Police Constable Neil Hunwick, Police
David Tuitt, Licensing

1 Election of Chair

1.1 Councillor James Peters was elected as the chair.

2 Apologies for Absence

2.1. There was no recorded apologies for absence.

3 Declarations of Interest - Members to Declare as Appropriate

3.1 There was no declarations of interest.

4 Licensing Sub Committee Hearing Procedure

4.1 The attendees noted the hearing procedure as set out in the meeting papers.

5 New Premises Licence - Mavya News, 37 Scrutton Street, EC2A 4HU

5.1 The Principal Licensing Officer introduced the new premises licence, as set out in the meeting papers, for Mayva News, 37 Scrutton Street, EC2A 4HU. The application was for the Supply of Alcohol (Off Premises). The officer highlighted that representations from the Responsible Authorities (the Metropolitan Police Service and Trading Standards) had been withdrawn following agreement to amend hours for sale of alcohol to 08:00 to 23:00 daily. The Licensing Authority had made representation based on the grounds of the Prevention of Crime and Disorder, Prevention of Public Nuisance and Licensing Hours. Additional information, submitted by local residents/business objectors had been circulated prior to the meeting (see supplementary papers). Those in attendance noted that the premises was not in the SPA.

5.2 The agent spoke in support of the application giving an overview of what his client was proposing and a brief history of the premises. The agent highlighted how his client had introduced a number of measures on the premises and agreed to a number of additional conditions from Responsible Authority representations, namely conditions 22 to 24. It was noted that the additional condition, condition 21, was to be withdrawn. The agent explained that the premises had no prior history of contributing to the Cumulative Impact (CI) in the area and the undermining of the London Borough of Hackney's Licensing Objectives. The agent re-iterated the number of conditions and measures his client had agreed to and to introduce anymore would be 'overkill' as the premises was a small shop. The agent, referring to the representations made by other person/business had no basis in evidence and were 'purely speculative'. In response to a question from the chair of the committee, the agent confirmed that the shop had been at the site for the past two to three years.

5.3 The committee next heard from the Responsible Authority, the Licensing Authority, who on hearing that the applicant had agreed to a number of additional conditions from the Responsible Authorities (conditions 22 to 24) had withdrawn their representation.

5.4 The committee next heard from other persons speaking in objection to the application. The grounds for their objections was on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance, the protection of children from harm and licensing hours. The other persons outlined their concerns about the proximity of the premises in relation to other nearby licensed premises and what they perceived to be a currently a growing trend of Anti-Social Behaviour (ASB) in the immediate area e.g. drunkenness, noise and public urination etc and how another licensed premises would lead to a cumulative impact in the area and would undermine the licensing objectives. The other persons explained how a rise in ASB-related incidents had had negative impact on a local public house. Another licensed premises in the area would exacerbate the situation further. The other persons highlighted a report that they had commissioned assessing the local impacts of another licence premises in the area, the report had been undertaken by an ex-MPS Borough Commander with over 30 years' experience. They had concluded that granting of such a licence in this area represents a significant risk to the licensing

objectives and should be rejected. The other persons also alleged that the applicant did not have planning permission or hygiene licence from Hackney Council and that there had not been any consultation with neighbours.

- 5.5 In response to a question from Councillor Smyth, the other persons confirmed that there was five licensed premises in close proximity to the applicant's premises. The other persons, specifically those representing a local public house, confirmed that their clientele was a mixture of local residents and workers from nearby offices and in their view the middle of the week was where they experienced the most incidents of ASB. The other persons added that they saw the growing trend in ASB starting from about three to four years ago as a result of new offices opening in the area.
- 5.7 In response to a question from the other persons, the chair of the committee was of the view that the issue of drunk persons entering the public house and causing a public nuisance was a private matter for the public house to resolve.
- 5.8 The agent for the applicant replied to the comments from the other persons by suggesting that it was an attempt by the public house to stifle competition. The agent re-iterated that the premises was not located in a SPA and there was no evidence to back up the objections to his client's application. The agent refuted the claims that his client did not have planning permission or a hygiene licence from the council citing that neither the council's planning nor public health departments had made representations at the meeting in objection to the application. The agent added that in terms of consultation a notice had been prominently placed on site and there had also been notice placed in the local press, which was compliant with council policy. The client also added that his client did have a waste contract in place. The agent was of the view that views heard at the meeting today were tantamount to protectionism for the existing businesses to stifle competition. The agent added that in his view the growing trend in incidents of ASB in the area, were a result of the on sales of alcohol from the existing licensed premises in the area.
- 5.9 The chair of the committee reminded the attendees that the council's Licensing Policy 11, regarding CI, did not only apply to premises within the SPA.
- 5.10 A brief discussion ensued between the agent and the senior licensing lawyer where the latter explained that following acceptance by his client of additional condition 23 condition 21 could now be removed. The agent also explained that his client was seeking to now sell alcohol because of business pressure and changes in the demands of customers entering the premises. The agent confirmed that his client understood condition 7 that all alcohol would be in sealed containers.
- 5.11 In response to a question from the chair of the committee, the other persons replied that their concerns were not allayed by the applicant's acceptance of various additional conditions.
- 5.12 In response to a question from the chair of the committee, the agent replied that his client would not accept a time limited licence.

- 5.13 In response to a question from Councillor Patrick, the agent re-iterated that his client was registered in terms of planning permission and council hygiene policy.
- 5.14 In response to a question from Councillor Smyth, the agent re-iterated that his client was applying for this licence for the off sales of alcohol because of changing business needs and growing demand from customers. The agent added that as far as he was aware his client had a good working relationship with nearby licensed premises such as the local public house.
- 5.15 In response to a question from the other persons and the senior licensing lawyer, the client confirmed that Closed Circuit Television (CCTV) installed outside at the premises would cover across the road. The agent added that it was accepted that CCTV had its limitations but the system in place at the premises was of a good High Definition quality.
- 5.16 In response to a question from the chair of the committee, the other persons replied that there were some local residents nearby but a high percentage of the clientele drinking in the area were from the local offices. The other persons added that the local public house saw a mixed trade and that there was three tables and eight to nine chairs outside their premises.
- 5.17 In their summary the other persons re-iterated their concerns about the application and how another licensed premises would exacerbate the CI in the area. They emphasised how the area was already suffering from a high proportion of incidents of ASB and that the applicant had not taken steps to allay their concerns. They recommended that the application be rejected.
- 5.18 The agent summed up by re-emphasising the number of additional conditions that his client had agreed to and that the representations made by other persons against the application were not based on evidence but more assumption. They were perceived as being merely frivolous and vexatious. The agent added that his client had taken all the right steps to be fully compliant with Hackney Council policies.

The Decision

The Licensing Sub-Committee in considering this decision, from the information presented to it within the report and presented at the hearing today, from the applicant, the Responsible Authorities and Other Persons, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

The application for a new premises licence has been approved in accordance with the Council's licensing statement and paragraph 8.1 of the report, with the following amendments:-

- The opening and licensable activity (off- sales of Alcohol) hours to be from;

Monday to Sunday – 08:00 to 23:00 hours

- Condition 11 to be amended, to read:

All alcohol shall be sold in sealed containers. They shall not be opened or consumed in, or within, the immediate vicinity of the premises

- Condition 21 to be deleted

Reasons for the decision

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

In making this decision the Licensing Sub-Committee has taken into consideration that the Responsible Authorities (Licensing, the Metropolitan Police Service and Trading Standards) had withdrawn their representations following agreement with the applicant as to the amended hours for the sale of alcohol along with the additional conditions being imposed. It was also noted that the only remaining representations were that of a local business and a resident who resides close to the premises and works at the local business.

The concerns relating to the local business (a pub) were carefully, considered, alongside the amended application and it was felt that the impact of any pre-loading of drinks could be adequately assessed by the imposition of the onerous condition requiring the applicant to clearly and permanently mark all containers of alcohol sold from the premises, under the licence, with the trading name, address and post code of the premises. Furthermore, it was felt that any possible negative impact of the applicant's proposed operation on their business (i.e. on the pub) could be negated by more effective management measures for their premises, should this become necessary.

The Licensing Sub-Committee also took on board the applicant's responses to the representations made by the applicant's agent, as to it possibly stifling another business, of a similar but somewhat different nature, from operating during reasonable hours of the day and that by refusing the application or restricting it any further would, in effect, be tantamount to protectionism for certain types of businesses, as opposed to the promotion of the licensing objectives.

Having considered all the factors and arguments presented, the Licensing Sub-Committee felt that the amendments to the application would, as outlined above, adequately ensure that the licensing objectives would be promoted having considered the concerns raised within the two remaining representations.

6 Premises Licence Variation- Patel & Sons, 101 Great Eastern Street, EC2A 3JD

- 6.1 The Principal Licensing Officer introduced the application which was a premises licence variation for Patel and sons, 101 Great Eastern Street EC2A 3JD. The proposed variation was for the supply of alcohol (off Premises). Committee members noted that representations had been made from the

Responsible Authorities including Trading Standards, on the grounds of prevention of public nuisance, from the Police on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance, the protection of children from harm and licensing hours. The Licensing Authority had also made representations on the grounds of on the grounds of the prevention of crime and disorder, prevention of public nuisance and licensing hours. The committee also noted that there had also been a written representation from other persons on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance, the protection of children from harm and licensing hours. It was noted that the premises was in the Shoreditch SPA.

- 6.2 The agent for the applicant began acknowledging that a previous premises licence, which permitted off sales of alcohol from 08:00 to 01:00 daily was revoked by Licensing Sub-Committee in 2016 following a review application submitted by the Licensing Authority. The current license had been granted on 14 June 2018. The premises recently had two inspections from Trading Standards on the 21 April 2018 and the 29 August 2019 and they had found to be no reported issues. The agent explained that this application had been made because of a hike in rent so his client had no choice or either close the shop. The applicant had suggested a number of additional conditions including having Security Industry Authority staff on the premises and the installation of a serving hatch after a certain time.
- 6.3 In response to a question from the chair of the committee, the agent replied that his client had not discussed previously with the Responsible Authorities these suggested additional conditions. The chair of the committee suggested to the responsible authorities that they wish to adjourn to consider these new additional conditions, however the Responsible Authorities took the view that an adjournment was not necessary.
- 6.4 A brief discussion then ensued between the agent and the senior licensing lawyer about the impact of the application on the cumulative impact (CI) in the area and the licensing objectives. The senior licensing lawyer reminded the agent that it was up to him and his client to seek legal advice and to demonstrate how the application did not contribute to the CI in the area.
- 6.5 The committee heard from the responsible authorities. The Licensing Authorities explained their concerns about the application on the grounds of its location in the Shoreditch SPA and therefore its impact in relation to Licensing Policy 10 (LP10). This area had been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. The additional three hours applied for through the application could have a negative impact on the area and the council's licensing objectives. The Licensing Authority accepted that SIA staff on the premises may go some way to mitigating some of the negative impact in the area. They were not convinced that the installation of some form of serving hatch would make a difference.
- 6.6 The committee next heard from Trading Standards who made their representations because of concerns about the area in which the premises are situated and the number of licenced venues in the near locality. There was also issues around pre loading before attending venues and the purchase of extra alcohol when leaving venues.

- 6.7 The police in their representation explained how they objected to the application firstly because of the premises location in the Shoreditch SPA and the high concentration of licensed premises in the area. They were also concerned that the hours applied for were outside core licensing hours as set out under the council's licensing policy. An off license selling alcohol to 02:00 hours in the morning would exacerbate further those incidents of alcohol-associated ASB in the area. The police were of the view that the applicant was unwilling to work with them on this application. They were of the view that SIA staff on the premises would not be of much help. The police explained that inebriated persons on entering the premises and being told they could not purchase alcohol, because it was outside the licensed hours, were unlikely to be reasonable and could lead to an altercation.
- 6.8 The applicant replied that those issues associated with the premises 18 months ago were nothing to do with them and related to the previous owners.
- 6.9 The agent explained that he had attempted to contact the police regarding this application, but due to being in hospital, there had been some miscommunication.
- 6.10 In response to a question from the chair of the committee, the police and trading standards re-iterated their concerns about the sale of alcohol in the early morning. There was particular concern about the negative impact on children going to school in the morning. The police confirmed that there was reported incident in December 2018 at the premises of the underage sale of alcohol. The agent replied that since the start of 2019 the premises had been visited by the police five times without any reported incidents.
- 6.10 The chair of the committee explained that there had been written representations from other persons in objection to the application. There were concerns expressed about how the application would 'increase disorder, nuisance and noise' in the area.
- 6.11 In response to a question from the chair of the committee about Licensing Policy 10, the agent replied that his client was fully compliant with the policy explaining that the number of additional conditions they had put forward would help to mitigate the CI in the area. The applicant did not deny that there were issues in the area but they had offered to put in a number of measures, compliant with council policy, but the wider issues in the area were out of the applicant's hands. The chair of the committee replied that it was the role of the committee to ensure that any application coming before them did not contribute negatively to the CI in the Shoreditch SPA. The senior licensing lawyer re-emphasised to the applicant that they needed to demonstrate how they were not contributing to the CI in Shoreditch SPA. The agent replied that his client had clearly demonstrated that he had not for the reasons previously explained.
- 6.12 In response to a question from Councillor Smyth, the agent replied that this client could not agree to place sticky labels on all alcoholic bottles and cans because of the huge cost implications involved particularly in relation to labour.
- 6.13 In response to a question from the senior licensing lawyer, the applicant understood the concerns raised because of where their premises was located

in the Shoreditch SPA, however, they had measures in place, such as CCTV and were cooperative with the responsible authorities.

- 6.14 A brief discussion ensued about the reported incident at the premises in December 2018. The applicant replied that he was not involved in the business at that time. The agent added that the premises license would be passed to his client. The police added that, regarding the afore mentioned incident, the premises had been open for one hour and ten minutes after its designated closing time.
- 6.15 Following further discussion with the responsible authorities, the chair of the committee suggested to the applicant again would they be willing to put labels on alcoholic bottle and cans. The agent replied that his client could not accept this because of the additional costs involved. The agent explained that his client had taken all the necessary steps to be compliant and also had suggested a number of additional measures e.g. SIA staff on site and a serving hatch.
- 6.16 In respond to a question from the chair of the committee, the police confirmed that it was illegal to drink on the streets in Shoreditch but only police officers and Police Community Support Officers, not SIA staff, could direct individuals to empty the alcoholic drinks. It was understood that SIA staff only had limited powers within the premises where they were working.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and presented at the hearing today, from the applicant and the Responsible Authorities, it has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

The application to vary the premises licence has been approved in accordance with the Council's licensing statement and paragraph 8.1 of the report, with the following amendments:-

- The opening hours of the premises, Monday to Sunday, be 08:00 hours to 02:00 hours
- The supply of alcoholic sales, Monday to Sunday, be 09:00 hours to 00:00 hours

Reasons for the decision

The application to vary the premises licence has been approved, with the above amendments, as the Licensing Sub-Committee were satisfied that the licensing objectives would not be undermined.

Thursday, 14th November, 2019

The Licensing Sub-Committee took into consideration that the applicant, following their amended application, was simply looking to open the premises for longer and had amended the application to remove their request to have longer licensable hours, which the majority of the Responsible Authorities were content with given the existing and additional conditions. As such, the sub-committee were satisfied in approving the amended application the licensing objectives would not be unduly undermined.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices (TENs) for consideration at the meeting.

Duration of the meeting: 19:00 – 21:35 hours

Signed

.....

Chair of Committee, Councillor James Peters

Contact:

Governance Services Officer:
Gareth Sykes
Tel 020 8356 1567

This page is intentionally left blank

Agenda Item 5

Licensing Sub-Committee hearings, under the Licensing Act 2003 & Local Government (Miscellaneous Provisions) Act 1982 – Type A [Re; Premises Licence, Club Premises Certificate, Provisional Statement & Sex Establishment Licence]

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Applicant's Case</p>	<p>The Applicant will present their case in support of their application.</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities' Case</p>	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.</p>	<p>5 minutes each</p>
<p>Step 5 Other Persons' Case</p>	<p>The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.</p>	<p>5 minutes each</p>
<p>Step 6 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.</p>	<p>15 minutes</p>
<p>Step 7 Closing remarks</p>	<p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p>Step 8 - Final clarification</p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p>Step 9 Consideration</p>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	<p>10 minutes</p>
<p>Step 10 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/ukxi/2005/44/contents/made>

This page is intentionally left blank



REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 25/06/2020	Classification DECISION	Enclosure
Application for a Premises Licence 5-17 Crossway, N16 8LA	Ward(s) affected Dalston	

1. SUMMARY

Applicant(s) Mr Engin Akin	In SPA No
Date of Application 06/05/2020	Period of Application Permanent
Proposed licensable activity Late Night Refreshment Supply of Alcohol (On Premises)	
Late Night Refreshment INDOOR: Indoors	Standard Hours: Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-00:00
Supply of Alcohol INDOOR:	Standard Hours: Mon 10:00-23:30 Tue 10:00-23:30 Wed 10:00-23:30 Thu 10:00-23:30 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-23:30
The opening hours of the premises INDOOR	
	Standard Hours: Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-00:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-00:30

Capacity: Not known	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP11 (Cumulative Impact - General)
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority • Other Persons

2. APPLICATION

2.1 **Mr Engin Akin** has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption **on** the premises
- Late night refreshment

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Representation withdrawn following acceptance of proposed conditions.
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B1)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance,
Licensing Authority (Appendix B2)	Representation received on the grounds of Prevention of Public Nuisance, Licensing Hours
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representations received from and on behalf of 25 local residents. Appendices C1-C25	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm, Licensing Hours, and Cumulative Impact.

6. GUIDANCE CONSIDERATIONS

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) and LP11 (Cumulative Impact - General) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

Supply of Alcohol (On/Both)

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.
 - (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 a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.5.1. 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 sales or supply of alcohol.

5.2 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.

5.3. 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 must 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:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; 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

7. 7.1 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.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(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 rate 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;

(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.

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this 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.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above 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

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Conditions derived from operating schedule

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an

authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

11. SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. There should be sufficient SIA to monitor all areas in use. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officer immediately upon request. All door supervisors will have access to and use of radio links to advise management of any crime and disorder problems.

12. An incident log shall be kept at the premises and made available immediately to an authorised officer of the Council or Police, which will record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. seizures of drugs or offensive weapons
- f. any refusal of the sale of alcohol

13. Hot food will be available at all times whenever the venue is operating.

14. All windows and doors shall remain closed at all times when the venue is open for business except for access and egress.

15. Signs to be placed at all exits requesting customers to respect the neighbourhood and leave the area quietly.

16. Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.

17. Refuse, including bottles, shall not be taken outside the premises between the hours of 23.00 and 07.00 or such other times.

18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

19. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence should be include a photo such as a driving licence or passport.

20. The licensee shall operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons policy (2014 or as amended) where appropriate. Prominent signage shall be

displayed by every entrance and exit detailing the drugs and weapons policies.

21. The premises will draw up and implement policies, approved by the police licensing unit, dealing with the following: Smoking, outside areas and Dispersal.

22. Reasonable steps to be taken to ensure that an authorised person is a member of Pubwatch and attends at least six meetings a year.

23. There shall be regular toilet checks on Thursday, Friday and Saturday. These will be recorded in respect of times and any issues found.

24. The Licence Holder shall provide and maintain a dedicated phone number of senior management and/or the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a comment during the operation of the licence. This shall be provided to the Licensing Authority, Police and local Residents Associations. The Licence Holder shall ensure that any changes in these details are sent to these parties within seven days of the change.

25. The premises licence holder will ensure that a personal licence holder will be on duty whenever the venue is open and operating past 9pm every night.

26. All staff shall be given refresher training on the legislation relating to sales of alcohol to underage persons, drunken persons and how to deal with people incapacitated by drink or drugs every twelve months. Such training shall include first aid and any welfare training such as WAVE (or as amended). Records of the training to be kept at the venue and made available to police or authorised officer immediately upon request. Any new staff will be trained on appointment.

27. Any music played in the premises will be maintained at a background level so that face to face conversation can be heard. There will be no DJ's.

28. The venue will have a designated smoking area situated to the front of the premises. This area will be monitored via CCTV and the manager on duty unless operating at a time when SIA door supervisors are deployed. In this instance the responsibility to monitor will be with the SIA door supervisor primarily and the manager/CCTV will be secondary. After 10pm the smoking area will have no more than 10 persons outside. After 22:00 patrons cannot take glass or open containers outside the front of the premises to the smoking area.

29. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

30. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced

by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles

31. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

32. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

33. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

34. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in 5-7 Crossway, N16. This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier
the date of commencement of trade waste contract
the date of expiry of trade waste contract
the days and times of collection
the type of waste including the European Waste Code

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 9 to 28 above are derived from the applicant's operating schedule. Conditions 29 to 34 have been proposed by Environmental Enforcement and have been accepted by the applicant.

10. LEGAL COMMENTS

10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
- **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

13.1 That Members decide on the application under the Licensing Act 2003.

Acting Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: 5-17 Crossway, N16 8LA	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA01

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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


I/We Mr Engin Akin

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
5 17 CROSSWAY HACKNEY LONDON			
Post town	LONDON	Postcode	N16 8LA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£4,703

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *		
i.	as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)

	ii.	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii.	as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv.	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)		a recognised club	<input type="checkbox"/>	please complete section (B)
d)		a charity	<input type="checkbox"/>	please complete section (B)
e)		the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)		a health service body	<input type="checkbox"/>	please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)		the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Title Mr			
Surname Akin		First names Engin	
I am 18 years old or over			<input checked="" type="checkbox"/>
Date of birth [REDACTED]			
Nationality [REDACTED]			
Current residential address if different from premises address		[REDACTED]	
Post town	[REDACTED]	Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]	
E-mail address (optional)	[REDACTED]		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Title Mr			
Surname		First names	
I am 18 years old or over			Please tick yes

Date of birth			
Nationality			
Current postal address if different from premises address		UK-England	
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
UK-England
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

02-05-2020

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

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

	Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B)	..
c)	indoor sporting events (optional, fill in box C)	..
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	..
e)	live music (optional, fill in box E)	..
f)	recorded music (if ticking yes, fill in box F)	<input checked="" type="checkbox"/>
g)	performances of dance (optional, fill in box G)	..
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	..

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
	-----	-----			
Tue					
	-----	-----			
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
	-----	-----			
Thur					
	-----	-----			
Fri			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 6)		
	-----	-----			
Sat					
	-----	-----			
Sun					
	-----	-----			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
	-----	-----	
Tue			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 (please read guidance note 6)
	-----	-----	
Wed			
	-----	-----	
Thur			
	-----	-----	
Fri			
	-----	-----	
Sat			
	-----	-----	
Sun			
	-----	-----	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri						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 (please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish		Both	
Mon	10:00	00:00	Please give further details here (please read guidance note 4) Any recorded music will be played at a background level to allow for face to face conversation. There will be no DJ's.		
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	00:00	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 6)		
Sat	10:00	00:00			
Sun	10:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for the performance of dance (please read guidance note 5)		
Tue					
			Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	
Start	Finish			Both	
Mon	23:00	00:00	Please give further details here (please read guidance note 4) Hot food and cold snacks to be served inside the premises during all hours of operation.		
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) none		
Thur	23:00	00:00			
Fri	23:00	01:00	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 (please read guidance note 6) none		
Sat	23:00	01:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) None		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	23:30			
			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 (please read guidance note 6) None		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Engin Akin	
Date of birth [REDACTED]	
Address [REDACTED]	
[REDACTED]	
[REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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 9).

There will be no activities listed above to cause concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None
Day	Start	Finish	
Mon	10:00	00:30	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 6) None
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attached items

b) The prevention of crime and disorder

Please see attached items

c) Public safety

Please see attached items

d) The prevention of public nuisance

Please see attached items

e) The protection of children from harm

Please see attached items

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.

- I understand that if I do not comply with the above requirements my application will be rejected.

- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

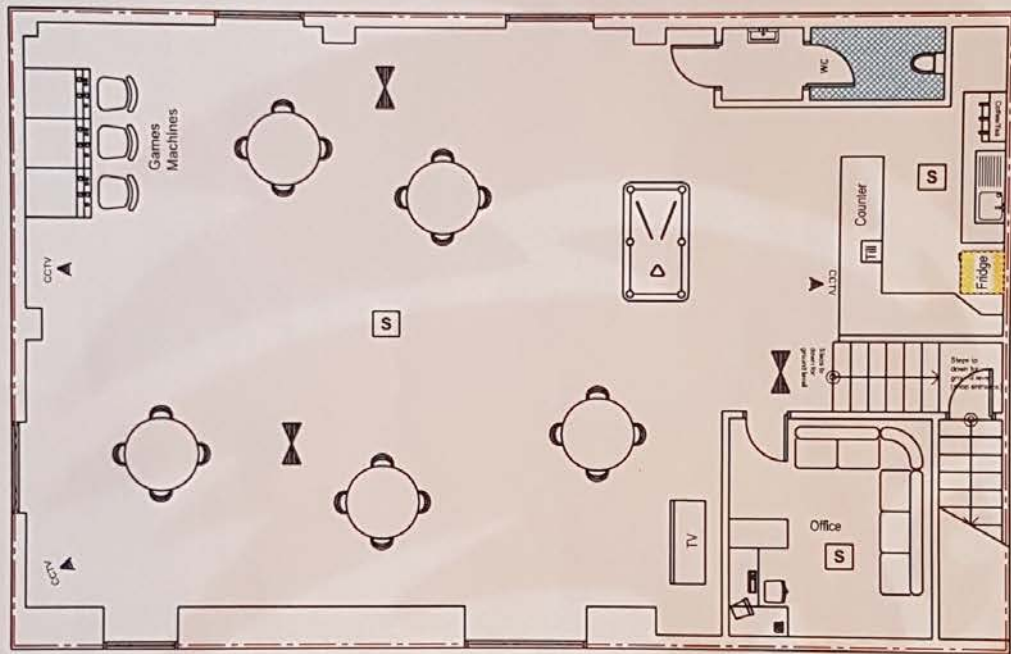
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)
Signature	Guy Hicks
Date	1/5/2020
Capacity	Licensing consultant







For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	1/5/2020
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Premises Address UK-England			
Post town		Postcode	
Telephone number (if any)			



LEGEND

-  FRIDGES
-  WC AREA
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV

5-17 Crossway
 Stoke Newington,
 London
 N16 8LA

Floor Plan

12-08-2012

1:100 @A4

Proposed conditions 5 – 17 Crossway, London N16 8LA

1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

3. SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. There should be sufficient SIA to monitor all areas in use. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officer immediately upon request. All door supervisors will have access to and use of radio links to advise management of any crime and disorder problems.

4. An incident log shall be kept at the premises and made available immediately to an authorised officer of the Council or Police, which will record the following:

- a. all crimes reported to the venue

- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. seizures of drugs or offensive weapons
- f. any refusal of the sale of alcohol

5. Hot food will be available at all times whenever the venue is operating.

6. All windows and doors shall remain closed at all times when the venue is open for business except for access and egress.

7. Signs to be placed at all exits requesting customers to respect the neighbourhood and leave the area quietly.

8. Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.

9. Refuse, including bottles, shall not be taken outside the premises between the hours of 23.00 and 07.00 or such other times.

10. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

11. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence should be include a photo such as a driving licence or passport.

12. The licensee shall operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons policy (2014 or as amended) where appropriate. Prominent signage shall be displayed by every entrance and exit detailing the drugs and weapons policies.

13. The premises will draw up and implement policies, approved by the police licensing unit, dealing with the following: Smoking, outside areas and Dispersal.

14. Reasonable steps to be taken to ensure that an authorised person is a member of Pubwatch and attends at least six meetings a year.

15. There shall be regular toilet checks on Thursday, Friday and Saturday. These will be recorded in respect of times and any issues found.

16. The Licence Holder shall provide and maintain a dedicated phone number of senior management and/or the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a comment during the operation of the licence. This shall be provided to the Licensing Authority, Police and local Residents Associations. The Licence Holder shall ensure that any changes in these details are sent to these parties within seven days of the change.

17. The premises licence holder will ensure that a personal licence holder will be on duty whenever the venue is open and operating past 9pm every night.

18. All staff shall be given refresher training on the legislation relating to sales of alcohol to underage persons, drunken persons and how to deal with people incapacitated by drink or drugs every twelve months. Such training shall include first aid and any welfare training such as WAVE (or as amended). Records of the training to be kept at the venue and made available to police or authorised officer immediately upon request. Any new staff will be trained on appointment.

19. Any music played in the premises will be maintained at a background level so that face to face conversation can be heard. There will be no DJ's.

20. The venue will have a designated smoking area situated to the front of the premises. This area will be monitored via CCTV and the manager on duty unless operating at a time when SIA door supervisors are deployed. In this instance the responsibility to monitor will be with the SIA door supervisor primarily and the manager/CCTV will be secondary. After 10pm the smoking area will have no more than 10 persons outside. After 22:00 patrons cannot take glass or open containers outside the front of the premises to the smoking area.

5 – 17 Crossway, N16 8LA

History.

The venue has been in operation as a local community social club for in excess of 20 years. It has been owned and operated by the AKIN family who are well known local businessmen within the Dalston Turkish community.

Location.

The venue is a first floor space which is situated above a car wash in Crossway, N16. The road is a busy road leading to the centre of Dalston and the area known as the strip. It is not within the current boundary of the Dalston Special Policy Area but the applicant acknowledges the fact that it is very close. There are also nearby residential properties. The applicant is keen to be a benefit to the community and not a burden. The local residents will be made aware of the dedicated phone number to call in the unlikely event of them being directly disturbed by the venue. The applicant has made it clear in the application that there will be no DJ's, only background level music. He will also ensure all windows and doors remain closed save for when customers access and egress the building. A strong dispersal policy as well as a policy relating to the outside and smoking area will be written and submitted with the application. These documents will be fluid and subject to change as dictated by circumstance in order to make them as good a fit as is possible with the operation.

Proposed use.

As stated, the venue is currently a social club. It has a small number of gaming machines, TV's and pool tables. There is also a number of chairs and tables. It is not intended that this layout will change. For some time now the current owner has been asked by customers to provide alcohol at the venue to supplement the social aspects of the operation. Mr AKIN the applicant, has a number of business interests including restaurants and bars in the area and these have taken up his time getting them to good commercial state in order to turn a profit. He now has time to concentrate on the current application.

The venue will offer a small range of alcoholic beverages. This will be limited due to the physical size of the bar. The venue will also offer hot

food in the form of toasted sandwiches, cold sandwiches, Turkish snacks both hot and cold. These will always be available whilst the venue is operating.

There are currently no venues in the area offering traditional gaming such as pool. The applicant seeks to offer diversity and move away from the current offerings in Dalston such as restaurants or cocktail bars and especially vertical drinking establishments. It is a fact that having distractions in a venue such as pool tables slows the drinking speed and amounts drunk as customers concentrate on the competitive aspects of such games.

Operational considerations

The applicant, a personal licence holder, has a number of year's experience within the industry. He is aware of the licensing objectives, their significance and his role in ensuring compliance. For this reason there are policies and conditions drafted that should the application be successful will be implemented in full. These alongside the range of conditions offered will assist him and the venue staff in operating successfully without negatively impacting on the local community.

Guy Hicks



Raven consultants

Proposed conditions 5 – 17 Crossway, London N16 8LA

1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

3. SIA door staff to be employed at the premises when required on the basis of an operational risk assessment. There should be sufficient SIA to monitor all areas in use. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officer immediately upon request. All door supervisors will have access to and use of radio links to advise management of any crime and disorder problems.

4. An incident log shall be kept at the premises and made available immediately to an authorised officer of the Council or Police, which will record the following:

- a. all crimes reported to the venue

- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. seizures of drugs or offensive weapons
- f. any refusal of the sale of alcohol

5. Hot food will be available at all times whenever the venue is operating.

6. All windows and doors shall remain closed at all times when the venue is open for business except for access and egress.

7. Signs to be placed at all exits requesting customers to respect the neighbourhood and leave the area quietly.

8. Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.

9. Refuse, including bottles, shall not be taken outside the premises between the hours of 23.00 and 07.00 or such other times.

10. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

11. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence should include a photo such as a driving licence or passport.

12. The licensee shall operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons policy (2014 or as amended) where appropriate. Prominent signage shall be displayed by every entrance and exit detailing the drugs and weapons policies.

13. The premises will draw up and implement policies, approved by the police licensing unit, dealing with the following: Smoking, outside areas and Dispersal.

14. Reasonable steps to be taken to ensure that an authorised person is a member of Pubwatch and attends at least six meetings a year.

15. There shall be regular toilet checks on Thursday, Friday and Saturday. These will be recorded in respect of times and any issues found.

16. The Licence Holder shall provide and maintain a dedicated phone number of senior management and/or the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a comment during the operation of the licence. This shall be provided to the Licensing Authority, Police and local Residents Associations. The Licence Holder shall ensure that any changes in these details are sent to these parties within seven days of the change.

17. The premises licence holder will ensure that a personal licence holder will be on duty whenever the venue is open and operating past 9pm every night.

18. All staff shall be given refresher training on the legislation relating to sales of alcohol to underage persons, drunken persons and how to deal with people incapacitated by drink or drugs every twelve months. Such training shall include first aid and any welfare training such as WAVE (or as amended). Records of the training to be kept at the venue and made available to police or authorised officer immediately upon request. Any new staff will be trained on appointment.

19. Any music played in the premises will be maintained at a background level so that face to face conversation can be heard. There will be no DJ's.

20. The venue will have a designated smoking area situated to the front of the premises. This area will be monitored via CCTV and the manager on duty unless operating at a time when SIA door supervisors are deployed. In this instance the responsibility to monitor will be with the SIA door supervisor primarily and the manager/CCTV will be secondary. After 10pm the smoking area will have no more than 10 persons outside. After 22:00 patrons cannot take glass or open containers outside the front of the premises to the smoking area.

5 – 17 Crossway, N16 8LA

History.

The venue has been in operation as a local community social club for in excess of 20 years. It has been owned and operated by the AKIN family who are well known local businessmen within the Dalston Turkish community.

Location.

The venue is a first floor space which is situated above a car wash in Crossway, N16. The road is a busy road leading to the centre of Dalston and the area known as the strip. It is not within the current boundary of the Dalston Special Policy Area but the applicant acknowledges the fact that it is very close. There are also nearby residential properties. The applicant is keen to be a benefit to the community and not a burden. The local residents will be made aware of the dedicated phone number to call in the unlikely event of them being directly disturbed by the venue. The applicant has made it clear in the application that there will be no DJ's, only background level music. He will also ensure all windows and doors remain closed save for when customers access and egress the building. A strong dispersal policy as well as a policy relating to the outside and smoking area will be written and submitted with the application. These documents will be fluid and subject to change as dictated by circumstance in order to make them as good a fit as is possible with the operation.

Proposed use.

As stated, the venue is currently a social club. It has a small number of gaming machines, TV's and pool tables. There is also a number of chairs and tables. It is not intended that this layout will change. For some time now the current owner has been asked by customers to provide alcohol at the venue to supplement the social aspects of the operation. Mr AKIN the applicant, has a number of business interests including restaurants and bars in the area and these have taken up his time getting them to good commercial state in order to turn a profit. He now has time to concentrate on the current application.

The venue will offer a small range of alcoholic beverages. This will be limited due to the physical size of the bar. The venue will also offer hot

food in the form of toasted sandwiches, cold sandwiches, Turkish snacks both hot and cold. These will always be available whilst the venue is operating.

There are currently no venues in the area offering traditional gaming such as pool. The applicant seeks to offer diversity and move away from the current offerings in Dalston such as restaurants or cocktail bars and especially vertical drinking establishments. It is a fact that having distractions in a venue such as pool tables slows the drinking speed and amounts drunk as customers concentrate on the competitive aspects of such games.

Operational considerations

The applicant, a personal licence holder, has a number of year's experience within the industry. He is aware of the licensing objectives, their significance and his role in ensuring compliance. For this reason there are policies and conditions drafted that should the application be successful will be implemented in full. These alongside the range of conditions offered will assist him and the venue staff in operating successfully without negatively impacting on the local community.

Guy Hicks



Raven consultants

5 – 17 Crossway, N16 8LA DISPERSAL POLICY

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance and public safety.

This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

Management are aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

1. Management have put into place an effective “wind-down” procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
2. At closing key members of trained staff including SIA when applicable are directed to work in the customer areas near the front entrance and exit. Customers are informed that the premises are about to close and are directed towards the nearest exit.
3. The premises will promote the gradual departure of customers and will ensure the control of the flow of customers by carefully managing the cloakroom and lobby areas of the premises.
4. Internal lighting levels will be gradually increased during the last 30 minutes of trading.
5. Music will be reduced steadily from background to zero.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. Mr Akin is proud of the area and will endeavour to keep the area clean and attractive for patrons and our neighbours. This means dealing with debris outside the frontage that may have nothing to do with his venue, but in the interests of maintaining good standards in the area he will still clear it up.

Staff to assist with Dispersal during busy periods

8. Staff and SIA at the premises should have knowledge of the following;
 - a. Where the nearest mode of public transport is
 - b. Details of taxis and a number is available at the reception
 - c. General local knowledge so that if customers decide to move on the staff can help them with directions.
 - d. The staff and SIA are easily identifiable in uniforms and before each night

- there will be a team briefing to underline the importance of quiet dispersal.
- e. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any action points are added into the following nights briefings.

Notices

9. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
10. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

11. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
12. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.

Taxi Service

13. Staff and SIA will ensure taxis are available for customers so that they can wait inside the premises. Staff will politely request that car doors are not slammed and will ensure that taxi drivers keep engines turned off if they are parked outside.
14. Arrangements are made with all local taxi firms for taxis to stop at a safe stopping place when collecting patrons. A recommended list of local taxi companies is available to customers.
15. Staff and SIA are trained to be aware of the location of taxi ranks, bus stops and hire car offices and advise customers accordingly.
16. Taxi drivers will be asked to remain in their vehicles and radios should not be played at a volume likely to disturb the neighbourhood.
17. Staff and any SIA (when deployed) will be trained to look for any vulnerable persons leaving the venue, ensuring that anyone identified as vulnerable is offered and escorted to a licensed taxi or Uber.
18. At the end of the shift employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them at a convenient and safe stopping point away from residential properties

Exit Strategy

The exit strategy will be implemented each night.

- All staff members outside on exit must wear a high visibility jacket or other striking uniform.
- The priority of the staff and SIA is to ensure all customers leave in a quiet and

controlled manner.

- All customers should be asked to leave quietly in a polite and friendly manner.
- Any persons seen loitering should be asked to move on whether they are the premises customers or not. They should be directed towards the nearest mode of public transport and as a default to the nearest bus station in a polite but firm manner.

Overall

Staff and SIA shall be in place at the exit to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability. Staff and SIA will not tolerate departing customers congregating outside of the premises. Staff will at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems where possible. Whilst carrying out their legitimate duties outside of the premises all staff and SIA are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece.

Staff will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with residents including hosting meetings on a quarterly basis to allow our neighbours to raise any issues and for those issues to be quickly resolved. The telephone number of the premises and the DPS will be provided to all our immediate residential neighbours and will be on display at the front of the premises.

Staff will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

SMOKING POLICY

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by the Premises licence holder. All members of staff must make sure that they are familiar with the terms of this policy.

1. Smoking is not permitted within any part of the Premises except in the designated area which is to the front of the venue.
2. Customers who are from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises .
3. The door attendant(s)/door supervisor(s) or staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
4. After 10pm, If the designated area is full (10 persons), a member of staff should ask the customer to wait within the premises until a space becomes available.
5. The smoking area should be cleaned regularly, and ashtrays emptied.
6. Customers should be reminded to respect our neighbours and to keep conversations to a minimum.
7. The staff on duty shall keep a log of any person causing any disturbance or nuisance whether that person is a customer or not.
8. The staff or SIA on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.

OUTSIDE MANAGEMENT PLAN

This Outside Management Plan has been prepared to set out the strategy and approach to the operation of the outside area of the 5 – 17 Crossway, N16 8LA

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area.

This Outside Management Plan has been prepared by the management following careful consideration of all potential concerns raised in any representations forthcoming. In developing the Outside Management Plan, due regard has been given to best practices.

We have carefully considered site-specific issues raised by local consultees and stakeholders and built into this Outside Management Plan measures to address their concerns. This Outside Management Plan is a fluid document that will be improved from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

Staffing of Outside Areas

9. SIA levels shall be assessed on a risk assessed basis and on Friday and Saturdays in the absence of deployed SIA there shall be a dedicated member of staff overseeing the external area. They will ensure that the outside area, particularly at busy periods, will be adequately supervised where necessary.
10. Each member of staff and SIA will have received adequate training on this Management plan, and this will be documented appropriately, and records kept. The associated training record will be held in the Register (see below) on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police;
11. The management team will ensure that all cups and glasses. are picked up from the designated smoking area on a regular basis, including throughout the operation.
12. There will be designated cleaners and collectors during the busy periods to ensure that the outside areas remain clean and tidy throughout the operation.
13. Customers will not be permitted to take open drinks away from the smoking area or the venue. After 10pm no drinks or open containers will be permitted in the smoking area.

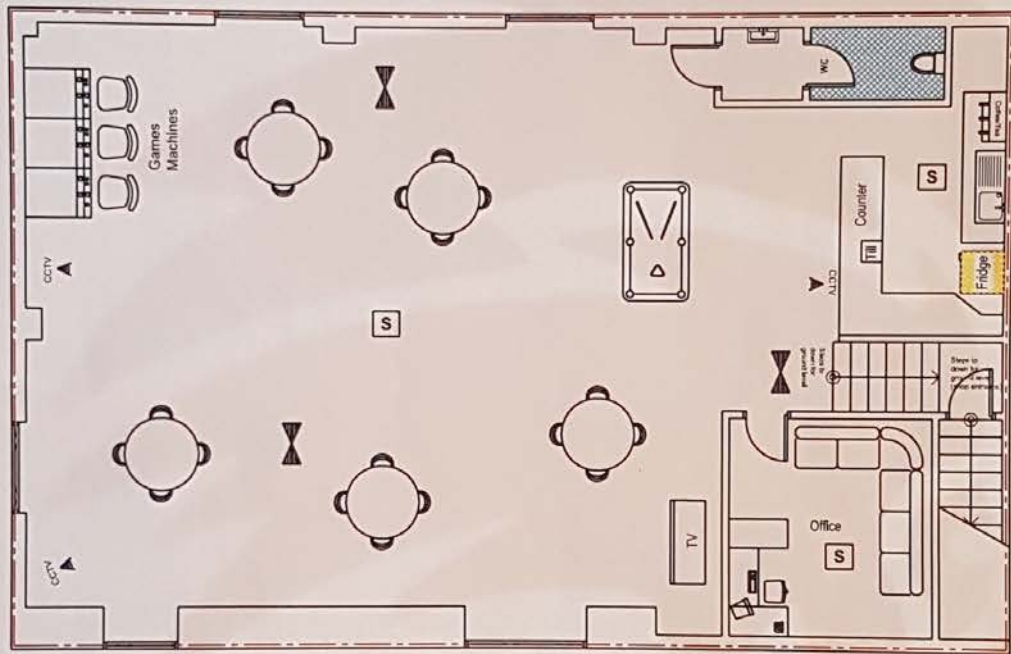
Management of the Outside Area

14. The duty manager will ensure that there is effective management of customer behaviour while using the outside areas.







15. There will always be a duty manager on duty on the premises.
16. The management team shall ensure that the area noise will be kept to a minimum so as to minimise the risk of noise disturbance and prevent patrons from potentially talking too loudly. Noise levels will be monitored by the Staff and customers who are noisy will be politely asked to keep the noise down. Should a customer decline they will be asked to leave the premises and will be banned.
17. Responsible use of the outside areas shall be promoted to customers
18. Appropriate signage shall be in place on the outside to remind customers to respect our neighbours and to use the area quietly.
19. A 30 – 60 minute winding down time is incorporated so that dispersing customers outside the premises is more gradual.
20. Mr. Akin will not tolerate any person congregating outside of the agreed area or making a noise, and if they do not comply with staff instructions, then they will be banned from using the premises.

Outside Management Register

21. An outside management register will be maintained. The register will include:
 - a. Contact details of staff that have been trained and that they understand the need to control the external area
 - b. All persons who may make an observation regarding the use of the outside area will have their concerns logged with a record of the date and time and a description of the activities occurring which gave rise to the complaint
 - c. Details of any action taken as a result of the complaint.



LEGEND

-  FRIDGES
-  WC AREA
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CCTV

5-17 Crossway
 Stoke Newington,
 London
 N16 8LA

Page 67

Floor Plan

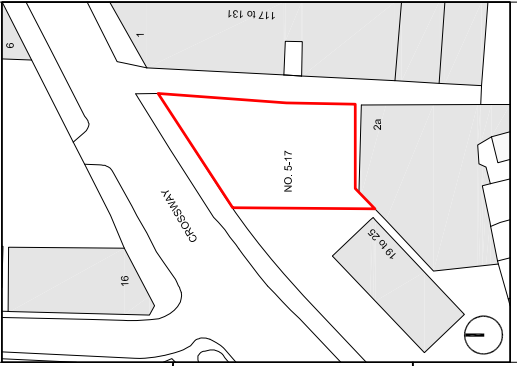
12-08-2012

1:100 @A4

NOTES:

JUB studio take no responsibility for any dimensions obtained by scaling from this drawing. If no dimension is shown the recipient must ascertain the dimension specifically from the Architect or by site measurement. Supplying this drawing in digital form is solely for convenience and no reliance may be placed on digital data. All data must be checked against hard copy. Dimensions must be checked on the original drawing and any discrepancies reported to the Architect immediately. This drawing is copyright of JUB studio.

JUB studio
122 Church Walk, London, UK, N16 8DW
www.jubstudio.com



LOCATION PLAN

Rev	Description	Date	Drn Chk
Planning	20150407	AB	JH

Purpose of Issue
PLANNING

Project
5-17 CROSSWAY
LONDON
E8 3PH

Drawing Title
EXISTING GROUND FLOOR PLAN

Scale
1:100@A3 AB

Project No. Drawing No. Revision
0042 A-GA-02

117 to 131 STOKE NEWINGTON RD

2a JOHN CAMPBELL ROAD

19 TO 25 CROSSWAY

CROSSWAY

Assumed site boundary

Car Wash

Office

Social Club Entrance

Changing ROOM

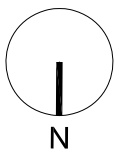
WC

c |

a |

A |

c |



EXISTING GROUND FLOOR PLAN
scale 1:100

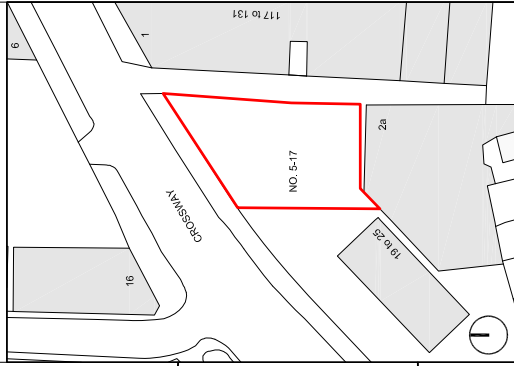


NOTES:

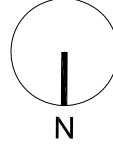
JUB studio take no responsibility for any dimensions obtained by scaling from this drawing. If no dimension is shown the recipient must ascertain the dimension specifically from the Architect or by site measurement. Supplying this drawing in digital form is solely for convenience and no reliance may be placed on digital data. All data must be checked against hard copy. Dimensions must be checked on the original drawing and any discrepancies reported to the Architect immediately. This drawing is copyright of JUB studio.

JUB studio

122 Church Walk, London, UK, N16 8DW
www.jubstudio.com



LOCATION PLAN



Rev	Description	Date	Drn Chk

Purpose of Issue
PLANNING

Project

5-17 CROSSWAY
LONDON
E8 3PH

Drawing Title

EXISTING FIRST FLOOR PLAN

Scale

1:100@A3 AB

Project No.

0042

Drawing No.

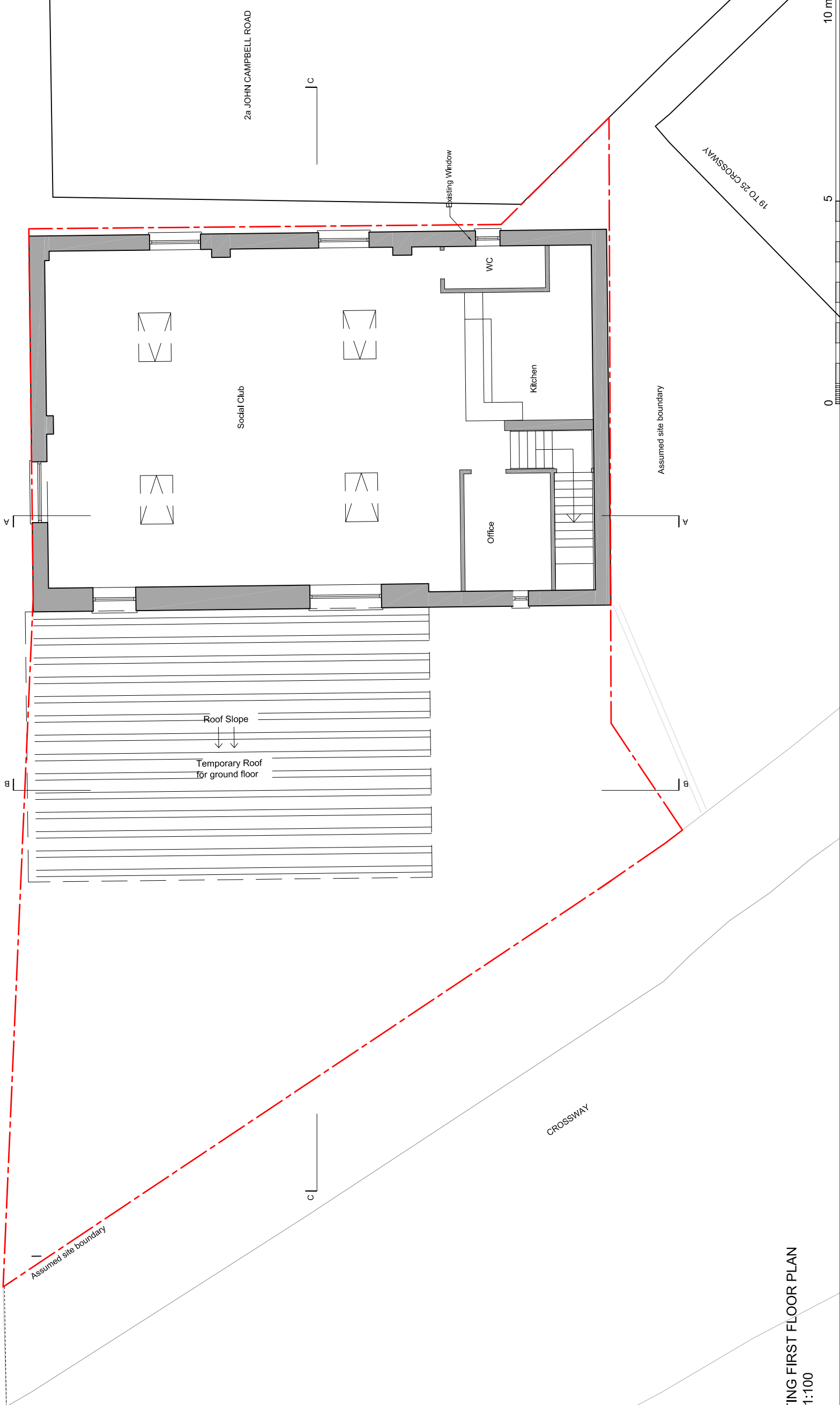
A-GA-03

Revision

117 to 131 STOKE NEWINGTON RD

2a JOHN CAMPBELL ROAD

19 TO 25 CROSSWAY



APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	5-17 Crossway Hackney London N16 8LA
NAME OF PREMISES USER	Engin AKIN

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

Representations (which include comments and/or objections) in relation to:

Police make the following objections in relation to the application for a Premises Licence at 5-17 CROSSWAY, HACKNEY, LONDON, N16 8LA for the following reason(s);

These premises are located just outside of the Dalston Special Policy Area, which the applicant acknowledges in this application. This policy area was applied with the aim of managing the growth of licensed premises. The area has seen a rapid increase in the amount of licensed premises over the past few years and the footfall has increased along side it, causing a substantial rise in the amount of alcohol related crime, ASB and disorder.

The hours proposed in this application exceed the hours laid out in LBH Statement of Licensing Policy, especially at the weekends. As stated in the application, there are local residents living directly opposite this location and is very close to the bottom of John Campbell Road, whose residents regularly contact responsible authorities in relation to disturbance from drunk people, littering, urination and general ASB to complain and ask for assistance.

Police would like to know what the capacity of the venue would be? Will the premises be available for private hire, e.g. for birthday parties etc? Who will risk assess each booking? Who will be responsible for the bookings and where will the details be kept?

The COVID-19 crisis has seen a change in how licensed premises will be operated and used. Social distancing will be in place for many months to come, in an attempt to control the spread of infection. How will the applicant ensure that social distancing is practised? What procedures will be in place to protect staff and the public? Are there any outside areas that the applicant intends to use during this changing and evolving process, as restrictions on public places become less and less?

Police look forward to hearing from the applicant in relation to what policies and procedures will be put in place to ensure that they will not add to the cumulative impact in Dalston and to discuss a way forward with this application.

The above representations are supported by the following evidence and information.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Signed
PC3691CE RYAN (By E-mail)

Name (printed)

**RESPONSIBLE AUTHORITY REPRESENTATION:
APPLICATION UNDER THE LICENSING ACT 2003**

RESPONSIBLE AUTHORITY DETAILS

APPENDIX B2

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	5-17 Crossway London N16 8LA
NAME OF APPLICANT	Mr Engin Akin

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

Representation in relation to:

I write to make a representation in relation to this application as the grant of a premises licence at this location could have a negative impact on the promotion of the licensing objectives.

The applicants attention is drawn to LP3 within the Council's Statement of Licensing Policy:

Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

The above representations are supported by the following evidence and information.

The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 Guidance issued by the Home Office.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Detail in relation to the proposed nature of the premises bearing in mind the nature of the area. It is also noted that a description of the premises has not been provided.

Name: David Tuitt, Business Regulation Team Leader – Licensing and Technical Support

Date: 03/06/2020



Feedback for consultation on Premises Licence 108134 / CAS-1850924-L7F0G31 message

██
To: licensing@hackney.gov.uk

22 May 2020 at 19:49

Feedback for consultation on Premises Licence number: 108134, historic licence number: CAS-1850924-L7F0G3, address: 5-17 Crossway, London, N16 8LA:

Hi there,

My family and I live in the building ██████████ the car wash and we don't think it is reasonable to allow music and alcohol in there. There have already been many anti-social behaviors in this area. The car wash has some space outside where people can easily gather and consume alcohol. This will increase the risk of anti-social behaviors and noise pollution for people living in the area. Hackney should not encourage this type of behaviors especially in a covid-19 lockdown period, this goes against the government guidance and recommendations.

Thanks for considering this feedback.



5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

22 May 2020 at 19:52

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

DETAILS TO APPLY FOR RECORDED MUSIC AND LICENSE TO SUPPLY ALCOHOL

Dear Council,

I am writing to you to obstruct the above demand for a license to sell recorded music and supply alcohol. Living directly opposite such a venue that already undergoes dodgy dealings (what four cars need a car wash at 3 o'clock in a morning on a series of occasions), I understand the abuse the nighttime economy is putting on the heart of dalston.

Living in such a busy area where there are numerous changes including the unannounced opening of bars, restaurants is by no means a nuisance and a tax on social health.

The recent application for a cycle lane directly on Crossway - which all residents in the neighbouring development opposed - was a major blow to the community.

We are already directly adjacent and overlooking the light and night pollution of Earth which recently refurbished less than 18 months ago, causing grievances to families and neighbours in the community.

With the potential authorisation of this change in commercial use, residents in both sides of selsea place would be sandwiched in between TWO late night venues selling alcohol. This doesn't even touch on the potential after effects including the misuse of drugs and anti social behaviour associated.

Lastly, residents of the essence house community (a both private and public shared holding) have experience numerous accounts of burglary, theft and assault in the past 25 months. There are multiple case records which I can point you in the direction of and video evidence which can be supplied for further evidence. Opening a late night venue in direct eye line of the entrance will only accentuate crime further.

On a final point, as part of the RIO CROSS RESIDENTS (<https://riocross.wordpress.com/>), this does not balance the need of dalstons own community as it is clear it caters to an external crowd. There are already several existing late night venues that supply alcohol and the majority playing recorded music within 0.4 miles of the proposed venue.

I hope the above is clear on the view point for the development directly opposite the existing car wash, I am speaking on behalf of all residents in this street of selsea place.

Please do not have hesitate to contact me for any further details on this matter.

Kind regards,

Selsea place



5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G31 message

[REDACTED]
To: licensing@hackney.gov.uk

22 May 2020 at 20:36

Hi,

We have just heard about the car wash's license application to to sell alcohol till 1am and we strongly oppose these plans.

We live in the block of flats directly opposite with [REDACTED] so any loud music and people drinking till 1 am would cause a lot of disruption to our lives and the many others who live in our block of flats.

Thank you,
[REDACTED] essence house

**C4**

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

1 message

23 May 2020 at 15:33

[REDACTED]
To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Licensing Team,

I hope you and your family - and the team at Hackney council - are all safe and well in these challenging times. Thank you for working so hard during this period.

I live in Essence House, opposite this property which is a car wash which already causes significant daytime noise and disturbance.

I was made aware of the above application and am assuming it will be obviously not approved. This is a car wash, and as a result, should not sell alcohol as it would encourage drink driving.

If the owner plans to make this carwash into a bar, the noise and social disruption would be unbearable in an area already rife with anti social behaviour.

It would be irresponsible - in this time of working from home - to allow this. There are already a lot of crowds, an extraction fan, noise pollution and gathering for smokers at this venue. This would only make this worse.

Thank you.

Best ,

[REDACTED]

--

[REDACTED]

**C5**

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Licence Number 108134 - Objection

1 message

23 May 2020 at 17:16

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

To Whom It May Concern,

I am an interested Party to the licence application number 108134 at 5-17 Crossway N16 8LA.

I live in the vicinity of the premises and I am concerned about the impact that granting a licence to the above named address would have on the surrounding area.

The premises is located away from the main Kingsland High Street area where the rest of the local areas licenced activity takes place and therefore it is reasonable to assume that this would lead to increased noise, drunkenness, littering and anti social behaviour in an otherwise residential area.

The premises is in a more secluded, private area making it an easier place for criminal activities and drug taking to occur away from the more open and supervised area of the high street. This would be more difficult to police and monitor the activities of the premises as most of the local resources will be focused on the activities of Kingsland High Street.

I am also aware of the history of the premises supervisor, Engin Akin, being associated with other premises that have been found to breach the rules of their licence multiple times that led to an increase in anti social behaviour. This is indicative that future breaches of any licence that would be granted are more likely to occur and behaviour on the premises will not be monitored appropriately.

It would be unfair for the incumbents of this residential area to have these activities occurring on their doorstep.

I would also like to dispute the amount of notice given to respond to this application. The application was by Hackney Council received on 06th May 2020 with representations required to reply before 03rd June. The notice of the application was only displayed on the premises on 22nd May, leaving only 2 weeks to reply to the notice. My residence, where I have spent the past 10 weeks in isolation, directly overlooks the premises so I can be certain that the notice was not put up earlier than this. This provides less time for other local residents to identify the notice in time and makes it less likely that residents will be able to respond to the notice.

I look forward to receiving your response.

Kind Regards,



C5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

1 message

23 May 2020 at 11:04

To: licensing@hackney.gov.uk

To whom it may concern,

I'm writing to note my concerns against the update of the license at this premises; currently a car wash - with absolutely no need for the sale of alcoholic beverages, or to play recorded music.

Please also note - there is only one small letter on display, not easily viewable to the public - and is suspiciously located under the cover of current premises, away from public thoroughfare.

As far as I am aware, this premises falls within Dalston / Hackney's Special Policy Area - which I feel should be strongly taken into account.

I am also aware that premises in the immediate local area far more suited to the type of license requested have been denied, so do not understand why an additional premises, whether this remains as a car wash or evolves into something else, in this residential area needs to be considered; with so many alternative establishments already available.

Prevention of Crime and Disorder.

For a unit which is currently a make shift car wash, There is a need to know what the business will be and how it will be managed. At current - there is a simple structure with an awning. Cars are already a nuisance on the pavement, and this is before additional crowds and loud music are present.

How are crowds supposed to be controlled in addition to a high car and pedestrian traffic area?

In regards to playing recorded music, presumably this would require being louder than the current jet washes? How would this be possibly controlled, and sound proofing put into place - Into a property with thin corrugated metal walls on only 3 sides of the building, and no real windows and doors? This doesn't seem like it's been considered for residents in the area at all, especially alongside the easing of cars - which requires an open fronted temporary style building?

Public Safety

As previously stated, this is a highly populated area - with cars from this business often mounting and waiting on pedestrian walkways and pavements.

It's a busy walkway away from Kingsland road and the restaurants and shops in Dalston. With the congestion and traffic which is already busy with frequent road traffic accidents occurring at the Crossways / Dalston intersection, the management of additional pedestrians and visitors would need to be highly considered, as is already a congested area with its own problems inherited by being a side street from a busy road, let alone a destination in its own right.

Prevention of Public Nuisance

My main concern, as a resident overlooking the current premises is the addition of noise in a building highly unsuitable for playing loud music, and having crowds of people socialising under the influence of alcohol into unsocial hours.

In addition how will the entrances and exits be controlled in such an open property. At the end of evenings, how will crowd extraction take place that doesn't leave them congregating outside resistible areas making additional unwanted noise.

Selsea place, a small residential road opposite the premises often gets mistreated on weekends by members of the public who have been to the Kingsland road area. This includes anti social behaviour ranging from public urination, public vomiting, And congregating in private areas taking drugs or causing general trouble.




A venue directly opposite will escalate these issues - and would be interested to know what the applicant has suggested in terms of helping out the effect this would have on the immediate area.

Being so exposed, where would smoking areas be located that doesn't cause further issues with residential properties near the premises?

With regards to refuse collection and rubbish, the noise of bottles pouring into bins etc can also sometimes be an issue from the rear exits of existing Restaurants ok Kingsland road. How will this not be worsened by a property immediately facing highly populated residential areas?

In a highly populated area, I cannot see how even when taking into account all of the above points - this premises won't add to the already overwhelming night time noise and often anti-social behaviour inflicted on residents in this area of Hackney, and I hope that the SPA restrictions will apply heavily in this instance.

Regards,


Local Resident
 Essence House
Selsea Place
London




**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

23 May 2020 at 17:45

To: licensing@hackney.gov.uk

Dear Sir/Madam

I am writing to object in the strongest possible terms to the recent application for a premises licence at 5-17 Crossway (the "Premises").

My flat, at Essence House on Selsea Place, is at [REDACTED]. We would suffer terribly as a result of noise and antisocial behaviour late at night if the Premises was able to play music and serve alcohol until 0.00/01.00hrs.

We are also very worried about the consequent decrease in value of our flat, the deposit and mortgage for which my husband and I worked hard to afford, and the difficulty we would have selling it if a night-time venue opened up opposite.

I have cannot see how the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

I understand the owner of the premises (the "Applicant") owns a number of businesses in the area, including Efes Snooker club, which previously had its premises license revoked as a result of crime generation (according to press reports). This sets a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since we moved into our flat in December 2017, there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. Crossway is busy with heavy traffic. We regularly see drug deals taking place outside the Premises in the evening. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. Nor do I consider it safe for residents at night to be living so close to a venue that may attract crime (as noted above). Please note that there are a number of families with young children living in Essence House.

3. The Prevention of Public Nuisance

As it stands, the premises is entirely unsuitable for the sale of alcohol and to play music. I have attached a photo. As you can see, there is no sound insulation, no evidence that guests would be able to enter and leave quietly, and presumably very little in the way of fire safety measures. I do not understand how a car wash could conceivably operate as a food/music venue without causing a nuisance to people living just metres away.

My husband and I both work long hours and **our quality of life would be destroyed if we were subjected to continuous music playing until 1.00am, along with the noisy comings and goings of venue guests that would extend beyond this.**

4. The Protection of Children from Harm

As noted above, there are a number of young families with children living in Essence House. I have seen many school age and younger children entering and leaving the nearby Shellgrove Estate. I believe these children would be put at risk if the Premises were to attract crime and antisocial behaviour.

Please do not grant the above license application, which has the potential to ruin the quality of life of those living nearby.

Yours sincerely

Name:
[REDACTED]

PLEASE REDACT IF THE APPLICANT WILL RECEIVE A COPY OF THIS LETTER

Address:

Essence House
Selsea Place



Star Hand Car Wash.jpg
2360K

**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

23 May 2020 at 18:27

To: licensing@hackney.gov.uk

Dear Sir/Madam

I am writing to object to the recent application for a premises licence at 5-17 Crossway.

I live opposite 5-17 Crossway and feel that my quality of life, and that of those living in the vicinity, would be severely impacted by the acceptance of the proposed licence.

In particular, acceptance of the proposed licence would have the following impact on the community.

1. The Prevention of Crime and Disorder

The proposed location already suffers from crime. I often see drug deals happening on this stretch of road and have been offered drugs from passing cars at least 3 times in the past 2 years. Having a venue with the requested licence would only increase this activity.

This area, and in particular the Essence House block of flats, has also suffered from a large number of break ins over the past 3 years. I am aware of at least 5 bikes being stolen from one of the blocks' bike stores, and we have been forced to pay extra money to the building managers to pay for more secure bike stores. We have had to call the police to in response to break-ins on numerous occasions (see police reference number 8231, among others). The approval of the requested licence will only attract more people to area and is also likely to greatly increase this type of crime, as people leave the premises.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since we moved into our flat in December 2017, there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. The provision of a premises serving alcohol until 1am will only make these occurrences more common.

Additionally, Crossway is already extremely busy with traffic and is only becoming more-so. In the past 2 years I have witnessed two minor accidents occurring directly outside the premises and several near misses. The additional traffic generated by visitors to the venue, the goods vehicles required to supply the premises, and the additional pedestrians (many of whom will be inebriated) will only add to the safety concerns already present on this road.

3. The Prevention of Public Nuisance

The Premises is entirely unsuitable for the sale of alcohol and to play music. The building has no sound insulation and is surrounded on all sides by residential properties - many of which have large windows directly facing the premises.

Acceptance of the licensing application would severely impact the quality of lives of many people who live in the surrounding buildings, both due to the loss of sleep, the increased footfall and the increase in other concerns outlined herein.

This also does not take into account the reduction in property values in the area. The acceptance of this application would result in permanent loss in value of all of the surrounding properties.

4. The Protection of Children from Harm

As noted above, there are a number of young families with children living in Essence House and the neighbouring estates. Children often play games along the paths of this section of road and the surrounding green areas. These children would be put at risk due to the increase in traffic, footfall and crime described in this email.

Furthermore, this road is used by a very large number of children walking to and from school (there are around 10 schools within walking distance). These children walking to and from school would also be put at increased risk by acceptance of the application.

For the above reasons, we request that the application is not accepted.

Kind regards

██████████

PLEASE REDACT IF THE APPLICANT WILL RECEIVE A COPY OF THIS LETTER

Address:

██████████ **Essence House**

Selsea Place

██████████

**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

26 May 2020 at 12:13

To: licensing@hackney.gov.uk

Cc: [REDACTED]

Hi,

I am writing to register an objection to a recent application for a premises licence at 5-17 Crossway.

As a resident of the block opposite, I believe that extending the entertainment zone off Kingsland High Street into a residential area will lead to increased crime, noise, pollution, and disruptive behaviour, which will negatively affect property values and quality of life for the residents in our street.

I believe the application fails to satisfy three of the four objectives of the licensing act:

1. The prevention of crime and disorder

Increasing the number of people - especially intoxicated people - on a street outside regular police routes and with little pedestrian traffic is likely to increase crime.

Firstly, the addition of another alcohol-serving venue will increase antisocial and disorderly behaviour in our area, which is already a serious problem. Our block is located on a quiet, cul-de-sac residential street opposite the venue. We will be particularly badly hit by the change.

Secondly, the proposed venue is likely to increase crime. Our street, which is dark and isolated, will bear the brunt of this. We are already frequent targets of crime, which the addition of the venue will only escalate. Over the past two years, residents of our block have been victim of bike theft, parcel theft, and attempted break-ins. I personally have been victim as well: last year, two men have followed me into my block, grabbed me, and mugged me. The venue will draw large numbers of intoxicated people, which will only increase crime and drug-dealing out of public view on our quiet street. All this is made worse by the fact that the proposed site is located off the high street, where it will be out of sight of regular police routes.

There are also good reasons to expect the owner of the premises to fail to prevent crime. My understanding is that the applicant is the former owner of Efe's Pool Hall, which had its licence revoked due to crime. This sets a worrying precedent, especially as the judge in the license appeal stated, "After hearing from the applicant I formed the conclusion that he was a dishonest witness who repeatedly used the tactic of denying responsibility for the poor running of licensed premises with which he had, in fact, had close involvement" ([Hackney Citizen](#)). Poor management, coupled with increased flow of people to an area outside the public eye, will likely lead to increased crime and drug dealing.

2. The prevention of public nuisance

I believe this venue will lead to huge amounts of noise and disruption which will negatively affect quality of life for residents. Opening this venue would extend the entertainment zone into a formerly quiet area, leading to noise late at night. This noise will make it impossible to sleep. We chose to live in our current property in part because it is off the high street and has relatively light foot traffic outside. This proposal will change the character of our street, decreasing our quality of life and reducing our property value.

A venue in this location will lead to other public nuisance, including befoulment. As mentioned above, we live on a quiet, dark street just opposite the venue. On several occasions, drunk passers-by have taken advantage of our street's isolation to urinate in our doorway as there is no suitable public toilet nearby. I believe that having a large venue across the street will increase these incidents significantly. I don't trust that the current owners will do their best to prevent this: the managers of the car wash owned by the applicant, which currently occupies the proposed venue, currently allow their large dog to relieve itself on our street. They have repeatedly neglected to clean up the dog's mess despite complaints from residents. This lack of respect for hygiene and others' space leads me to believe that the owner will take similarly little responsibility for issues arising from the new venue.

3. The protection of children from harm

Many children and young families live on our street. The proposed venue will lead to increased drug use, crime, disorderly behaviour, public urination, and late-night noise, all of which will be detrimental to children's health and

safety.

Please do not grant this licence as it will lead to significant disruption to the safety and quality of life of the residents.

Sincerely

[Redacted signature]

Contact information (please redact if shared with applicant):

[Redacted contact information]

Selsea Place

London [Redacted]

[Redacted contact information]

**C10**

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

1 message

26 May 2020 at 17:10

To: licensing@hackney.gov.uk

To whom it may concern:

I am writing to register a strong objection to the recent application for a premises licence at 5-17 Crossway.

We are a family with a young child [REDACTED] who live at the property opposite the proposed site, which was advertised as 'family friendly'. As a resident here, I am certain that extending the entertainment zone off Kingsland High Street into a residential area, which is full of families and children of all ages, will lead to increased crime, noise, pollution, and disruptive behaviour, which will negatively affect property values and quality of life for the residents. We already deal with the noise, constant traffic pollution and crime from Crossway and nearby Kingsland High Street - so we beg you not to increase that for us and the other residents.

The space above the car wash already hosts a nightly gathering of many people every night of the week, which we can see through our windows directly opposite.

The application under current consideration fails to satisfy all four of the objectives of the licensing act:

1. The prevention of crime and disorder

Increasing the number of people - especially intoxicated people - on a street outside regular police routes and with less pedestrian traffic is likely to increase crime.

Firstly, the addition of another alcohol-serving venue in an area that has so many already will increase antisocial and disorderly behaviour in our area, which is already a serious problem. Our block is located on a quiet, cul-de-sac residential street opposite the venue. We will be particularly badly hit by the change.

Secondly, the proposed venue is likely to increase crime. Our street, which is dark and isolated, will bear the brunt of this. We are already frequent targets of crime, which the addition of the venue will only escalate. Over the past two years, residents of our block have been victim of bike theft, parcel theft, and attempted break-ins. I have also been confronted by men who appeared drunk or stoned on several occasions. The venue will draw large numbers of intoxicated people, which will only increase crime and drug-dealing out of public view on our quiet street. All this is made worse by the fact that the proposed site is located off the high street, where it will be out of sight of regular police routes.

There are also good reasons to expect the owner of the premises to fail to prevent crime. My understanding is that the applicant is the former owner of Efe's Pool Hall, which had its licence revoked due to crime. This sets a worrying precedent, especially as the judge in the license appeal stated, "After hearing from the applicant I formed the conclusion that he was a dishonest witness who repeatedly used the tactic of denying responsibility for the poor running of licensed premises with which he had, in fact, had close involvement" ([Hackney Citizen](#)). Poor management, coupled with increased flow of people to an area outside the public eye, will likely lead to increased crime and drug dealing.

2. The prevention of public nuisance

I believe this venue will lead to huge amounts of noise and disruption which will negatively affect quality of life for residents. My daughter's bedroom window looks directly onto the venue, and she would be exposed to noise, drunken behavior, increased traffic and crowds of people at all hours of the night. Opening this venue would extend the entertainment zone into a formerly quiet area, leading to noise late at night. This noise will make it impossible to sleep. We chose to live in our current property in part because it is off the high street and has relatively light foot traffic outside. This proposal will change the character of our street, decreasing our quality of life and reducing our property value.

A venue in this location will lead to other public nuisance, including befolement. As mentioned above, we live on a quiet, dark street just opposite the venue. On several occasions, drunk passers-by have taken advantage of our street's isolation to urinate in our doorway as there is no suitable public toilet nearby. I believe that having a venue with alcohol across the street will increase these incidents significantly. I don't trust that the current owners will do their best to prevent this: the managers of the car wash owned by the applicant, which currently occupies the proposed venue, currently allow their large dog to relieve itself on our street. They have repeatedly neglected to clean up the dog's mess despite complaints from residents. This lack of respect for hygiene and others' space leads me to believe that the owner will take similarly little responsibility for issues arising from the new venue.

3. The protection of children from harm

As mentioned, many children and young families live on our street - mine among them. The proposed venue will lead to increased drug use, crime, disorderly behaviour, public urination, and late-night noise - all of which will be detrimental to children's health and safety. I urge Hackney Council to prioritise families and children's wellbeing above that of a private owner who wants to open yet another bar in the area.

4. Public Safety

Since we moved into our flat two years ago, there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises, as well as muggings and break-ins. Crossway is already busy with heavy traffic. We regularly see drug deals taking place outside the Premises in the evening. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. Nor do I consider it safe for residents at night to be living so close to a venue that may attract crime (as noted above). I would be very concerned for the safety of myself as well as my young daughter.

Please do not grant this licence as it will lead to significant disruption to the safety and quality of life of the residents.

Regards,



**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

28 May 2020 at 11:38

To: licensing@hackney.gov.uk

Hi,

I am writing to register an objection to a recent application for a premises licence at 5-17 Crossway.

As a resident of the block opposite, I believe that extending the entertainment zone off Kingsland High Street into a residential area will lead to increased crime, noise, pollution, and disruptive behaviour, which will negatively affect property values and quality of life for the residents in our street.

I believe the application fails to satisfy three of the four objectives of the licensing act:

1. The prevention of crime and disorder

Increasing the number of people - especially intoxicated people - on a street outside regular police routes and with little pedestrian traffic is likely to increase crime.

Firstly, the addition of another alcohol-serving venue will increase antisocial and disorderly behaviour in our area, which is already a serious problem. Our block is located on a quiet, cul-de-sac residential street opposite the venue. We will be particularly badly hit by the change.

Secondly, the proposed venue is likely to increase crime. Our street, which is dark and isolated, will bear the brunt of this. We are already frequent targets of crime, which the addition of the venue will only escalate. Over the past two years, residents of our block have been victim of numerous bike thefts, parcel thefts, mugging (smartphone, wallet) and attempted break-ins. The venue will draw large numbers of intoxicated people, which will only increase loitering, crime and drug-dealing out of public view on our quiet street. All this is made worse by the fact that the proposed site is located off the high street, where it will be out of sight of regular police routes.

There are also good reasons to expect the owner of the premises to fail to prevent crime. My understanding is that the applicant is the former owner of Efe's Pool Hall, which had its licence revoked due to crime. This sets a worrying precedent, especially as the judge in the license appeal stated, "After hearing from the applicant I formed the conclusion that he was a dishonest witness who repeatedly used the tactic of denying responsibility for the poor running of licensed premises with which he had, in fact, had close involvement" ([Hackney Citizen](#)). Poor management, coupled with increased flow of people to an area outside the public eye, will likely lead to increased crime and drug dealing.

2. The prevention of public nuisance

I believe this venue will lead to huge amounts of noise and disruption which will negatively affect quality of life for residents. Opening this venue would extend the entertainment zone into a formerly quiet area, leading to noise late at night. This noise will make it impossible to sleep. We chose to live in our current property in part because it is off the high street and has relatively light foot traffic outside. This proposal will change the character of our street, decreasing our quality of life and reducing our property value.

A venue in this location will lead to other public nuisance, including befoulment. As mentioned above, we live on a quiet, dark street just opposite the venue. On several occasions, drunk passers-by have taken advantage of our street's isolation to urinate (or possibly worse) in our doorway as there is no suitable public toilet nearby. I believe that having a large venue across the street will increase these incidents significantly. I don't trust that the current owners will do their best to prevent this: the managers of the car wash owned by the applicant, which currently occupies the proposed venue, currently allow their large dog to relieve itself on our street. They have repeatedly neglected to clean up the dog's mess despite complaints from residents. This lack of respect for hygiene and others' space leads me to believe that the owner will take similarly little responsibility for issues arising from the new venue.

It will also increase the motorcycle and car traffic in our dead end street where, despite limited parking space, we already experience a lot of temporary parking in unauthorized spaces, often with noisy, polluting engine kept running.

3. The protection of children from harm

Many children and young families live on our street. The proposed venue will lead to increased drug use, crime, disorderly behaviour, public urination, and late-night noise - all of which will be detrimental to children's health and safety.

Please do not grant this licence as it will lead to significant disruption to the safety and quality of life of the residents.

Thank you for your attention to this matter,

Kind regards

██████████

██████ Essence House, Selsea Place, ██████████

██████████

**5-17 CROSSWAY N16 8LA //108134 // CAS-1850924-L7F0G3**

1 message

28 May 2020 at 15:40

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/Madam

I am writing to object in the strongest possible terms to the recent application for a premises licence at 5-17 Crossway (the "Premises").

My flat, at Essence House on Selsea Place. We would suffer terribly as a result of noise and antisocial behaviour late at night if the Premises was able to play music and serve alcohol until 0.00/01.00hrs.

We are also very worried about the consequent decrease in value of our flat, the deposit and mortgage for which I worked hard to afford, and the difficulty we would have selling it if a night-time venue opened up opposite.

I cannot see how the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

I understand the owner of the premises (the "Applicant") owns a number of businesses in the area, including Efes Snooker Club, which previously had its premises license revoked as a result of crime generation (according to press reports). This sets a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since we moved into our flat in [REDACTED] there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. Crossway is busy with heavy traffic. We regularly see drug deals taking place outside the Premises in the evening. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. Nor do I consider it safe for residents at night to be living so close to a venue that may attract crime (as noted above). Please note that there are a number of families with young children living in Essence House. Presumably the building has little in the way of fire safety measures.

3. The Prevention of Public Nuisance

As it stands, the Premises is entirely unsuitable for the sale of alcohol and to play music. The venue does not seem to have any sound insulation and no evidence that guests would be able to enter and leave quietly. I do not understand how a car wash could conceivably operate as a food/music venue without causing a nuisance to people living just metres away.

I work long hours and our quality of life would be destroyed if we were subjected to continuous music playing until 1.00am, along with the noisy comings and goings of venue guests that would extend beyond this.

4. The Protection of Children from Harm

As noted above, there are a number of young families with children living in Essence House. I have seen many school age and younger children entering and leaving the nearby Shellgrove Estate. I believe these children would be put at risk if the Premises were to attract crime and antisocial behaviour.

Please do not grant the above licence application, which has the potential to ruin the quality of life of those living nearby.

Please take my response seriously.



5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

1 message

28 May 2020 at 16:01

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

License Objection for 5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3

Dear Sir/Madam,

We would like to object to the proposed new premises licence at 5-17 Crossway. This premises is located on Crossway directly opposite to Selsea Place, and just a few metres away from where our family resides. Selsea Place is a small, residential cul-de-sac and the fact that it is situated away from the nightlife of Kingsland High Street is why we chose to live here.

We fear that the addition of further nightlife would further compromise the area. We already experience a certain amount of crime and anti-social behaviour on this street, and we fear that there would be a significant rise of this due to the opening of this kind of premises at this location.

We have already witnessed drug deals openly taking place on our street, our building has been broken into and people's property stolen, our neighbours have been mugged, and there is regular anti-social behaviour including loud intoxicated people and public urination outside our home. We do not desire a further increase in these things from the opening of a new night time venue. We do not believe that Dalston's nightlife belongs on side streets so close to quiet, residential areas.

The risk of all of the above would also mean the decrease in the value of our home which, particularly in these uncertain times, is also concerning to us.

Selsea Place is home to families and children, including our own young daughter. Children frequently play in the street. Please do not grant this license and help us keep our quiet street as safe and family-friendly as possible.

Thank you

, Essence House, Selsea Place,

**5-17 CROSSWAY N16 8LA //108134 // CAS-1850924-L7F0G3.**

1 message

28 May 2020 at 16:47

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/Madam

I am writing to object to the recent application for a premises licence at 5-17 Crossway (the "Premises").

I live in Essence House on Selsea Place, and believe my living situation would be significantly impacted as a result of noise and antisocial behaviour late at night if the Premises was able to play music and serve alcohol until 0.00/01.00hrs.

I don't believe that the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

I understand the owner of the premises (the "Applicant") owns a number of businesses in the area, including Efes Snooker Club, which previously had its premises license revoked as a result of crime generation (according to press reports). This sets a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street. Selsea place is already used as place for people to relieve themselves, to litter and to gather, and this venue would only increase that and other unwelcome behaviours. Our flat block has also the target of theft and vandalism, and again, I am worried that this would increase.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since we moved into our flat in [REDACTED], there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. As nearby resident and a cyclist I know how busy and dangerous Crossway is and witnessed multiple occasions of people jumping the lights and speeding along this road. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. There will also be cabs dropping off and picking people up whilst the venue is open, adding to the danger and disruption. Furthermore, I do not consider it safe for residents at night to be living so close to a venue that may attract crime.

3. The Prevention of Public Nuisance

As it stands, the Premises is entirely unsuitable for the sale of alcohol and to play music. there is no sound insulation and no evidence that guests would be able to enter and leave quietly without queuing and crowds gathering and spilling over onto nearby streets like selsea plcae. I do not understand how a car wash could conceivably operate as a food/music venue without causing a nuisance to people living

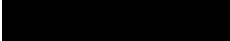

just metres away.

4. The Protection of Children from Harm

As noted above, there are a number of young families with children living in Essence House. I have seen many school age and younger children entering and leaving the nearby Shellgrove Estate. I believe these children would be put at risk if the Premises were to attract crime, antisocial behaviour and late night noise.

I hope these concerns will receive full consideration when the application is assessed.

Yours sincerely


Essence House, Selsea Place


5-17 Crossway

1 message

1 June 2020 at 06:19

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>
 Cc: "Michelle Gregory (Cllr)" <Michelle.Gregory@hackney.gov.uk>, "Richard Lufkin (Cllr)" <richard.lufkin@hackney.gov.uk>, "Peter Snell (Cllr)" <Peter.Snell@hackney.gov.uk>, "Soraya Adejare (Cllr)" <Soraya.Adejare@hackney.gov.uk>, Wardens Unknown <wardens@hackney.gov.uk>, [REDACTED]

Dear Hackney Licensing

I am writing on behalf of the Rio Cross Residents Association to OBJECT to the application by Mr Engin Akin for 'a premises licence for recorded music from 10.00 to 00.00 Mon to Sun, late night refreshment from 23.00 to 00.00 Mon to Sun and to authorise the supply of alcohol for consumption on the premises from 10.00 to 23.30 Sun to Thurs and from 10.00 to 01.00 am Fri and Sat' at 5-17 Crossway.

I do so on several grounds:

1. Prevenon of crime and disorder

These premises are situated right next to a known crime hot spot – the busy junction between Kingsland High Street/Stoke Newington Road and Crossway/Shacklewell Lane. This junction is surrounded by other licensed premises, many of which expel their clients between midnight and 2 am. This means that late at night the (very narrow) pavements are thronged with people, many of them drunk, a situation which is further exacerbated by a build-up of people at each of the four corners waiting for the lights to change so that they can cross the road, creating a pickpocket's paradise.

The proposed hours for this license coincide precisely with peak congestion times in this hot spot, which would add still further to the density of pedestrians and contribute to an increase in crime, disorder and associated forms of anti-social behaviour.

Furthermore, we note that the applicant has close connections with the nearby Efes Snooker Club which had its license revoked in 2012 by the police, reportedly on the grounds of poor management in crime prevention. This gives us no confidence that the new premises will be managed in a way that contributes to minimising these criminal and anti-social consequences.

We also note that the premises are close to a bus stop, where the people queuing will be unable to move on, leaving them vulnerable to abusive and pestering behaviour from drunk clients leaving the premises as well as at risk of becoming victims of the pickpockets and muggers who will be attracted to the area because of this density of people on the street.

The alleyway adjacent to it already appears to be used by local criminals as a place to dispose of stolen wallets and handbags as well as for drug-dealing and other forms of criminal behaviour. Adding further crowding to the situation seems likely to exacerbate this, attracting even more crime to the area.

2. Public Safety

In addition to the risks to the general public from criminal, disorderly and anti-social behaviour, pedestrians will be put at physical risk in other ways. As the congestion of the pavements increases, they are forced onto the street in order to get past the crowds, particularly near junctions and bus-stops (both of which apply in this case). This is particularly difficult for the elderly, the physically impaired, wheelchair users and parents with pushchairs.

We must point out that the premises are surrounded on all sides by residential accommodation. On Crossway itself, on the opposite side of the road there is a new block of flats, next to the Shellgrove Estate and a number of flats upstairs from the commercial premises surrounding the junction with Kingsland High Street/Stoke Newington Road. There is also new housing adjacent to it on the south side of Crossway as well, of course, as the proposed flats that will be upstairs from the proposed bar. To the east of the premises, on the other side of the alleyway, a large number of residents live in bed-sitters above the commercial premises on the west side of Stoke Newington High street. To the South is the residential John Campbell Road. These residents include many people who are particularly vulnerable to such impacts. Our members report frequent experiences of being lurched into by drunks, jostled or threatened on the pavement, accosted by beggars and drug dealers and pushed into the path of traffic on the street. I myself am elderly and physically handicapped and have to use the 236 bus (which stops directly outside the premises) at the start and finish of my long journeys to and from my workplace, with work that sometimes involves evening lectures or meetings. The thought of having to get off the bus late at night

in Crossway and push myself through even denser crowds to get home fills me with dread. My walking is unsteady and on the two recent occasions that I have fallen to the ground this has resulted in multiple fractures.

3. Prevenon of public nuisance

The concentration of licensed premises in the area (which would increase if this license were to be granted) constitutes a public nuisance in a number of respects:

- **Noise.** We have already noted the large number of residents living opposite, next to or and within earshot of this site (for example the houses on the North side of John Campbell Road and the West side of Kingsland High Street). All these residents will be directly affected by noise from the premises itself, as well as by the further noise and nuisance its patrons create on the streets outside it, including drunken fighting, singing and shouting. We note that the Council continues to grant planning permission for new residential property in the area. Presumably it does so in the expectation that the residents will be able to enjoy such normal amenities as getting an uninterrupted night's sleep. To grant this license would fly directly in the face of this policy by contributing to the creation of conditions that make normal family life impossible, something that is upsetting for people who have purchased or rented the new flats in good faith as well as for longer standing residents. (Residents who have been subjected to the noise associated with existing premises can testify to the extraordinary improvement there has been in this respect during the recent conditions of lockdown.)
- **Vermin.** The alleyway next to the proposed premises already poses a public safety risk. Local residents have had to repeatedly call out Hackney Council pest control officers to deal with infestations of rats there, linked to the poor waste management practices of local restaurants and bars who deposit their rubbish in the alleyway. The most recent occasion was April 14th, 2020. The applicants' proposal to provide late night refreshments in the half hour before closing suggests that their staff are likely to be putting out the rubbish late at night under conditions of maximum stress and when the entrance to the alleyway is thronged with people. This is highly likely to add to the already serious public health risk caused by the proliferation of rats, as well as adding to the noise, flies and unpleasant smells associated with hasty waste disposal.
- There are many other forms of public nuisance associated with the large number of licensed premises in the area including vomiting, urination and defecation on the street and in nearby semi-hidden spaces such as doorways and that notorious alleyway, as well as littering (including discarded fast food remains, drug-related detritus, bottles and cans), graffiti etc.

4. Protecon of childr en from harm.

We note that one of the reported grounds on which the Efes Snooker club (with which the applicant has been closely associated) had its licensed revoked was a failure to ensure that minors were protected from harm. We do not wish to suggest that the proprietors new premises will necessarily fail to put proper measures in place to ensure that underage drinking does not take place and that drug dealing is well controlled. However even if excellent management practices are followed, it is still the case that any increase in the number of licensed premises in this tight-packed area generates increased risks to minors. Members of our Association with teenage children report that these young people are frequently approached on the street by drug dealers as well as experiencing sexual harassment and molestation.

Conclusion

It is our view that granting this license would be in breach of all four of the objectives of Hackney's Licensing Policy and we urge you to REJECT this application.

Yours sincerely,

[REDACTED]

[REDACTED] Rio Cross Residents Association



5-7 Crossways licensing OBJECTION

1 message

1 June 2020 at 17:40

To: mike smith <mike.smith@hackney.gov.uk>, Licensing <licensing@hackney.gov.uk>

Dear Licensing,

*Important note: **Please ensure that my name is not included** in any documentaon that is made public in associaon with the belo w objecons (we have been t argeted in the past for objecng t o license applicaons and so – as I know you will understand – I do not want to put myself or my family at risk in any way). With my **personal details redacted**, please submit this objecon t o the licensing commi ee:*

I am writing to **OBJECT** to the licensing application by Mr Engin Akin for 5-17 Crossway N16 8LA for a licence for recorded music from 10.00 to 00.00 Mon-Sun, late night refreshment from 23.00 to 00.00 Mon to Sun and **supply of alcohol** for consumption on the premises from 10.00 to 23.30 Sun to Thurs and from 10.00 to 01.00am Fri and Sat.

In summary.

I am objecting as a local resident who lives very close to the premises on John Campbell Road ([REDACTED] [REDACTED]). The premises are in a highly residential area (there is a large estate on the north side of Crossways, several new homes on the south side of Crossways and a very large block of flats immediately opposite the premises on Crossways). **It is inevitable, even with the proposed condions, tha t this licence would generate ASB and break all the council’s four licensing objecv es (Prevenon of crime and disorder; Public safety; Prevenon of public nuisance; Pr otecon of childr en from harm).**

ASB an inevitable result for John Campbell Road residents.

A key problem regarding licensed premises for local residents on John Campbell Road is twofold: the area is massively oversaturated with late-licensed premises already; patrons of clubs stock up on ‘pre-’ and ‘post-’drinks from off licenses (including the one on the Kingsland end of John Campbell Road hammerhead) and drink and generate ASB often literally on the doorsteps of local residents’ homes (stashing drink behind residents’ bins, vomiting, taking drugs), causing major problems for John Campbell residents. Residents’ complaints about this are ongoing, longstanding and a matter of record (crimes that are highly likely to be associated with drinkers on the John Campbell hammerhead include a number of burglaries last October; again, this is a matter of record).

Two alleys, and rats.

Given the proximity of the premises to Selsea Place and the alley that runs off Crossways south behind Kingsland High Street, it seems highly that those alleys – as well as the John Campbell hammerhead – would attract ASB due to patrons of 5-7 Crossways drinking, taking drugs, urinating etc. The alley that runs off Crossways south behind Kingsland High Street has already been the site of several severe rat infestations; discarded food wrappers etc would almost certainly lead to more rat infestations (a number of these rat infestations are a matter of record).

Proposed conditions/Raven supporting statement.

The proposed conditions would not prevent or even mitigate ASB perpetrated by patrons of 5-7 Crossways. Proposed conditions 7 & 8 say: "7. Signs to be placed at all exits requesting customers to respect the neighbourhood and leave the area quietly; 8. Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours." However, the premises would have no control over what patrons do outside the premises. There are numerous late night off licenses nearby where patrons would go before and after, perpetrating ASB and causing problems for local residents.

The Raven Consultants' supporting statement notes that the venue has been a social club for over 20 years. If that is true, then, it does not all of a sudden need a licence. Customers may have been 'ask[ing]' for alcohol, but since the statement is saying that the venue has already functioned without alcohol, then that would mean that the venue can continue to function perfectly well without alcohol.

As the Raven statement notes, 'the applicant acknowledges that [5-7 Crossways) is **very close**' to the Special Policy Area (my emphasis). Dalston is a Special Policy Area. This is an area in which the 'cumulative impact' (section 1.31) has already been significantly damaging for residents; and, if this license is granted, it WILL add to the cumulative impact already currently being experienced. This is an area where 'the number, type and density of premises selling alcohol are high or exceptional' (section 3.1).

'A strong dispersal policy' is not something that the venue can promise. Even if the venue were to hire several 'bouncers' to stand at a range of local places, those bouncers would have no power to do anything if ASB and/or crime were being perpetrated by patrons of the venue (how would they even identify whether they were patrons or not?).

To offer pool is already to provide diversity, alcohol does not need to be added.

The Raven statement says, 'It is a fact that having distractions in a venue such as pool tables slows the drinking speed.' It is also a fact that not supplying any alcohol slows the drinking, and much more effectively too. As a local resident who has suffered the ongoing, severe problems that result from licensed premises (which is a matter of record), I suggest that NOT supplying alcohol at this venue is the right and proper way forwards.

Planning objections.

I and a number of other residents objected to a planning application for this site (2015/2682). Please see the planning objections for further details of problems a licence for these premises would inevitably cause.

As per your Licensing Statement:

DAMAGE TO RESIDENTS' QUALITY OF LIFE: According to the Licensing Statement 2018-2023, Hackney Council's 'vision is to achieve balanced, sustainable communities and neighbourhoods which celebrate our diversity and share in London's growing prosperity, to enable a good quality of life for all'. This license if granted would damage residents' quality of life, for reasons indicated above, including vomit on homes' doorsteps, urination between cars and against walls. For the same reasons, the license if granted would **DAMAGE THE LOCAL COMMUNITY**. Section 1.15 of the the Licensing Statement 2018-2023 states the importance for Hackney Council of 'think[ing] about the whole place, rather than just running individual services' and putting 'the needs, perspectives and feelings of the whole community at the heart of what the Council does through a time of continued change and uncertainty'. This license if granted would DAMAGE the local community, for reasons including that – with vomit etc on the street and broken alcohol bottles – parents fear for children. **EQUALITIES ACT:** Appendix G notes that other relevant legislation is the 2010 Equalities Act. Residents adversely affected by the license would include – on our street – citizens with disabilities, women and carers. As a woman, I have on several occasions been threatened by patrons of the night time economy who are drunk; children who live on the street are often approached by people trying to sell them drugs.

PUNITIVE FOR RESIDENTS, DAMAGING HEALTH: Themes at the centre of this Licensing Statement include (section 1.16) that Hackney should be: 'A borough where there is a good quality of life and the whole community can benefit from growth'; 'A borough with healthy, active and independent residents'. A good night's sleep is important to health. Local residents have, for example, had secondary glazing installed in attempts to mitigate noise ASB perpetrated by patrons of the Night Time Economy, for example, and even this is not sufficient when rowdy club patrons are shouting, fighting etc. Thus this license if granted would DAMAGE residents' health. **HOSPITALS** are overstretched already. Section 1.30 of the Licensing Statement notes that, amongst other things, 'the Borough has significantly higher alcohol-specific hospital admissions for men than the national and London average'. Even if this license did not add directly to those statistics, it would contribute indirectly by adding to the number of clubbers stoking up on cheap off-license alcohol before and/or after attending the premises.

LICENSING OBJECTIVES

Crucially, I must stress that granting a late license to these premises would break all four of Hackney Council's licensing objectives. It is IMPOSSIBLE for venues to police their patrons once they have left. John Campbell Road is close and the tree-lined, cobbled hammerhead is now so inviting that patrons would inevitably drink al fresco (and urinate and litter) on the hammerhead. Our experience has been that our doorways, front walls, the wall of the Rio and the side of the corner shop suit a variety such anti-social activities, and a significant proportion of these premises customers who are either inconsiderate, caught short or too drunk to care will urinate and/or vomit and/or leave litter including food wrappers on our street on the way home, and/or continue arguments/fights on our street too. A late license for these premises would be PROMOTING CRIME AND DISORDER, UNDERMINING PUBLIC SAFETY, CAUSING PUBLIC NUISANCE AND PUTTING CHILDREN IN THE WAY OF HARM.

Prevention of Crime and Disorder

I have outlined above how crime and disorder would result from the license (fights, drunken behaviour, urination, vomit etc).

Ensuring public safety

As mentioned above, public safety would be compromised by the contribution the premises would make to rubbish levels which could contribute to a new inflammation of the rat infestation. Public safety would be undermined, residents have been told that the burden of proof re. whether a premises is causing ASB rests with the residents, which means we'd have to put ourselves in personal danger to go out and confirm the source of the disturbance.

Prevention of public nuisance

The premises would with a late license generate urination, vomit, noise, litter; parties continued on our walls and in the cars with the car stereos turned so loud our windows shake; trespassing in order that drinkers can put litter in our bins.

Protection of children from harm

Several families on the street have young children. With these premises operating with late hours, as all these children run, walk, skip, with detritus resulting from street drinkers and clubbers, thereby exposing themselves to

danger. Sometimes the bottles would inevitably be left with drinks in them, and often party drinks and small bottles of spirits look cute and inviting.

Yours,

Local resident.

Fwd: OBJECTION to the application by Mr Engin Akin / Crossways

Shan Uthayasangar <shan.uthayasangar@hackney.gov.uk>
Draft

----- Forwarded message -----

From: [REDACTED]
Date: Mon, 1 Jun 2020 at 19:01
Subject: OBJECTION to the application by Mr Engin Akin / Crossways
To: <licensing@hackney.gov.uk>

Dear Hackney Licensing

I am writing as a local resident who lives very close to Crossways to OBJECT to the application by Mr Engin Akin for 'a premises licence for recorded music from 10.00 to 00.00 Mon to Sun, late night r on the premises from 10.00 to 23.30 Sun to Thurs and from 10.00 to 01.00 am Fri and Sat' at 5-17 Crossway.

John Campbell Road backs onto Crossways. I have lived on John Campbell Road for 20 years and within the very close vicinity of Crossways for nearly 30 years. The local residents are a highly diverse also note that the application has been made during COVID lockdown at a time when it is quite likely that residents may be unable to object due to illness and/or stress. I believe this license would break **Prevention of public nuisance; Protection of children from harm.**

1. Prevention of crime and disorder

The busy junction between Kingsland High Street/Stoke Newington Road and Crossway/Shacklewell Lane is a known crime hot spot, and these premises are situated right next to it. The proposed hours further to the density of pedestrians and contribute to an increase in crime, disorder and associated forms of anti-social behaviour.

2. Public Safety

In addition to the risks to the general public from criminal, disorderly and anti-social behaviour, pedestrians will be put at physical risk in other ways. Drinkers leave litter including bottles which inevitably, on the opposite side of the road there is a new block of flats, next to the Shellgrove Estate and a number of flats upstairs from the commercial premises surrounding the junction with Kingsland High Crossway as well, of course, as the proposed flats that will be upstairs from the proposed bar. To the South is the residential John Campbell Road. These residents include many people who are particular

3. Prevention of public nuisance

The concentration of licensed premises in the area (which would increase if this license were to be granted) constitutes a public nuisance in a number of respects:

· **Noise.** Residents including myself and my family will be directly affected by noise from the premises itself, as well as by the further noise and nuisance its patrons create on streets outside and near sleep is of high importance for health and wellbeing, and it is inevitable that this license would prevent local residents getting good nights' sleep.

· **Vermin.** The alleyway next to the proposed premises already poses a public safety risk. Local residents including myself have had to repeatedly call out Hackney Council pest control officers to de half hour before closing suggests that their staff are likely to be putting out the rubbish late at night under conditions of maximum stress and when the entrance to the alleyway is thronged with people. Th as well as adding to the noise, flies and unpleasant smells associated with hasty waste disposal.

\ 4. Protection of children from harm.

Families on the street with teenage children report that these young people are frequently approached on the street by drug dealer; this licence would if granted be almost certain to add to such instances.

Conclusion

As per above, the license if granted would break ALL the council's licensing objectives. I urge you in the strongest possible terms to reject this application.

Yours
[REDACTED]



Disclaimers apply, for full details see: <https://hackney.gov.uk/email-disclaimer>



5-17 Crossway

1 message

1 June 2020 at 22:22

To: "Licensing (Shared Mailbox)" <licensing@hackney.gov.uk>

Dear Licensing,

I am writing to object to the planning application for a licensed premises at this address. I have a young family living very close by and I also work in the area and I can only see such a premises having a negative affect on the neighbourhood with so many bars in the area already. I'm particularly concerned about even more increases to anti-social behaviour and littering, both of which are a nuisance to us locals as well as a potential threat to our safety and wellbeing.

Thank you,


[Pellerin Road](#)

**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

2 June 2020 at 11:45

To: licensing@hackney.gov.uk

Dear Sir / Madam,

I am writing to express my concern at the application for a premises licence at 5-17 Crossway, N16 8LA. I live in Essence House, which is a block of flats located at the corner of Crossway and Selsea Place. My flat is on the side of the building, overlooking the carwash from approximately 20 meters away.

I believe that the granting of a premises licence at this location would increase crime and disorder in the area, cause public nuisance, threaten public safety and increase the risk of children coming into harm.

Crime and disorder

5-17 Crossway is located just outside the Dalston Special Policy Area (SPA) (See Appendix 1), which centres on Kingsland Road / Kingsland High Street and contains a significant proportion of Dalston's nightlife. Unfortunately, alcohol-fuelled anti-social behaviour, public urination, drug deals and opportunistic muggings spill out beyond this area and into neighbouring streets. Appendix 2 shows this effect, and in particular illustrates how the area around 5-17 Crossway is already a hub for crime. Additional licenced premises in this location would only add to the existing crime and disorder problems being experienced in the neighborhood. Furthermore, if licenced premises build up around on the perimeter of the SPA, in locations such as 5-17 Crossway, then the police will be spread ever more thinly as they try to keep order across a steadily increasing area.

Public Nuisance

5-17 Crossway is located close to many residential buildings, including neighbours on Kingsland High Street, John Campbell Road, Crossway, Selsea Place, and Tavistock Close. Licenced premises at 5-17 Crossway would undoubtedly cause a large amount of noise that would be clearly audible to at least some residents in these locations - especially since the location has no noise insulation, being primarily the outside courtyard and the metal building structure. The noise of intoxicated people is already a nuisance in the area, often continuing into the early hours - long after most licenced premises in the area have closed. Licenced premises at 5-17 Crossway would bring multiple sources of late-night noise into the centre of a heavily residential area.

In a similar vein, vibrations from music will travel easily to neighbouring properties due to their proximity and the lack of vibration damping at the location.

The outdoor nature of the venue also means that any artificial lights after nightfall, which presumably will be required, will worsen general light pollution and shine directly into some of the residences that surround the car wash.

Litter is a problem which the council already struggles with in this area - as evidenced by the accumulation of litter on the grassy verge between Crossway and the properties on Tavistock Close. Increased foot traffic due to the venue would naturally exacerbate this problem, and licenced premises in particular could cause additional plastic cups and bottles to be strewn in the local area (presumably plastic cups will be a prerequisite to prevent violence).

Public Safety

Crossway is already an extremely busy road throughout the day and night, with vehicles often idling as they wait at traffic lights at the intersection with Kingsland High Street. The fumes from these vehicles significantly pollute the air quality in the area, putting the health of local residents at risk. A licenced premises at 5-17 Crossway would attract additional vehicles to the area, both taxis and customer-owned vehicles, and make this problem even worse. The customers themselves would also be exposed to this heavily polluted air if they stayed at the location of 5-17 Crossway for any substantial period of time.

The site is separated from Crossway by a thin pavement, and I believe there is significant risk that pedestrians could spill out from the site and onto the road (especially if intoxicated) and risk being struck by a vehicle. This would pose a health risk to customers and to the public as they drive along Crossway. This situation would be exacerbated in case of a fire, as any evacuation route would necessarily involve punters either crossing the busy road or walking along the pavement adjacent to the road. Again there is a high risk that people will spill onto the busy road in this case, especially if intoxicated and panicked.

Child Protection

All of my general concerns outlined above translate into specific concerns around child safety, given that there are children living extremely close to 5-17 Crossway - certainly children live on Selsea Place and Tavistock Close, and

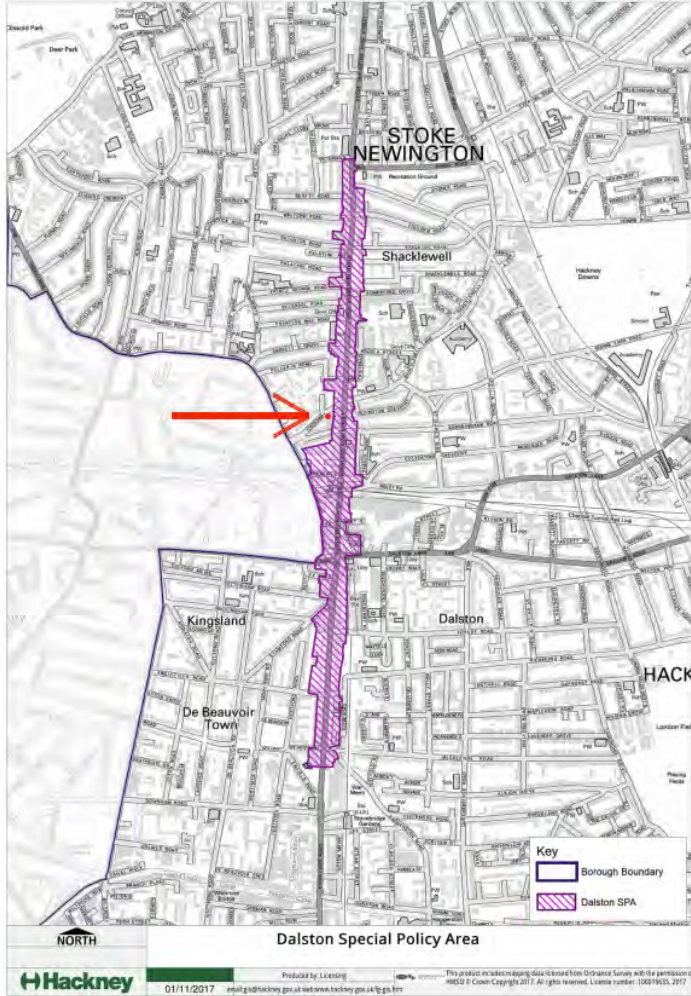
there are likely more in the other neighbouring properties. These children are at increased risk of exposure to: crime, anti-social behaviour, nuisance noise and litter, poor air quality and traffic accidents. For many families in adjacent properties, a licenced premises at 5-17 Crossway would directly expose their children, whether through direct line of sight / hearing or through secondary impacts on the local area, to a culture of drinking and entertainment that should usually be reserved for adults.

Yours faithfully,

[Redacted signature]

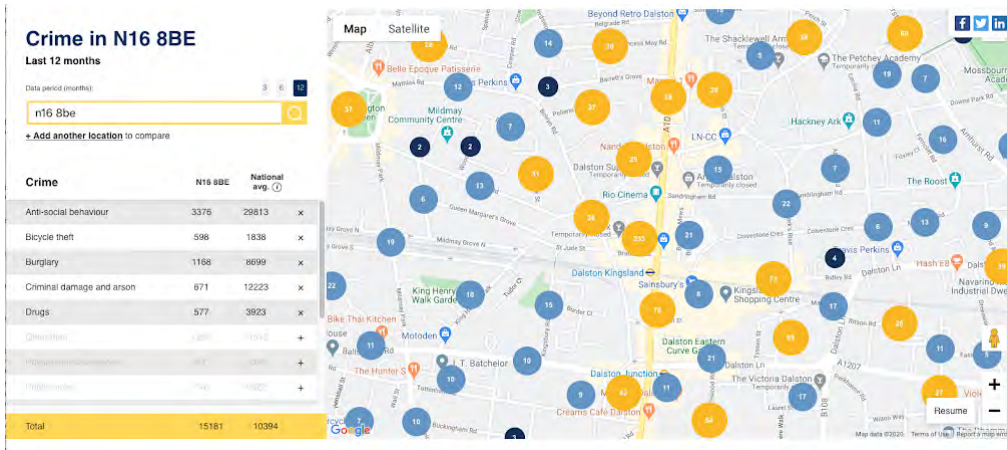
[Redacted name], Essence House
Selsea Place
LONDON

Appendix 1: 5-17 Crossway (Red) in relation to Dalston Special Policy Area (Purple)



Map taken from [https://drive.google.com/\[Redacted\]](https://drive.google.com/[Redacted])

Appendix 2: Local crime for 12 months to May 2020



Map taken from <https://www.adt.co.uk/crime-in-my-area>



5-17 CROSSWAY N16 8LA/108134//CAS-1850924-L7FOG3

1 message

2 June 2020 at 12:47

To: [REDACTED]
licensing@hackney.gov.uk

Licence objection doc

Dear Sir/Madam

I am writing to object in the strongest possible terms to the recent application for a premises licence at 5-17 Crossway (the "Premises").

My flat, at Essence House on Selsea Place, is at first floor level directly opposite the Premises. We would suffer terribly as a result of noise and antisocial behaviour late at night if the Premises was able to play music and serve alcohol until 0.00/01.00hrs.

We are also very worried about the consequent decrease in value of my flat and the difficulty we would have selling it if a night-time venue opened up opposite.

I cannot see how the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

I understand the owner of the premises (the "Applicant") owns a number of businesses in the area, including Efes Snooker Club, which previously had its premises license revoked as a result of crime generation (according to press reports). This sets a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since we moved into our flat in [REDACTED] there have been multiple (three+) stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. Crossway is busy with heavy traffic. We regularly see drug deals taking place outside the Premises in the evening. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. Nor do I consider it safe for residents at night to be living so close to a venue that may attract crime (as noted above). Please note that there are a number of families with young children living in Essence House. Presumably the building has little in the way of fire safety measures.

3. The Prevention of Public Nuisance

As it stands, the Premises is entirely unsuitable for the sale of alcohol and to play music. I have attached a photo. As you can see, there is no sound insulation and no evidence that guests would be able to enter and leave quietly. I do not understand how a car wash could conceivably operate as a food/music venue without causing a nuisance to people living just metres away.

4. The Protection of Children from Harm

As noted above, there are a number of young families with children living in Essence House. I have seen many school age and younger children entering and leaving the nearby Shellgrove Estate. I believe these children would be put at risk if the Premises were to attract crime and antisocial behaviour.

Please do not grant the above licence application, which has the potential to ruin the quality of life of those living nearby.

Yours sincerely

[Redacted signature]

[Redacted signature]

**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

2 June 2020 at 17:08

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/Madam

I am writing to strongly object to the recent application for a premises licence at 5-17 Crossway (the "Premises"). Application reference 5-17 CROSSWAY N16 8LA //108134 // CAS-1850924-L7F0G3.

My flat, at Essence House on Selsea Place, is at [REDACTED] the Premises. The noise and antisocial behaviour late at night from the Premises would cause me great distress if the license is granted.

The road is already very noisy and particularly so on Friday and Saturday evenings when the Premises is proposing to have later opening hours.

Additionally to the noise issue the congestion and air pollution on Crossway is terrible and is already having an adverse effect on health. Granting of the license to the Premises will increase the number of taxis and private vehicles going to and from the Premises on Crossway. In addition to this the number of delivery vehicles and refuse vehicles will increase further adding to the existing air pollution and noise problems.

I am also very worried and concerned about the decrease in the value of my property if a late-night venue opened opposite. I worked very hard to raise a deposit and continue to work very hard to pay my mortgage. The granting of a license to the Premises will cause the value of my property to decline and will also increase the difficulty of selling my property in the future.

I do not see how the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

I understand the owner of the premises (the "Applicant") owns a number of businesses in the area, and was the owner of the Efes Snooker Club, which had its premises license revoked as a result of the amount of crime it generated (reported by the Hackney Gazette). Is the applicant or his associates suitable to hold a licence? The granting of the license will set a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street.

The proposed venue is likely to increase crime. Selsea Place, which is dark and isolated, will bear the brunt of this. We are already frequent targets of crime, which the addition of a venue of this type will only escalate. Over the past two years, residents of our block have been victims of bike theft, parcel theft, and attempted break-ins. A resident of Essence House has been followed into our building and grabbed and mugged. The venue will draw large numbers of intoxicated people, which will only increase crime and drug-dealing out of public view on our quiet street. All this is made worse by the fact that the proposed site is located off the high street, where it will be out of sight of regular police patrols.

2. Public Safety

Crossway cannot reasonably be described as a safe area. Since I moved into my flat in [REDACTED] there have been multiple stabbing incidents in the vicinity, including on Selsea Place, directly outside the Premises. Crossway is constantly busy with heavy traffic. I've witnessed drug deals taking place outside the Premises in the evening. I do not consider it possible for individuals to leave the Premises late at night safely, particularly if they have been drinking alcohol. Nor do I consider it safe for residents at night to be living so close to a venue that may attract

crime (as noted above). Please note that there are a number of families with young children living in Essence House. By the looks of Premises, the building has little in the way of fire safety measures.

The roof of the existing premises is in a state of disrepair and this could cause a risk to the safety of the people who are visiting the Premises and those working at the Premises.

3. The Prevention of Public Nuisance

As it stands, the Premises is entirely unsuitable for the sale of alcohol and to play music. The structure is currently a carwash and its external walls are clad with corrugated steel over (likely) blockwork walls and there are large openings in the existing walls. As a Structural Engineer I can tell you that this provides very little soundproofing. There is no evidence that guests could arrive at and leave the Premises quietly. I do not understand how a car wash could conceivably operate as a food/music venue without causing a nuisance to people living opposite.

My quality of life would be destroyed if I were to be subjected to continuous music playing until 1.00am, along with the noisy comings and goings of venue guests that would extend beyond this.

The current owner currently lets his dog use Selsea Place and the entrance to Essence House as a toilet. People also already use Selsea Place and the entrance to Essence House as a toilet. This will only get worse with a venue opposite.

Despite having double yellow lines Selsea Place is regularly used as a parking area for people using the takeaways on Kingsland High Street. Most mornings the street is strewn with food waste and empty take away boxes. I believe opening a venue opposite will encourage this further.

4. The Protection of Children from Harm

There are a number of young families with children living in Essence House. I have seen many school age and younger children entering and leaving the nearby Shellgrove Estate. I believe these children would be put at risk if the Premises were to attract crime and antisocial behaviour.

Please do not grant the above licence application, which has the potential to ruin the quality of life of those living nearby.

Yours sincerely

[REDACTED]

[REDACTED] Essence House

Selsea Place

[REDACTED]

**5-17 CROSSWAY N16 8LA // 108134 // CAS-1850924-L7F0G3**

1 message

2 June 2020 at 17:11

To: licensing@hackney.gov.uk

Dear Sir/Madam

I am writing to strongly object to the recent application for a premises licence at 5-17 Crossway (the "Premises"). Application reference 5-17 CROSSWAY N16 8LA //108134 // CAS-1850924-L7F0G3.

I will soon be moving into my boyfriend's flat, at Essence House on Selsea Place. The flat is at [REDACTED] the Premises. I am very concerned about the likely noise and antisocial behaviour late at night from the Premises if the license is granted. This will cause my boyfriend and I significant distress, particularly given the fact that under current lockdown restrictions we are likely to be spending an increased amount of time in the flat.

Crossway is already a very noisy road, particularly on Friday and Saturday nights, when the Premises is proposing to have later opening hours.

In addition to the noise, there will be increased air pollution on an already heavily congested road, as a result of the likely increased numbers of taxis, private vehicles, delivery and refuse vehicles.

My boyfriend is also concerned about the potential decrease in value to his property as a result of having a late-night venue opposite. Other residents in the building share the same concerns.

I do not see how the four licensing objectives of the Licensing Act 2003 could reasonably be satisfied if the above application were to be granted.

1. The Prevention of Crime and Disorder

Dalston Kingsland is a bustling and lively place to live, and I understand the importance of the Council continuing to ensure that local businesses can thrive. However, I am very concerned that the owner of the premises (the "Applicant") was the owner of the Efes Snooker Club, which had its premises license revoked as a result of the amount of crime it generated (as reported by the Hackney Gazette). I am concerned that

the granting of the license will set a really worrying precedent in an area that already experiences high levels of antisocial behaviour as a result of the night-time economy on Dalston Kingsland High Street.

2. Public Safety

There is an existing high level of crime near Crossway. Increasing the number of visitors late at night could well attract more crime to the area, which will be an issue both to those visiting the Premises, and those living nearby.

Furthermore, the roof of the existing premises is in a state of disrepair and this could cause a risk to the safety of the people who are visiting the Premises and those working at the Premises.

3. The Prevention of Public Nuisance

I do not believe the Premises is currently suitable for the sale of alcohol, or as a bar/nightclub. As mentioned above, it is highly likely the music will cause significant disturbance to those living nearby, and it is unlikely the building can/will be suitably renovated to ensure soundproofing.

In addition, having large numbers of people leaving the venue late at night will cause further disturbance. People visiting the area already frequently urinate on the entrance to Essence House, and this will only increase with another venue opposite.

There is also likely to be an increased amount of litter and food waste nearby as a result.

4. The Protection of Children from Harm

There are a number of young families with children living in Essence House, and the neighbouring Estates. I do not believe having another late night venue so nearby will be of any benefit to families living nearby, particularly those with young children.

**Please do not grant the above licence application, which has the potential to ruin the quality of life of those living nearby.
Thank you for your consideration.**

Yours sincerely







OBJECTION to licensing application made by Mr Engin Akin on 1/5/2020 for premises at 5-17 Crossway N16 8LA

1 message

2 June 2020 at 22:19


To: licensing@hackney.gov.uk

Dear Hackney Licensing,

I am a long-term resident homeowner at  John Campbell Road N16  and am writing to **object** to the licensing application by Mr Engin Akin on 1/5/2020 concerning the sale of alcohol at premises at 5-17 Crossway N16 8LA.

Granting this license would **contravene** Hackney Council's key licensing objectives for several reasons:

This area is already saturated with licensed bars and clubs selling alcohol until late at night. Over the last ten years, life for the residents of John Campbell Road has been blighted (particularly at weekends and during warmer months) by the anti-social behaviour of increasing numbers of intoxicated people leaving nearby clubs + bars and congregating on this street and on the hammerhead area of pavement where John Campbell meets Kingsland Road.

Allowing these premises on Crossway to also sell alcohol will increase the number of intoxicated people who regularly urinate/defecate on the street/in my front garden, kindly left a crisp packet full of vomit in my front garden, leave empty glass bottles/cans and drug paraphernalia/food waste and wrappers on the street, make a lot of noise in the middle of the night, threw a glass bottle at me and a friend, and who can be aggressive + intimidating towards residents who take issue with any of this. Some of this anti-social behaviour (e.g. littering and making a lot of noise in the middle of the night) constitutes a clear public nuisance, while acts of drunken aggression and fighting demonstrate that the council's objective to prevent crime and disorder is best served by not granting this license.

The provisions made in the application to ensure that patrons do not disturb the local residents in the middle of the night are inadequate, since the security can only request patrons to leave quietly and have no control over how patrons behave on nearby John Campbell Road or indeed down the alleyway that runs parallel to Kingsland Road on one side of the Crossway premises.

I very much appreciate the positive role of the night time economy in Hackney, however the sheer number of alcohol licenses granted to local premises over the last ten years has resulted a huge increase in anti-social behaviour at night on John Campbell Road. If the premises have been running as a social club for over 20 without serving alcohol, then surely it could continue to operate without selling alcohol, thus providing a valuable space for people who do not wish to drink alcohol to socialise.

Thank you for considering my objection.

Yours sincerely,





5-17 Crossway

1 message

3 June 2020 at 15:45

[REDACTED]
To: Licensing <Licensing@hackney.gov.uk>

Dear Hackney Licencing.

I am writing as the business owner of [REDACTED] John Campbell Road to object to the application to play music and serve alcohol at 5-7 Crossway.

*This area is already riddled with crime, and another bar serving alcohol will only add to the problem. We have had several incidents with drunk people disrupting our business.

*The Crossway/Kingsland Road junction is a very busy street, and with an influx of people/traffic, this would make this part of Crossway more dangerous for pedestrians.

*There are already many bars playing loud music and inviting party goers in the area, another bar will add to the sound noise for the surrounding neighbours.

*The person applying for this licence has a very bad reputation in the local nightlife. Previous businesses he has run, have been very poorly run. Effes Snooker club is well known to have been a drug riddled venue letting minors in regularly.

I urge you to reject the application.

With best regards,

[REDACTED]

[REDACTED]
John Campbell Road
N16
[REDACTED]



5-17 Crossway London N16 8LA

1 message

3 June 2020 at 18:23

To: "[REDACTED]" <[REDACTED]> <licensing@hackney.gov.uk>

Dear Licensing,

The Applicant is 'dishonest, particularly in relation to the running of licensed premises' -see p.50-51 of DJ Hamilton's Ruling.

He has wilfully told untruths and made false representations under oath.

Any representation made by the applicant is 'at best, highly questionable and, at worst, worthless'.

His notorious management style is well documented.

The Applicant deliberately breaches licensing conditions.

Any licence, especially alcohol and entertainment with recorded music will be abused.

This application goes beyond the core hours.

There is no planning permission for the proposed use as a drinking establishment in an area already over-supplied with similar premises.

This premises is in close proximity to residential dwellings.

The proposal would cause substantial nuisance especially at dispersal.

The premises would attract crime and violent crime.

Regards,

5-17 Crossway

London

N16 8LA

Dalston Mr Akin Application for a premises licence for recorded music from

10:00 to 00:00 Mon to Sun, late night refreshment from 23:00

to 00:00 Mon to Sun and to authorise the supply of alcohol for

consumption on the premises from 10:00 to 23:30 Sun to

Thurs and from 10:00 to 01:00am Fri and Sat.

03/06/2020

4 attachments



Thames Magistrates Efes snooker ruling 3rd October 2016.pdf

406K



Review of Premises Licence - Efes Snooker Club 17B Stoke Newington Road N16.pdf

2511K



The Whitehouse, 313 Highbury New Park, N5 2LB.pdf

6476K



LSC C Mins - 18.04.13 6.30pm- Draft.pdf

133K

IN THE THAMES MAGISTRATES' COURT

Court Case No: 011503023847

MR ENGIN AKIN

Appellant

-and-

LONDON BOROUGH OF HACKNEY

Respondents

RULING

INTRODUCTION

1. This is an appeal against the decision of the London Borough of Hackney ('Hackney') dating from 20 October 2015 to refuse to vary the premises licence held by the Appellant in relation to the Efes Snooker Club, 17B Stoke Newington Road, N16 8BH ('the premises') by extending the opening hours until 4am, Sunday - Monday. Mr Akin (the 'Appellant') made the application on 21 August 2015. On 20 October 2015 Hackney approved a number of other variations to the premises licence. The Appellant was notified of Hackney's decision by way of a letter dated 5 November 2015.
2. In brief, Hackney asserted in its letter of 5 November 2015 that: *'The subcommittee accepted that there was a history of complaints for this premises. It was also felt that the applicant had not sufficiently demonstrated that they would not add to the cumulative impact, as the application to extend the opening hours would not only undermine the licensing objectives but would also encourage the stockpiling of alcohol at the venue by patrons and allow people to stay in the area for longer. It was felt that this would negatively impact on an area that is already saturated with licensed premises, where the licensing objectives are currently being undermined.'*
3. The Appellant asserts, in his skeleton argument, that there has been 'no history of complaints' relating to the premises and that Hackney was at fault

for failing to particularise any such complaints. The Appellant further asserts that he has opened the premises until the sought later hour on 45 occasions over the last two and a half years under Temporary Event Notices (TENs) and there have been no subsequent complaints. The Appellant also asserts that he would not permit the stockpiling of alcohol towards the end of the licensed hour for alcohol and this could be regulated by a condition on the licence and checked by use of CCTV and till monitoring.

THE JURISDICTION OF THE MAGISTRATES' COURT

4. Section 181 and Schedule 5 of the Licensing Act ("LA") 2003 provide for appeals against the decisions of licensing authorities.

5. Section 181 of the LA 2003 provides:

181. Appeals against decisions of licensing authorities

- (1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.
- (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may –
 - (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
 - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,and may make such order as to costs as it thinks fit.

6. The relevant parts of Schedule 5 to the LA 2003 provide:

SCHEDULE 5: APPEALS

PART 1: PREMISES LICENCES

8 Review of premises licence

- (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
- (2) An appeal may be made against that decision by—
 - (a) the applicant for the review,
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) "relevant representations" has the meaning given in section 52(7).

9. General provisions about appeals under this Part

- (1) An appeal under this Part must be made to a magistrates' court.
...
- (2) On an appeal under paragraph 2(3)...the holder of the premises licence is to be the respondent in addition to the licensing authority.
...

7. What is the test to be applied by the Magistrates Court when considering this appeal?
8. In *R (Hope & Glory Public House) v City of Westminster Magistrates' Court* [2011] EWCA Civ 31, the Court of Appeal considered how a magistrates' court hearing an appeal from a decision of a licensing authority under the Licensing Act 2003 should approach the decision.
9. Lord Justice Toulson, giving the judgment of the Court, stated:

"7. At a preliminary hearing on 7 May 2009, District Judge Snow...ruled:
 "I will therefore
 (1) Note the decision of the licensing sub-committee.
 (2) Not lightly reverse their decision.
 (3) Only reverse the decision if I am satisfied it is wrong.
 (4) I will hear evidence.
 (5) The correct approach is to consider the promotion of the Licensing Objectives. To look at the Licensing Act 2003, the Guidance made under section 182 LA03, [the local council's] Statement of Licensing Police and any legal authorities.
 (6) I am not concerned with the way in which the Licensing Sub-Committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of Judicial Review."

28. ...It is not in dispute that the appeal is a rehearing at which the affected parties are all entitled to call evidence, and that the court must make its decision on the full material before it. The issue is what is the proper approach to the original decision and, in particular, the reasons given for it. [Counsel for the Appellant] did not submit that they should be disregarded. He accepted that the court hearing the appeal could properly take into consideration the reasons given by the licensing authority, but not to the point of placing a legal burden on the appellant.

35. [Counsel for the Appellant] submitted that as a matter of principle, as well as precedent, there are good reasons why the magistrates' court should pay great attention to the decision of the licensing authority and should only allow an appeal if satisfied, on the evidence before it, that the decision was wrong.

Conclusion

39. ...the issues are quite narrow. They are:
 1. How much weight was the district judge entitled to give to the decision of the licensing authorities?
 2. More particularly, was he right to hold that he should only allow the appeal if satisfied that the decision of the licensing authority was wrong?
 3. Was the district judge's ruling compliant with article 6?

40. We do not consider that it is possible to give a formulaic answer to the first question because it may depend on a variety of factors – the nature of the issue, the nature and quality of the reasons given by the licensing authority and the nature and quality of the evidence on the appeal.

45. Given all the variables, the proper conclusion to the first question can only be stated in very general terms. It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal.

46. As to the second question, we agree with the way in which Burton J. dealt with the matter in paragraphs 43-45 of his judgment.
48. It is normal for an appellant to have the responsibility of persuading the court that it should reverse the order under appeal, and the Magistrates' Courts Rules envisage that this is so in the case of statutory appeals to magistrates' courts from decisions of local authorities...
49. We are also impressed by [Counsel for the Respondent's] point that in a case such as this, where the licensing sub-committee has exercised what amounts to a statutory discretion to attach conditions to the licence, it makes good sense that the licensee should have to persuade the magistrates' court that the sub-committee should not have exercised the discretion in the way that it did rather than that the magistrates' court should be required to exercise the discretion afresh on the hearing of the appeal.
50. As to article 6...we agree that the form of appeal provided by s182 [sic] and schedule 5 of the Act amply satisfies the requirements of article 6.
51. Although the point is academic, in the present case, we doubt the correctness of part of the district judge's ruling where he said:
 'I am not concerned with the way in which the committee approached their decision or the process by which it was made. The correct appeal against such issues lies by way of judicial review.'
52. Judicial review may be a proper way of mounting a challenge to a decision of the licensing authority on a point of law, but it does not follow that it is the only way. There is no such express limitation in the Act, and the power given to the magistrates' court under s181(2) to "remit the case to the licensing authority to dispose of it in accordance with the direction of the court" is a natural remedy in the case of an error of law by the authority...However, this point was not the subject of any argument before us."

10. In the same case when it was before the Queen's Bench Division, Burton J. had ruled:

43. I conclude that the words of Lord Goddard CJ as approved by Edmund Davies LJ are very carefully chosen. What the appellant court will have to do it to be satisfied that the judgment below *'is wrong'*, that is to reach its conclusion on the basis of the evidence before it and then to conclude that the judgment below *is wrong* even if it *was not wrong* at the time. That is what the district judge was prepared to do by allowing fresh evidence in, on both sides.
44. The onus still remains on the claimant, hence the correct decision that the claimant should start, one that cannot be challenged as I have indicated.
45. At the end of the day, the decision before the district judge is whether the decision of the licensing committee is wrong. [Counsel for the Appellant] has submitted that the word 'wrong' is difficult to understand or, at any rate, insufficiently clarified. What does it mean? It is plainly not '*Wednesbury* unreasonable' because this is not a question of judicial review. It means that the task for the district judge – having heard the evidence which is now before him, and specifically addressing the decision of the court below – is to give a decision whether, because he disagrees with the decision below in the light of the evidence before him, it is therefore wrong. What he is not doing is either, on the one hand, ignoring the decision below, or, on the other hand, simply paying regard to it. He is addressing whether it is wrong. I do not see any difficulty, nor did the district judge, in following this course."

11. Thus, the Court of Appeal in this case followed *Sagnata Investments Limited v Norwich Corporation* [1971] 2 QB 614 and *Stepney Borough Council v Joffe* (1949) 1 KB 599.

12. In turn, *R (Hope & Glory Public House) v City of Westminster Magistrates' Court* has since been followed in further cases.

13. In *Marathon Restaurant v London Borough of Camden* [2011] EWHC 1339 (QB), Rafferty J. stated that *R (Hope & Glory Public House) v City of Westminster Magistrates' Court* was authority for the following propositions:

- (a) Deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact;
- (b) Careful attention is to be paid by the magistrates' court to the reasons given by the licensing authority for reaching its decision;
- (c) The appellant bears the responsibility of persuading the court that the licensing authority's decision should be reversed;
- (d) The appellant must persuade the magistrates' court that the licensing authority should not have exercised its discretion in the way that it did.

14. In *Noor Mohammed Khan v Coventry Magistrates' Court* [2011] EWCA Civ 751, the Court of Appeal (Civil Division) noted that, in *R (Hope & Glory Public House) v City of Westminster Magistrates' Court*, it was accepted by all parties that the hearing before the magistrates was a re-hearing at which the parties were entitled to call evidence and that the court was bound to make its decision on the basis of all the evidence before it. Moore-Bick LJ, stated:

- "12. In my view section 182(2)(b) [sic] does not have the restrictive effect for which Mr. de Mello contended. It makes it clear that the magistrates have the power to make any order of the kind that the licensing authority could have made, but it does not say anything about the grounds on which such an order might be made. That will depend on the evidence before the court. Indeed, the fact that the magistrates can make any order that the licensing authority could have made itself tends to support the conclusion that they are indeed considering the matter completely afresh. The magistrates' function is to consider the application by reference to the statutory licensing objectives untrammelled by any of the regulations that govern the procedure for a review under section 51. They are therefore entitled to consider evidence of events occurring before the application to the licensing authority as well as evidence of events occurring since its decision."

15. In *Sevket Gurgur v London Borough of Enfield* [2013] EWHC 3482 (Admin), Patterson J. stated:

- "21. The following principles are agreed:
- (i) The appeal before the Deputy District Judge was by way of re-hearing "de novo";
 - (ii) The appeal court needed to reach its decision upon the totality of the evidence before it and then reach a conclusion as to whether the judgment by the Licensing Sub-Committee was wrong even if it was not wrong at the time it was made;
 - (iii) The burden of persuading the Magistrates' Court that the sub-committee should not have exercised its discretion in the way that it did was upon the appellant."

LAW & GUIDANCE APPLICABLE TO DETERMINING THE ISSUES

Licensing Act 2003

16. The relevant parts of the Licensing Act 2003 (as amended by the Live Music Act 2012) provide:

PART 1: LICENSABLE ACTIVITIES

1. Licensable activities and qualifying club activities

- (1) For the purposes of this Act the following are licensable activities –
- (a) the sale by retail of alcohol,
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
 - (c) the provision of regulated entertainment, and
 - (d) the provision of late night refreshment.
- ...
- (4) Schedule 1 makes provision about what constitutes the provision of regulated entertainment for the purposes of this Act.
- ...
- (6) For the purposes of this Act premises are “used” for a licensable activity if that activity is carried on or from the premises.

PART 2: LICENSING AUTHORITIES

4. General duties of licensing authorities

- (1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives,
- (2) The licensing objectives are –
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- (3) In carrying out its licensing functions, a licensing authority must also have regard to –
- (a) its licensing statement published under section 5, and
 - (b) any guidance issued by Secretary of State under section 182.

PART 3: PREMISES LICENCES

11. Premises licence

In this Act “premises licence” means a licence granted under this Part, in respect of any premises, which authorises the premises to be used for one or more licensable activities.

17. Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- ...
- (3) An application under this section must also be accompanied –
- (a) by an operating schedule,
 - (b) by a plan of the premises to which the application relates, in the prescribed form, and
 - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- ...

18. Determination of application for premises licence

- (1) This section applies where the relevant licensing authority –
- (a) receives an application for a premises licence...

- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to
- (a) such conditions as are consistent with the operating schedule accompanying the application, and
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must –
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- (4) The steps are –
- (a) to grant the licence subject to –
 - (i) the conditions mentioned in subject (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any conditions which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.
- ...
- (6) For the purposes of this section, “relevant representations” means representations which -
- (a) are about the likely effects of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
- ...
- (7) The requirements of this subsection are -
- (a) that the representations were made by a responsible authority or other person within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- ...
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of –
- (a) different parts of the premises concerned;
 - (b) different licensable activities.

51. Application for review of premises licence

- (1) Where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the licence.
- ...

52. Determination of application for review

- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- (4) The steps are –
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

17. Section 182 of the Licensing Act 2003 provides that the Home Secretary must issue (and revise) guidance to licensing authorities on the discharge of their functions. Section 4(3)(b) of that Act provides that the Licensing Authority (and thus in appeals the magistrates' court) must have regard to the guidance.

18. I have briefly considered the Revised Guidance that has been submitted by the Respondent [Tab 27 of Respondent's bundle – not paginated]. My consideration was brief as neither party sought to rely heavily on the Guidance.

Hackney Guidance

19. Section 5 of the Licensing Act 2003 provides that each licensing authority must determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. Section 4(3)(a) of that Act provides that that the licensing authority (and in appeals the magistrates' court) must have regard to that policy.

20. I have briefly considered Hackney's Licensing Policy of 2016 [Tab 28 of Respondent's bundle – not paginated]. Again, my consideration was brief as neither party sought to rely heavily on the Policy.

General approach to the Licensing Act 2003

21. In *R (Daniel Thwaites plc) v Wirral Borough Magistrates' Court & Others* [2008] LLR 536, [2008] EWHC 838 (Admin), Black J. made some general observations about the Licensing Act 2003:

"The legal background

13. The Licensing Act 2003 was intended to provide a 'more efficient' 'more responsive' and 'flexible' system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.

14. Note 12 of the Explanatory Notes to the Act gives an indication of the approach to be taken under the Act. It reads:

'12 In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives.

42. Mr. Pickup submits, and I accept, that the Act anticipates that a 'light touch' bureaucracy'...will be applied to the grant and variation of premises licences...Mr. Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises...
61. The magistrates' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act."

22. In *Marathon Restaurant v London Borough of Camden* [2011] EWHC 1339 (QB), Rafferty J. stated that:

- "7. The evidential approach for the decision maker is rehearsed in *Thwaites*, authority for the following propositions:
- (i) Regulation under the Act must be necessary and proportionate
 - (ii) Events between initial hearing and appeal are relevant
 - (iii) Magistrates must give reasons for any departure from the Guidance issued by the Secretary of State."

23. In *Extreme Oyster & Star Oyster Ltd v Guildford Borough Council* [2013] EWHC 2174, Turner J. confirmed that the approach to the Licensing Act 2003 remains one of flexibility, lack of interference, and a light touch, "*not intended to support a regime based on a narrow and restrictive approach to licensing*".

RELEVANT CHRONOLOGY

24. This history is taken largely from the Respondent's first skeleton argument. Obviously I must take great care in importing parts of the parties' arguments into this judgement but there appears to be no dispute over the chronology in this case. The Appellant's skeleton contains no detailed chronology. In setting out the chronology based on the Respondent's skeleton I have sought to remove all comment and disputed assertions.

25. The premises were initially licensed in September 2007. The Appellant's father, Yasar Akin, held the licence from June 2008. A premises licence was effective for the premises from 9 June 2011 [Respondent's bundle B119-B129]. Again this was held by the Respondent's father, Yasar Akin. Condition 12 of that licence provided: *'There shall be a personal licence holder on the premises at all times when the premises are authorised to sell alcohol. After 21:00 hours the personal licence holder must not be either Mr Yasar Akin or Mr Engin Akin'*
26. This licence was revoked by Hackney on 5 February 2013. The agenda papers giving rise to the revocation have been provided by the Respondent [Respondent's bundle B392-B433]. The papers make reference to Mr Engin Akin having a managerial capacity and being aware of licensing breaches in relation to the premises during the period 2010-2012. The licence was partially re-instated by DDJ Miller at an appeal hearing in November 2013 [Respondent's bundle B131-148].
27. A new premises licence was granted to Engin Akin on 12 August 2014 [Respondent's bundle B186-196]. It is this licence that the Appellant has sought to vary by extending the opening hours until 4 am. The application was made on 21 August 2015 and was considered by Hackney on 20 October 2015.

APPEAL HEARING

28. The appeal took place on September 30th 2016 at Thames Magistrates' Court. On this day, I heard submissions and evidence from the Appellant only. A judgement was delivered on Monday October 3rd 2016.
29. Regrettably this case was marked by a significant breach of the Directions given by the court on 1 April 2016 by both parties. Neither party made any application to the court to vary the Directions.

30. The Appellant was directed to serve on the Respondent all documentary and witness statements by 2nd September. Apparently this was not done until about 18 or 19 September. The Appellant was supposed to have submitted bundles to the court by 16 September and the Respondent by 23 September. The Appellant's bundle was filed with the court on 27 September and the Respondent's on 29 September – in relation to a 2-day hearing starting on 30 September.
31. I raise these points not just to highlight the obvious inconvenience caused to the court by such late service but also because Ms Clover, on behalf of the Appellant, complained at some length about the 'late' service of documents by the Respondents which were aimed at rebutting some of the assertions made by the Appellant in his witness statement. My view on this matter, which I conveyed to the parties, is that if the Appellant chooses to serve his evidence late and in breach of clear Directions then it is hardly surprising that evidence relied on by the Respondents in rebuttal is also served 'late'. I also say all this in the context of this appeal originally being listed for hearing in April 2016 but being adjourned at the request of the Appellant on that occasion because he asserted that he had not had sufficient time to gather all the evidence for his appeal.

APPELLANTS' CASE

32. At the start of the hearing Ms Clover on behalf of the Appellant stated that the Appellant now seeks a variation which would take the closing time till 3 am on Thursday, Friday and Saturday and 2 am on all other days of the week. The last admission to the premises would be one hour before these times.
33. Mr Akin gave evidence first. He was followed by Ms Sherratt, who is a consultant and the owner of Licensing Matters Consultancy & Training. These were the only two witnesses who gave evidence to the court although Ms Sherratt exhibited a lengthy statement from Matthew Lauezzari, a Licensing & Acoustic Consultant, and from Michael Dunn, a former local authority noise officer. The court was told both by Mr Akin and counsel for the Appellant that

Mr Lauezzari and Mr Dunn had 'disappeared', had let the Appellant down and were uncontactable. Mr Akin suggested to the court that Mr Lauezzari had taken money from him for services that were not provided. The court was invited to give such weight to these statements as it saw fit.

34. Ms Sherratt did not undertake any substantive work in this case beyond reviewing and adopting (to the extent that it was within her knowledge) the statement of Mr Lauezzari [p41 Appellant's bundle]. Although Ms Sherratt exhibited the statement of Mr Dunn she made no comment on it at all. Mr Lauezzari actually exhibits the statement of Mr Dunn in his own statement and it's possible that Ms Sherratt's adoption of Mr Lauezzari's statement therefore included an adoption of Mr Dunn's but this was not made clear. Ms Sherratt was not cross-examined by the Respondent.

35. Mr Lauezzari explains that he assisted the Appellant with the application to Hackney which led to this appeal hearing. Mr Lauezzari refers to the Appellant taking over the licence in 2012 (rather than 2013 or 2014) and states that there have been no complaints by the 'Responsible Authorities' since then; that the Appellant's track record had been 'excellent' and that there have been no grounds for reviewing his licence. In relation to the refusal which is the subject of this appeal hearing Mr Lauezzari questions Hackney's assertion of there being a 'history' of complaints in relation to the premises although he acknowledges that there were 4 complaints in 2014 about noise nuisance.

36. Mr Dunn describes two visits to the premises on 30 January and 20 February 2016 when he found the premises to be well run.

37. It is hard to determine what weight to give to the material from Mr Lauezzari and Mr Dunn when the assertions they make have not been the subject of any cross-examination and when the comments made by and on behalf of Appellant suggest a distinct lack of professionalism on their part.

38. Ultimately, however, even if I was to wholly embrace the positive comments of Mr Dunn and Mr Lauezzari this would not have any impact on my decision-making which is based wholly on the evidence I heard from Mr Akin. What is set out immediately below is a summary of the evidence from Mr Akin. A more detailed analysis appears later in the judgement.
39. Mr Akin adopted his statement [p15 Appellant's bundle]. In response to cross-examination Mr Akin stated that although wholly new entrants would be barred from one hour before closing time he would allow those leaving and re-entering (up to 15 people under the current conditions) to re-enter at any time up to closing time.
40. Mr Akin clarified that the premises operated a 'buzzer system' after 10pm on weekdays. A customer or customers would come to the door at this time and would buzz to be let in. If it was not 'a big group or dangerous we would let them in'. Mr Akin confirmed, eventually, that there isn't a member of Efes staff employed to manage the outside area on Stoke Newington Road apart from when SIA security staff were present which was after 10 pm on weekends.
41. Mr Akin was shown a photograph said to have been taken by a resident (who had submitted complaints about the premises) at 0114 on 2 May 2016 which showed a large queue outside the premises. Mr Akin explained that this was not his queue but was for a neighbouring venue – Epic.
42. Mr Akin agreed that one of the conditions imposed by the licence granted to him on 12 August 2014 was that a sound limiter should be installed at the premises. Mr Akin clarified, eventually, that the sound limiter was not installed until 'the second half of 2015'. Mr Akin sought to blame a lack of response from Ms Catherine Jackson who worked at the Environmental Health department of Hackney and from whom he was seeking advice in relation to

the equipment he had to install. Mr Akin also said that he had paid Mr Lauezzari for assistance in relation to this issue but Mr Lauezzari had failed to provide that service.

43. The Appellant was referred to the statement of PC Merry [Respondent's bundle p B405] in which the officer describes repeated visits to the premises on 15 September 2010, 5 October 2010, 9 October 2010, 10 October 2010, 23 October 2010, 29 October 2010, 1 November 2010, 18 December 2010, 6 August 2011, 21 April 2012 and 12 May 2012. During each of these visits the officer had lengthy conversations with the Appellant relating to concerns over disorder at the premises and alleged breaches of the licence then held by the Appellant's father. The officer states that on each of these occasions Mr Engin Akin held himself out to be the manager of the premises and on 5 October 2010 stated he was the DPS (which he, in fact, was not).

44. The Appellant agreed that he had met with the officer but had never held himself out to be the manager of the premises or the DPS (Designated Premises Supervisor). The Appellant stated that he was simply helping his father who did not speak good English.

45. The Appellant went on to say that PC Merry had a grievance against him because the officer had resigned from the police and had then tried to buy 'my business' and it was the Appellant's refusal to sell it to him that led to the officer maliciously trying to revoke 'my licence'.

46. The Appellant was also referred to the statement of PC Amy Procter [p418 Respondent's bundle]. PC Procter describes a visit to the premises on 27 April 2012 when she spoke to the Appellant, who, she claims, described himself as the manager. Again the Appellant accepted meeting with the officer but denied describing himself as the manager of the premises.

47. Mr Akin was then asked about his role in relation to the White House PH. In his own witness statement Mr Akin described himself as the manager and DPS of The White House in 2012 and gave this as the reason for not being involved in the management of Efes during this period. The licence of these premises was subject to a review by LB Islington LSC in April 2013. The review stemmed from a history of complaints starting in August 2012 about noise coming from customers, television screens and amplified music in the rear garden area.

48. Mr Akin was asked repeatedly to give the start and end dates for his role as manager and DPS at the White Horse before finally settling on starting in 'about March 2012' and finishing in 'about July 2012'. Mr Akin said he stepped down either because he got engaged or because of the review or possibly both. Mr Akin placed the blame for the events that led to the review on his cousin, who, he said, held the licence for the premises and who kept organising events in the garden even though he, Mr Engin Akin, did not think it was a good idea. Documentation obtained from Islington by the Respondents showed that the Appellant's father was the holder of the premises licence at the time rather than his cousin and that the police visited the premises on 30 August 2012 when Mr Akin Engin held himself out to be the responsible person at the premises. The documentation presented by the Respondent also showed that Mr Akin Engin also attended the review hearing in April 2013 and played an active role.

49. Mr Akin was asked about the stockpiling of alcohol by customers shortly before the time for the sale of alcohol ended. He indicated that it would be simple to instruct staff not to sell large quantities of alcohol at such a time. Mr Akin did not give any explanation as to what might constitute a 'large quantity'.

MY DECISION TO CONSIDER DISMISSING THE CASE AT THE CONCLUSION OF THE APPELLANT'S EVIDENCE

50. After hearing from the Appellant I formed the conclusion that he was dishonest witness who repeatedly used the tactic of denying responsibility for the poor running of licensed premises with which he had, in fact, had a close involvement. I considered that my conclusion that he was dishonest, particularly in relation to the running of licensed premises, fed directly into the grounds upon which the Appellant sought to base his appeal. For example, the Appellant sought to deal with Hackney's concern about the 'stockpiling' of alcohol, which would then be consumed between the end of the licensing hours and closing time, by way of an assurance (supported by a condition on the licence) that he would instruct staff not to permit stockpiling. In light of my findings in relation to the Appellant's dishonesty I considered that such an assurance was, at best, highly questionable and, at worst, worthless.

51. The particular points that concerned me in relation to the Appellant's evidence were as follows:

- a. Mr Akin repeatedly failed to answer very clear and direct questions put to him in cross-examination. Instead he would talk about tangential or indeed irrelevant issues. This occurred almost as soon as cross-examination began and continued throughout. I had to intervene on at least 3 occasions to ask Mr Akin to answer the question put to him. For example, he had to be asked repeatedly whether there were staff from Efes employed to monitor what was happening in the street outside after 10pm on weekdays before finally giving the answer 'No'. He was asked repeatedly for the dates on which the sound limiter was installed and when he ceased being the manager of the White Horse Public House. He repeatedly gave evasive replies before being directed to answer. In relation to the White Horse Mr Akin switched between saying he stepped down as manager because he got engaged and

because of the misbehaviour of his cousin which led to a review of the licence for those premises before finally settling on both as reasons. I found Mr Akin's repeated failure to answer clear questions evasive and less than candid.

- b. In relation to the sound limiter - I considered that Mr Akin's attempts to explain the delay of almost a year to install this equipment and his attempts to shift the blame on to a member of the Respondent's staff were weak and lacking in credibility. It was his responsibility to ensure that this condition on the licence was complied with promptly.
- c. I considered that Mr Akin was wholly unconvincing in his attempts to distance himself from the running of (and misbehaviour at) Efes during the period 2010 – 2012 and the White Horse PH in 2012. In relation to Efes Mr Akin asserts in his witness statement that in 2012 'I was not involved in the club' and took over the premises 'in 2013'. Yet the sheer number of visits from the police during the period 2010-2012 at which Mr Engin Akin was present at Efes (he did not dispute this) and the detail of the discussions which he had with the police clearly indicate that he had a significant role in relation to the running of the premises. My inevitable conclusion is that Mr Akin is simply lying to me when he says he had no involvement with the club during this period. In relation to the White Horse he kept equivocating over dates and his role in a thoroughly unconvincing manner. He also sought to shift the blame for the misbehaviour at the White Horse on to his cousin who he described as the premises licence holder. Again I thought that his attempts to shift the blame for misbehaviour at premises which, in his own witness statement, he describes himself as the manager and DPS of, lacked credibility. Furthermore, his father and not his cousin was the licence holder at the relevant time – a very similar arrangement to the one that existed at Efes. I find it simply incredible that Mr Akin would not recall this. The cross-examination in relation to the White Horse clearly caught Mr Akin by surprise and he gave the impression of saying the first thing that came into his head at this stage before realising that what he had said might have adverse implications for him and seeking to amend it. Again my inevitable conclusion is that Mr Akin is lying to

me about his responsibility for the White Horse. (I would mention at this point that I have noted during the preparation of this judgement that Mr Engin Akin's father appears to be referred to as both Yasin and Yasar Akin. There was, however, no suggestion from the Appellant that these names represented two different people. Furthermore, Ms Le Fevre submitted to the court that the arrangement at the White Horse and Efes was the same – i.e. the father was the licence holder and Engin Akin the apparent manager. Neither Ms Clover nor the Appellant disagreed).

- d. I also considered it to be highly pertinent that, when describing the alleged actions of PC Merry in seeking to persuade Mr Engin Akin to sell Efes to him, he referred to Efes as 'my business' and to the licence for the premises as 'my licence'. This all occurred during a period when Mr Akin claimed to have no involvement with the club. He told the court that he believed that the approach from PC Merry came in 2012. He also gave no explanation as to why PC Merry should approach him if he had 'no involvement' with Efes. Mr Akin's claim that Efes was his business and the licence his licence was another example where Mr Akin said something and then realised the implications and sought to correct himself. In this case Mr Akin said he referred to Efes as 'my business' because he was nervous. I found this utterly unconvincing.

52. Bearing in mind the principle from *R (Hope & Glory Public House) v City of Westminster Magistrates' Court* [2011] EWCA Civ 31 that: '*It is normal for an Appellant to have the responsibility of persuading the court that it should reverse the order under appeal*' (paragraph 9 above) and bearing in mind my findings in relation to the Appellant's dishonesty I formed the preliminary view that the Appellant had completely failed in his responsibility to persuade me that Hackney's decision was wrong and that it was not consequently necessary for me to hear any evidence from the Respondent. Hearing such evidence could not 'improve' the Appellant's situation.

53. I was however conscious that halting a licensing appeal at the conclusion of the Appellant's case was a fairly novel step and I was not completely sure that this was a permissible course to take. The Appellant's evidence concluded shortly before the lunchtime adjournment and during that period I gave further consideration to the matter.

54. My first conclusion on this issue was that the appeal submitted by the Appellant was by way of a complaint. The summons issued by Thames Magistrates Court in response to the Appeal is headed 'Applicant's application/complaint' [pA1 Respondent's bundle].

55. Stones Justices Manual at paragraph 1.296 states, in relation to the procedure for the hearing of a complaint: *'Once all the evidence for the complainant has been heard, the court may dismiss the case either of its own motion or on a submission of no case to answer if it believes it need not hear the evidence for the defence The complainant's solicitor must be given the opportunity to address the court before it considers dismissal'*. In relation to the latter point (the need to hear from the Respondent's representative) reference is made to the cases of *Mayes v Mayes* [1971] 2 All ER 397 and *Simmonds v Croydon LB* [1985] FLR 1092. With the assistance of the Respondent's counsel I was able to find a full transcript of *Mayes* but not of *Simmonds*.

56. I therefore concluded that dismissing the appeal at the conclusion of the Appellant's case was a step that I could take at my own instigation provided that the Appellant's representative was given an opportunity to address me on the issue before reaching a final conclusion on the issue.

57. I would also add that, before concluding that I did have the ability to dismiss the appeal without hearing from the Respondent, I took into account the

entirely practical point that it was extremely hard to see how hearing from the Respondent's witnesses could ever improve the Appellant's situation in relation to my views of his honesty. I did so in the context of having read the bundle of the Respondent's witness statements prior to the commencement of the hearing and being aware of the generality of what they were going to say. Even if, for example, the Appellant's representative had been successful in discrediting the evidence of local residents who had complained about disturbances related to the venue, this could not have any impact on my assessment of the Appellant's credibility. A significant number of the statements and documents put to the Appellant in cross-examination (the statements of PC Merry and PC Procter and the information from Islington about the review of the White Horse licence) were not from witnesses who were being called to give evidence by the Respondent.

58. On returning into court after the lunchtime break I indicated to the parties my views on the Appellant's honesty and the impact that I felt that this had on his appeal. I also explained that I was considering dismissing the appeal without hearing evidence from the Respondent. I further indicated that in my experience this was a fairly novel approach and I suggested that counsel for both the Appellant and Respondent might want to consider my preliminary views and then address me further. I indicated that I was content to grant an adjournment of the hearing for this purpose and then hear further representations. I drew the representative's attention to the section in Stones that I was seeking to follow. Ms Le Fevre for the Respondent asked for approximately 20 minutes and Ms Clover for the Appellant 30 minutes. I granted the longer request which was extended further to almost one hour in response to the parties' request for more time.

59. I think that it is fair to say that counsel for the Appellant, Ms Clover, took grave, and unfortunately in my view, quite belligerent exception to my indication. Before the case was even adjourned Ms Clover made a number of points:

- a. That I should recuse myself from the hearing and set the matter down for a fresh hearing as I had reached a conclusion about the Appellant's credibility before hearing all the evidence. My response to this was to indicate that it was natural to reach a conclusion about the credibility of a witness at the conclusion of their evidence rather than at the conclusion of all the evidence. It was possible to envisage a situation where an Appellant's credibility was damaged by evidence adduced by the Respondent but it was very hard, if not impossible, to see how a negative assessment of their credibility might improve on hearing such evidence. Furthermore, the passage in Stones clearly indicated that dismissing the case at the conclusion of the Appellant's evidence was a course that was open to me and that I did not have to hear the evidence from the Respondent.
- b. Both before and after the adjournment Ms Clover made the assertion that I had clearly already made up my mind to dismiss the appeal. This was coupled with an objection that the Respondent had not applied to have the case dismissed. My response was to point to the passage in Stones which indicated that I could dismiss a case 'on my own motion' if I believed I need not hear from the Respondent and therefore a formal application from the Respondent was not necessary. Furthermore, if I was considering taking such a course then it was incumbent upon me to set out my preliminary views of the matter in detail so that the parties representatives could respond. The fact that they were preliminary views was clearly evidenced by the matter being adjourned to allow such representations. Had my conclusions actually been final then I would simply have dismissed the case.
- c. Ms Clover questioned what the Appellant's dishonesty, which she referred to as not having been argued by the local authority, had to do with the licensing objectives. My response was to indicate that it must be open to me to make my own assessment of the Appellant's credibility. This could not be contingent upon Hackney having to raise the issue. In relation to any impact on the licensing objectives I gave the example of Mr Akin's assurances that he would not permit the stockpiling of alcohol and how my assessment of his dishonesty

undermined the value of such an assurance. This point coupled with the proposed late opening hour led directly into the risk of public nuisance being caused in the early hours of the morning.

60. After the adjournment counsel for the Respondent indicated that she agreed that dismissing the case at this point was a course that was open to me providing that I gave the Respondent's representative an opportunity to make submissions. Ms Le Fevre referred to the *Mayes* case, which she had helpfully obtained a full transcript of.

61. Ms Clover indicated that she did not accept that licensing appeals were 'complaints'. Ms Clover referred to them as being 'hybrid' matters and that consequently the power to dismiss at the conclusion of the Appellant's evidence did not exist. Ms Clover cited no authorities for these propositions. In the absence of such authorities I preferred my analysis and the analysis of the Respondent.

62. I then invited Ms Clover to make submissions as to why I should not dismiss the case. Initially, Ms Clover refused to do so, on the basis that the procedure I was following was not correct and I had no power to dismiss. Without any further explanation Ms Clover then proceeded to make representations as to why I was wrong to conclude that the Appellant was dishonest. I interrupted these submissions to indicate that I was confused as to what Ms Clover was doing as she had indicated that she was refusing to make any submissions as to why I should not dismiss the case. Ms Clover explained that she was repeating her application to recuse myself and to set the matter down for a fresh appeal hearing. I considered at this stage that Ms Clover was not prepared to show any respect for decisions made by the court but intended to repeat the same points again and again. I therefore indicated that I was not prepared to entertain any further application to recuse myself as any such application was predicated on the notion that my understanding of the

relevant procedure was wrong and I had no power to dismiss the case at the conclusion of the Appellant's evidence. If I was wrong on procedure, then the Appellant's remedy was to appeal on that point rather than for Ms Clover to repeat the same arguments before me.

63. I indicated at this stage that I was only prepared to hear submissions from Ms Clover as to why I should not dismiss the Appeal. Ms Clover then asked for a further adjournment to consider her submissions. I refused such an adjournment for the following reasons:

- a. In the normal course of events in criminal proceedings when the defence make a submission of 'no case to answer' an immediate response is usually expected from the CPS who will be familiar with the strengths and weaknesses of their own case. Adjournments are rarely granted unless there is a complicated issue of law.
- b. The parties in the present appeal had already been granted an adjournment of almost an hour to consider and prepare submissions to the court.
- c. In this case even before the adjournment Ms Clover had been able to make some detailed representations on behalf of the Appellant (paragraph 59 above)
- d. Ms Clover had demonstrated by her submissions on why I was wrong to conclude that the Appellant was dishonest (her application to recuse myself) that she had given thought to the matter and had prepared submissions. The conclusion I reached was that Ms Clover was only prepared to make such submissions in relation to recusing myself and not in relation to the issue of dismissal because she felt I was following an incorrect procedure. I therefore concluded that her application to adjourn was based on truculence rather than any real need.

64. Upon my refusal to grant a further adjournment Ms Clover said that she had nothing further to say. My concern here is that the Appellant will seek to say that I did not permit submissions on his behalf before dismissing the appeal. I do not accept that that is a correct description of what occurred in court. The

Appellant's representative was repeatedly offered this opportunity but initially declined to take it and then sought what I considered to be an inappropriate adjournment of the case.

DECISION

General

65. The fundamental question which I am required to determine is whether, on all the evidence I have now heard, Hackney's licensing sub-committee was wrong to refuse the Appellant's application to extend the opening hours of Efes even if it was not wrong at the time.

66. In determining that question, I pay careful attention to the reasons given by the licensing sub-committee for arriving at its decision. I give those reasons such weight as I think proper in the circumstances.

67. The burden is on the Appellant to persuade me that the licensing sub-committee should not have acted in the way that it did.

68. I determine that question on the basis of all of the evidence I have heard, including evidence which was not before the sub-committee.

69. The four licensing objectives are the paramount considerations.

70. I must determine this question with due regard to the licensing regime introduced by the Licensing Act 2003. That regime is designed to be efficient, responsive and more flexible than before. There is expected to be a light touch bureaucracy. Licences are expected to be granted unless it is necessary to reject the application for the purpose of promoting the licensing objectives. Similarly, the terms of a licence are expected to be those applied for unless it is appropriate to vary those terms for the purpose of promoting the licensing objectives. As the Home Office Guidance states in its first chapter, the Licensing Act 2003 recognises the important role which licensed

premises play in local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.

71. Once I have determined whether the licensing sub-committee was wrong or not, I may then dismiss the appeal or substitute the decision with another decision or remit the matter back to the licensing authority.

Procedural

72. I do not intend to remit this case back to the licensing authority. This appeal has been a hearing *de novo*. I am permitted to make any decision which the licensing authority could have made in this regard. There seems to me to be no sense in wasting further time and money by remitting the matter back.

Prevention of Public Nuisance

73. One of the concerns expressed by the Licensing Sub-committee was that alcohol would be stockpiled by the patrons of Efes and then consumed over the extensive drinking-up period between the time at which alcohol ceased being served and the proposed new closing time for the premises. In the original application to Hackney this was a period of at least 3 hours until 4 am. In the revised application made to the court it was a period of 2 hours until 3 am at the weekends and 2 am weekdays.

74. Because of my findings as to his honesty I did not find Mr Akin's assurances on the prevention of stockpiling to be credible. I also noted that Mr Akin's proposals in relation to managing stockpiling were vague and amounted to no more than instructing staff not to sell 'unreasonable quantities' shortly before the sale of alcohol had to cease.

75. In my analysis this creates the distinct possibility of patrons being allowed to consume alcohol until the early hours and then of very drunk patrons

emerging from the premises late at night and inevitably causing disturbance and nuisance to the surrounding inhabitants.

76. I do not consider that the concerns here can be managed by the imposition of further licensing conditions and again I conclude that the achievement of this licensing objective means that it is appropriate to refuse the Appellant's application.

CONCLUSION

77. In conclusion, having considered all of the evidence in this case, I am satisfied that the licensing sub-committee was not wrong to refuse the Appellant's application in relation to the extension of opening hours and I do not think it is wrong to do so now.

78. I therefore dismiss the appeal.

79. The parties have helpfully reached an agreement over the issue of costs and I therefore order that the Appellant should pay the sum of £8000. The parties have agreed in principle to reach their own agreement over the time to settle this sum although the Respondent has asked me to order that the whole sum is to be paid no later than 3rd April 2017 and I do so order.

Angus Hamilton
DISTRICT JUDGE (MAGISTRATES' COURTS)
3 October 2016

REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 5 FEBRUARY 2013	Classification	Enclosure
	DECISION	
APPLICATION FOR REVIEW:	Ward(s) affected	
	DALSTON	
EFES SNOOKER CLUB, 17B STOKE NEWINGTON ROAD, N16		

1. SUMMARY

Applicant	Metropolitan Police	In SPA? No
Date of Application	28 November 2012	
The Grounds for Review:		
<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety 		
Prevention of Public Nuisance		
Current Premises Licence Details:		
Premises Licence permitting		
1) Sale by retail of alcohol		
2) Indoor sporting events		
See Appendix B for detail.		
Current Capacity	Unknown	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 (Public Safety)	
List of Appendices	Appendix A– Application requesting the review of the premises licence and additional evidence submitted in support of application. Appendix B – Current Licences Appendix C – Representations from responsible authorities Appendix D - Representations from 'other persons' Appendix E - Location map	
Relevant Representations	Licensing Authority Other persons	

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 Metropolitan Police, as a Responsible Authority under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as Efes Snooker Club, 17B Stoke Newington Road, N16 on the

grounds of crime and disorder, public safety and prevention of public nuisance. For further application details, see Appendix A.

- 2.2 Representations supporting the review have been received from Licensing Authority (see Appendix C) and from three local residents (Appendices D1-D3).

3. CURRENT POSITION/ HISTORY

- 3.1 The premises have been in possession of a premises licence since September 2007. This licence was varied to extend hours in January 2011. A copy of the licence is attached as Appendix B1.
- 3.2 A second licence was granted in June 2011 and was also the subject of an appeal to the magistrates' court. The appeal was resolved by the signing of a Consent Order in December 2011. The consent order amended two of the conditions agreed by the sub-committee and required the surrender of the previous licence. A copy of the licence is attached as Appendix B2.
- 3.3 The Metropolitan Police are seeking to review both licences.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
The Police	N/A. See review application
The Planning Authority	Have confirmed no representations
Environmental Health Authority (Health & Safety)	No response received
Environmental Health Authority (Pollution and Environmental Enforcement)	No response received
Trading Standards	Have confirmed no representations
The Area Child Protection Advisor	No response received
LFEPA	No response received
Licensing Authority (Appendix C)	Support the review application on grounds of public nuisance.
Health Authority	None received

5. REPRESENTATIONS: INTERESTED PARTIES

From	Relevant Representation Details
3 letters received from local residents (Appendices D1 to D3)	Three letters have been received in support of the review.

6. REPRESENTATIONS: LICENSEE

- 6.1 None

7. POLICY CONSIDERATIONS

- 7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.
- 7.3 Policies LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance) and LP6 (Protection of Children from Harm) and LP8 (Public Safety) are applicable.

8. GUIDANCE CONSIDERATIONS

- 8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. LEGAL IMPLICATIONS

- 9.1 A legal representative will be in attendance to advise Members.

10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - The protection of children from harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

12. MEMBERS DECISION MAKING

- 12.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.
- 12.2 The steps are:

Option 1

Take no action

Option 2

Modify the conditions of the premises licence.

Option 3

Exclude a licensable activity from the scope of the premises licence.

Option 4

Remove the designated premises supervisor.

Option 5

Suspend the premises licence for a period not exceeding three months.

Option 6

Revoke the licence.

13. **CONCLUSION**

13.1 That Members decide on the application for review of the premises licence.

<u>Director of Legal, HR and Regulatory Services</u>	Gifty Edila
<u>Lead Officer (holder of original copy):</u>	Mike Smith Senior Licensing Officer Hackney Service Centre 1 Hillman Street London E8 1DY Telephone: 020 8356 2431

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

<u>Description of document</u>	<u>Location</u>
Office File: Efes Snooker Club 17B Stoke Newington Road , N16	Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Guy Hicks PS58GD on behalf of the Commissioner of Police of the Metropolis
(insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below *(delete as applicable)*

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description: Efes Snooker Club 17B Stoke Newington Road Hackney	
Post town: LONDON	Post code (if known): N16 8BH
Name of premises licence holder or club holding club premises certificate (if known): Mr Yasar Akin	
Number of premises licence or club premises certificate (if known): LBH-PRE-T-1196 and LBH-PRE-T-0880	

Part 2 – Applicant details

I am:

Please tick yes

- | | |
|--|-------------------------------------|
| (1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| (a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| (b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| (c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| (d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| (2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| (3) a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |



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

Please tick

Mr Mrs Miss Ms Any other title (e.g. Rev.)

Surname

First Names

I am 18 years old or over (Please tick yes)

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF INDIVIDUAL APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**Name and address**

PS Guy Hicks 58GD
 METROPOLITAN POLICE SERVICE
 33 STOKE NEWINGTON HIGH STREET
 HACKNEY
 LONDON
 N16 8DS

Telephone number (if any)

020 7275 3022

E-mail address (optional)

hackneylicensing@met.police.uk

This application to review relates to the following licensing objective(s):*Please tick one or more boxes*

- | | |
|--|-------------------------------------|
| (1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| (2) public safety | <input checked="" type="checkbox"/> |
| (3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| (4) the protection of children from harm | <input type="checkbox"/> |

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

Mr Yasar Akin operates Efes Snooker Club 17B Stoke Newington Road London N16 and has been the premises licence holder since 2008. The venue came to notice of Police initially due to operating without a licence back in 2008. In 2010 Police intelligence suggested there were gang links to the venue and violence offences and offences against the public order act occurred. The Police Licensing unit began working closely with the venue to reduce violent crime associated with the venue. Mr Akin has applied for several New / Variations of licence since 2010. The most recent premises licence came into force in late 2011. The snooker club has been the scene of repeated acquisitive crimes and habitual breaches of the conditions attached to the premises licence since it was issued.

Most if not all occasions in which Police attend the venue they witness breaches of the conditions of the premises licence and historically have witnessed unlicensed activity. Customers are able to enter the venue carrying weapons. The level of thefts are wholly disproportionate to similar well managed venues in the area.

Despite a number of previous warnings the management have failed to improve the situation. The management appear to be unable to address the problems.

The Police have tried to work with the management team and have continually provided support to them. However due to the continual problems at the venue we have no faith in them. Police are of the opinion that the above information shows that the management team and owners of the venue have clearly undermined the licensing objectives of prevention of crime and disorder, public safety and the prevention of harm from children.

The police invite the sub-committee to revoke the premises licence as a proportionate and necessary step to promote the licensing objectives.



Please provide as much information as possible to support the application (please read guidance note 2):
Please see supporting statement by PC Paul Merry.

①

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

(Please tick yes)

If yes, please state the date of that application:

Day		Month		Year	

if you have made representations before relating to this premises please state what they were and when you made them:



(Please tick yes)

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature *[Handwritten Signature]*

Date 13.11.2012

Capacity PS 58GD Hicks, Hackney Licensing Unit.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5): PS Guy Hicks 58GD METROPOLITAN POLICE SERVICE 33 STOKE NEWINGTON HIGH STREET LONDON N16 8DS	
Post town: LONDON	Post code: N16 8DS
Telephone number (if any): 020 7275 3022	
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional): guy.hicks@met.police.uk	

Notes for Guidance

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

WITNESS STATEMENT

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

Statement of PC Brian SharkeyURN:

01	GD		12
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 221396**

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

Signature:

B Sharkey 46190

Date:

28/11/12

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

On WEDNESDAY 28/11/2012 I was on duty in plain clothes and attended EFES SNOOKER CLUB at 17b STOKE NEWINGTON RD N16. I spoke to a male who confirmed he was Yasar AKIN and handed to him a letter from PS HICKS in relation to an application for review dated 28/11/2012. Mr AKIN has acknowledged receipt of this letter and signed an entry in my pocket book on page 67.

B Sharkey 46190

Signature:

B Sharkey 46190

Signature witnessed by:

8

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **461GD 221396 PC SHARKEY461GD** Station:

Time and place statement taken:

WITNESS STATEMENT

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

Statement of

Paul MERRY

URN:

--	--	--	--

Age if under 18

Over 18.....

(if over 18 insert 'over 18')

Occupation:

Police Officer.....

This statement (consisting of 8 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

[Signature]

Date:

16th JAN '13

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am a Licensing Officer for the Metropolitan Police Service based on the London Borough of Hackney and have been in the position for over 2 years. Prior to this I worked on the Shoreditch Town Centre Team, a team that was created due to a rise in crime in and around the night time economy of Shoreditch and have been involved in Policing Licensed venues since 2005.

This statement relates to Efes Snooker Club 17B Stoke Newington Road Hackney N16. I first attended the venue as a licensing officer in September 2010 and I have a comprehensive knowledge of the venue and management team since then. I initially attended due to concerns around violent crime associated with the venue, through working with the venue we have managed to alleviate these crimes. I have subsequently attended the venue numerous times and dealt with several applications from them.

The following information has been collated by me from several Police intelligence / Crime reporting systems and information known to me personally.

The current Premises Licence Holder has been in control of the venue since June 2008. I believe the venue was licensed to around midnight. He was the DPS from October 2008 until January 2011.

Total Crime Stats shown for the year below:

2009

Efes	Thur	Sun	Total
0201-0400	1	1	2
0401-0600	1		1
Total			3

On 15/09/2010 officers from Hackney Police Licensing visited Efes Snooker Club 17B Stoke Newington Road, N16 8BH. We were met by Licensee's son Engin AKIN T***** We went through the conditions of the license. They had good CCTV and appropriate plastic glass. They did however admit that they only had one SIA doorstaff on the door, and only on the weekend. Police pointed out that a condition of the license was to have two SIA every night from 2300 till closing. He did not know any of the four licensing objectives. There had been no staff training around crime prevention, there were no signs to state CCTV in operation no anti drug policy or measures to prevent drink spiking. No signage at all requesting patrons to leave quietly. No hourly checks on toilets, no records of any kind kept for SIA, or people barred, refusals, or anything. No signage re drugs zero policy. Mr Akin had no idea of what the conditions of the license for this premises are or how to find them. No acceptable explanation of why these conditions had been breached. He was advised by police of where to get Conditions of license. He was advised to get records, procedures and protocols in place. He agreed to having a CIMOS report for the premises. He was also told to expect another visit to check compliance. GDRT00375017 Andy NEWMAN (GD) p185585 refers. I was present at this visit.

Signature:

[Signature]

Signature witnessed by:

Continuation of Statement of

On 05/10/10 officers from Hackney Licensing Unit attended EFES SNOOKER CLUB STOKE NEWINGTON ROAD N16 7XN and spoke with the owner Mr Yasar AKIN in person (he speaks limited English) and his son (who stated he was the DPS) ENGIN via T***** in relation to the affray that had happened on 04/10/2010. CCTV was viewed and shows a group of about 7 or 8 Turkish MALES enter the venue from TRUMANS ROAD entrance, they appear to speak with a few Turkish MALES who were already inside the venue, The group of 7 or 8 leave the venue by the same entrance, as the do so a RED TRANSIT type VAN with ***** signwriting stops at the junction with TRUMANS ROAD j/w STOKE NEWINGTON ROAD, the group of 7 or 8 then open the back doors of the van and take out a quantity of weapons, snooker cues; they run back into the venue and straight back and then the affray takes place. It appears that the smaller group who where initially in the venue may have armed themselves with a few snooker cues from the venue. DPS advised re security arrangements at the venue and will be taking the public snooker cues from the venue and keeping them behind the bar for their correct use. GDRT00375934 Paul MERRY (GD) p202292 refers.

To clarify Engin Akin is not the DPS but works at the venue as a manager. He is a personal licence holder however appeared to have a lack of knowledge around licensing.

On Saturday 09/10/2010 and Sunday 10/10/2010 PC 691GD RYAN, 288GD GRIGGS and 494GD MERRY conducted numerous licensing visits across the borough. Results as follows: (EDITED BY PC Merry) other venue information removed. At approximately 2200 hours officers attended Efes Snooker Club TRUMANS ROAD E8 and spoke with Engin and his father as a follow up to the visit after an affray outside the club last week. They had stated during that visit that all cues were going to be locked away so that only people playing snooker would have access to them. This was not the case this evening although they stated that they have ordered a wooden case to lock the cues in which will be situated at the end of the bar. GDRT00376169 Paul MERRY (GD) p202292 refers

15/10/2010 an application received by LBH to vary the licence under Section (34) of the Licensing Act 2003 (Withdrawn 12/11/2011).

On 23/10/2010 at 0005 Hours officers from Licensing Unit attended Efes Snooker Club Stoke Newington Road upon approach to the venue an IC3 Male wearing a Black Jacket, Black tie with ALPHA security embroider on it and Black Trousers was standing on the door. He open it and allowed the two plain clothes officers through, this man was not displaying any form of ID. Once inside the venue police spoke with Mr Engin AKIN T***** (venue manager) police asked him what the search policy was, the manager stated he had instructed security to search everyone, I explained that police had been allowed into the venue unchallenged and unsearched. We spoke with the male who was acting as security he stated he did not know the officers were police and admitted allowing them in and not searching them. He gave his details as ***** 76 of ** *****. T***** he was unable to provide any badge details as he had left it at home but stated he was SIA. Details provided match those of a male shown on SIA database. Another male attended the venue and introduced himself as Mr ***** 81 of * *****. T***** he stated he was the owner of ALPHA security services and that he was looking at taking over several security contacts in the Dalston Area. Badge number **** * also shown on SIA website.

***** was removed from the door due to not having a valid SIA badge displayed. ***** took over on the door and was making attempts to find a second SIA member of staff to assist him. AKIN was asked to explain why he had permitted ***** to work at the venue without his badge, AKIN stated he had been to busy to check that ***** had a badge. I explained that it was a condition of his licence to have SIA staff on premises and that breaching his licence conditions could lead to a criminal prosecution. AKIN has been spoken to by police several times over the past few weeks in relation to disorder and minimum expectations of the venue. There is no occurrence book, or security books at the venue.

Police advised AKIN that they would not support his variation application for extension of hours for alcohol sales. GDRT00376950 Paul MERRY (GD) p202292 refers

Signature:

Signature witnessed by:

2003(1)

Continuation of Statement of

On 29/10/10 at 2330 hours officers from Hackney Licensing Unit attended Efes Snooker Club Stoke Newington Road Hackney. There was no SIA present at the door, officers gained entry via the buzzer entry system and spoke with the DPS Mr Yasar AKIN and Engin AKIN (manager). Yasar speaks limited English but Engin translated for police.

The venue was asked why SIA security was not present as they are required from 2300 hours when the venue is opening beyond midnight. They stated that they had booked security but they had not turned up.

Their security company is ALPHA 1 and Mr ***** (owner of Alpha) attended at 2335 hours and confirmed that he was aware of the requirement of security from 2300 hours.

Verbal warning issued to the venue, notes recorded in my PB no 474/20 and signed by Engin, Yasar and PC 494GD.

GDRT00377256 Paul MERRY (GD) p202292 refers

On 01/11/10 at 0100 hours officers from Hackney Police Licensing Unit attended EFES SNOOKER CLUB STOKE NEWINGTON ROAD. Entry was gained to the venue by buzzer entry, there were about 20 people in the venue, music was being played and drinks still being served. The PLH Yasar AKIN was on premises I asked why there was no SIA present, he stated that they dont have security on as they were not busy. I explained that it was a condition of there licence to have them everyday the venue is open beyond midnight. At this time Engin AKIN arrived. He reiterated what his father had said and I again explained the conditions of licence. They are currently applying for an extension of hours at the venue. Verbal warning issued. I have arranged to speak with them on Tuesday in relation to the continual breaches and licence application.

GDRT00377325 Paul MERRY (GD) p202292 refers

On 15/11/2010 an application was received by LBH to vary the licence under Section (34) of the Licensing Act 2003.

I spoke at length with the applicant's consultant and explained my concerns around the complete lack of control and supervision of the venue and stated that I was considering a review the premises licence. As the application to vary had been submitted it was agreed prior to a LSC that a change of DPS would take place and the consultant and Police looked a new set of structured conditions to strengthen the venue.

On 18/12/10 at about 0005 Hours officers from Hackney Licensing Unit attended EFES SNOOKER CLUB 17B STOKE NEWINGTON ROAD N16. The venue is habitually breaching its premises licence conditions.

Condition 43 states that when the venue is open beyond midnight there must be two (2) SIA door supervisors after 2300 Hours. There was only one (1) member of SIA present. The PLH and DPS Mr Yasar AKIN was present. As was his son Engin, who acted as a translator. They are well aware of their licence conditions and could not offer a reasonable explanation for breaching the conditions again.

A section 19 CJP closure notice was issued and explained.

GDRT00379837 Paul MERRY (GD) p202292 refers.

Total Crime Stats shown for the year below:

2010

Efes	Mon	Thur	Fri	Sat	Sun	Total
1601-1800	1					1
1801-2000				1		1
2201-0000		1				1
0001-0200			1		1	2
0201-0400			1	4	1	6
0401-0600			1	1		2
Total						13

On 10/01/2011 an application was received by LBH under Section (37) of the Licensing Act 2003 to vary the licence to specify Mr Mehmet Demir as premises supervisor with immediate effect.

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of

On 11/01/11 a section 34 application to vary licence is approved by the Licensing Sub-Committee with amendments. I was present at that hearing.

In March 2011 the Hackney Police began a community engagement with a view to educate and assist with anything required. Clissold SNT officers attended several Turkish social clubs and bars in and around N16 area regarding a public meeting. The information evening is to be held at the Unitarian Church Building 39a Newington Green N16, on 16/03/11 from 1900 hrs to 2000 hrs.

Clissold SNT in partnership with Hackney Council and other agencies will be discussing the following: Licensing, Planning, Fire Safety, Anti Social Behaviour etc.

(EDITED by PC MERRY) Venues listed removed.

Efes Socaill Club Stoke Newington Road N16

GDRT00383960 Ali DAG (GD) p202713 refers

On 05/04/11 a new application for a premises licence under Section (17) of the Licensing Act 2003 received from Mr Yasar Akin by LBH.

On Wednesday 16/04/2011 Clissold snt held a public meeting for the Turkish community cafes and businesses owners stating of there obligations into having a premises and maintaining it law fully members of partner agencies came to give feedback and legislation .

The following Clubs and owners turned up to the meeting for future reference when dealing with these clubs.

(EDITED by PC MERRY) Venues listed removed

Efes Social Club Stoke Newington Road N16

GDRT00384484 James GALLEHAWK (GD) c703311 refers.

On 09/06/11 a new premises licence is granted by the Licensing Sub-Committee. I attended the hearing. The outcome was subsequently appealed by the applicants due to conditions imposed.

On 28/07/2011 at 0320 hours PS WRIGHT 24GD and PC LEWINGTON 284GD from Dalston SNT were on patrol and noticed a crowd of about 100 persons on the footway outside EFES Snooker Club 19B STOKE NEWINGTON ROAD N16. Recently numerous complaints have been received from residents regarding groups leaving the premises.

We went inside the club and spoke to the licensee who was reminded about his responsibilities of patrons leaving his premises. He stated he only had one doorman tonight and he had to clear the building first before he cleared the outside. The doorman was then despatched to clear the footways. The licensee was also told of complaints from residents.

Dalston SNT will monitor over the next few nights.

GDRT00391523 Rich LEWINGTON p223814 refers

On Friday 8th July and Saturday 9th July 2011 PC 288GD GRIGGS and PC 494GD MERRY were on duty in plain clothes completing Licensing visits. 0245hrs Efes Snooker Club, Stoke Newington Road. Licensing Unit witnessed door staff at the venue searching a male, stamping his hand and then letting him into venue.

Written warning to be issued as their conditions state no new entries after 2am.

GDRT00390426 Amanda GRIGGS (GD) p206071 refers

On Saturday 06/08/2011 PC 288GD GRIGGS and PC 494GD MERRY were engaged in plain clothes licensing visits. 0305hrs EFES SNOOKER CLUB 17B STOKE NEWINGTON ROAD - arrived at venue to find at least 50 people inside, and with music so loud that it could be clearly heard from the street. DPS not present at venue, however premises licence holder Yasar AKIN was. Spoke with his son, Engin AKIN, who was advised that they had breached the terms of their premises licence.

GDRT00392063 Amanda GRIGGS (GD) p206071 refers

On Saturday 5/11/2011 PC RYAN 691GD, PC MERRY 494GD and PC GRIGGS 288GD conducted the following licensing visits.

EFES 17B STOKE NEWINGTON ROAD N16. A very busy night inside. Upon entry police heard music being played very loudly, MTV playing on a large screen, unattended pool cues, cans on the floor and the windows wide

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of

open. The DPS Mehmet was spoken to regarding these issues and told in no uncertain terms that their licence is at risk if they did not address these issues.

GDRT00397634 Kerrie RYAN (GD) p201365 refers

On 14/12/11 Following an appeal against the decision of the Licensing Sub-committee, a consent order is signed following agreement between all parties involved.

Total Crime Stats shown for the year below:

2011

Efes	Thur	Fri	Sat	Sun	Total
2201-0000	3	2			5
0001-0200		3	2	1	6
0201-0400			3	1	4
0401-0600			1		1
0601-0800		1			1
Total					17

On 24/02/2012 and 25/02/2012 as part of OP CONDOR officers visited all the venues listed below. They had a bulky hammer multi tool in a back trouser pocket to test the search and entry policy of venues:
(EDITED BY PC MERRY) - Venues listed removed.

Efes Snooker 2335 Searched but Missed Allowed Entry

All venues have been sent advisory / warning letters
GDRT00404882 Paul MERRY (GD) p202292 refers

On 27/3/12 - a new application for a premises licence under Section (17) of the Licensing Act 2003 received from Mr Yasar Akin by LBH.

In April 2012 PC PROCTER - Night Time Economy Team was assigned to monitor the venue Due to the continual breaches of the premises licence conditions and a noted in crease in crime since the New Premises Licence had been granted.

On Sunday 01st April 2012 at about 0300hrs police were called to the venue EFES Snooker Club by door staff using the SNOW radio CAD 957/01APR12.

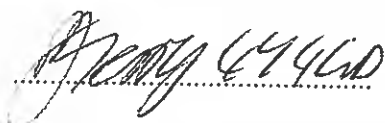
They stated that they were having trouble with some men on the door who were trying to force entry. On arrival things seemed quiet, the security pointed out the males who had been causing the problems and they were spoken to. They stated that they had tried to gain entry to the club but were refused because 'they look about 14'. One of the males said that they didn't even ask for ID and became very upset about the incident. Another of the males said that the door staff had assaulted him but kicking him on the leg. Several members of the public were spoken to in relation to the incident and they informed police that the 4 males had started squaring up to the door staff abusing them and being 'out of order' Words of advise was given to the males who the left the scene.

As we were called to the venue officers questioned the door supervisor about how many people he had inside the venue. He said there was approximately 355 but did not have a clicker to confirm the exact number. He stated that he will be getting a clicker next week. When asked how many people he is allowed in the venue he said 400. It was also noted that there were approximately 20-30 people in the cordoned off smoking area but there licensing conditions only allow for 10.

A short while after officers left the venue there was another call to the venue CAD 1249/01APR12 to the bouncers beating up a group of males and one was lying on the floor unconscious. On arrival members of the public stated that a transsexual female had just assaulted the door staff before running off. The suspect was found and spoken to by officers. The female door staff did not want to make any allegations to officers and was happy for the female to be released just as long as she was informed by officers that she was banned from the venue.
GDRT00405926 Amy PROCTER (GD) p229801 refers

On 23/03/2012 and 24/03/2012 the following venues were tested on their search entry policies:

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of

(EDITED BY PC MERRY) - Venues listed removed.

Efes - Stoke Newington Road after 2300 Hours - 2330 (24/03) - Search but no find - Warning letter sent.
GDRT00406384 Paul MERRY (GD) p202292 refers

On 21/04/2012 at about 0245 hrs officers from the Licensing Unit attended Efes Snooker Club 17b Stoke Newington Road N16. They had a TEN in place from Midnight until 0400 Hrs.

Music could be clearly heard by the exit on TRUMANS ROAD.

Present in the venue was Yasar and Engin AKIN (the owner and his son) plus a PLH who was a family member officers explained that at 0110 hours more than 10 people (16 seen) were in the smoking area at the front of the venue and at 0200 hours more than 10 people (23 seen) were in the smoking area at the front of the venue customers were still being allowed entry after 0230 Hours 8 customers were allowed into the venue in the presence of officers.

No first aid kit (one was produced with 3 plasters in it)

Pool cue's seen lying around the venue

Only 3 snooker tables in the venue all of which would be breaches under the Premises Licence.

Incident Log - not provided

The DPS was not present.

Mr Egin Akin stated 'I do not need to worry about the conditions as I have a TEN.' I began to explain to him that an agreement had been made at LBH Committee around the TEN's but he stated he was not present.

At 2110 Hours officers attended again. Present at the venue was the DPS and Engin the following breaches were witnessed by Police

3 Pool cues left unattended (not stored behind the bar)

First Aid kit was as the night before

3 snooker tables only in the venue

incident book not at venue

no signage with contact details of the DPS

Mehmet - DPS - was spoken to. He stated he remembered something about agreeing to being on the premises whenever TEN's were in place (he claimed to be sick the night before) and that they did agree to adhere to all conditions on TENs in the public meeting.

Advised re breaches of conditions on 21/04/2012 at 2110 Hours. Warning letter to be sent.

GDRT00407108 Paul MERRY (GD) p202292

On 06/05/2012 A crime report for Assault ABH was made against staff by a customer . CRIS 4612012/12 Refers. The details of the report were:(Copied from DETS of report) CAD: 001365/06MAY12

Officers attending: PC HARMER GD817, PC WILKINS GD450 & PC COOKE GD814.

On the stated date and time VIW1 was standing O/S the EFES , when a verbal argument broke out between himself and SUSP1(Doorstaff). This was initially broken up and both parties, moved away from each other. VIW2 believes that it was over beer. Shortly after both parties had moved away, VIW1 began to drink a beer (RED STRIPE), whilst having his back towards the SUSP1. SUSP1 then approached VIW1 from behind and placed her arms around him in apparently an aggressive manner. VIW1 then apparently began to try free himself from SUSP1 grip, resulting in him facing her. Apparently at no point did he raise his arms in an aggressive manner.. VIW1 then took several steps back from the SUSP, so as to create some distance between him and SUSP1. SUSP1 however, followed VIW1 and placed her LEFT arm on VIW's left shoulder. Upon doing this, SUSP1, then punched VIW1 with a clenched fist above the right cheek, causing a minor laceration. VIW3 then contacted police.

On Sunday 06/05/2012 at around 0300 hrs police had cause to attend EFES Snooker Club Stoke Newington Road N16 where there had been a call by a member of the public stating that his friend had been assaulted by a member of the door staff at the location. Police arrived on scene and spoke to the victim and witnesses to the incident. Apparently a group were trying to get into the bar but not all were successful so the ones outside called their friends inside and asked them to come out. One of the group came out with some cans that had been brought from inside the venue, on seeing him walkout a female door supervisor has grabbed the cans and took them off him and then explained that no drinks to be taken outside. An argument has ensued but did not get physical as the customer did not realise the rules.

Signature: 

Signature witnessed by:

2003(1)

Continuation of Statement of

The female door supervisor a (EDITED BY PC MERRY) - Name and address removed. Has seen another one of the group with a can of lager and has gone to take it off of the him as ***** has grabbed the can the victim who was very drunk has held on to the can and a bit of twoing and froing has occurred which has resulted in ***** getting lager on her clothes, in order to relieve the victim of the can of lager ***** has punched him to his left cheek causing him to fall over and leaving him with a 1 1/2 inch cut to his cheek. ***** was arrested for ABH and taken to GD custody Number *****

Police entered the venue to check CCTV and was met by a Engin AKIN who stated that he was the manager but did not know anything about the incident. AKIN was spoken to about his entry policy as he was letting people in after 0230 HRS and the fact that he did not know about the incident outside and that they should improve on communication.

There was a least 20-30 persons within the smoking area.
GDRT00407703 Jon WILKINS (GD) p205948

On Saturday 12/05/2012 at approximately 0200hrs officers from the night time economy team drove passed EFES snooker club on STOKE NEWINGTON Road. From outside the front we could clearly see a crowd of about 20-30 people both in a queue on the right hand and at the front of the door. On the left hand side of the door is the smoking area and it appeared to be holding more that the 10 people it should permit and instead had closer to 25. With that and the people who seemed to be queuing it made the front of the premises appear very crowded. It was also noted at this time that a window at the front of the building just above the door was open.

On Sunday 13/05/2012 at about 0215hrs officers from the night time economy team again went passed Efes snooker club. Similarly to the night before there seemed to be far too many people at the front of the premises in the smoking area and a large number in the queuing area. It was unseen as to whether they were letting new entries in at this point.

There were also several windows at the front of the premises open.
GDRT00408028 Amy PROCTER (GD) p229801.

In Early July 2012 I spoke with Engin Akin via the telephone and requested Mr Yasar Engin attend Stoke Newington Police Station to discuss Police concerns. I proposes 13th July 2012. On 13th I phoned Engin again as they failed to attend. He claimed he misunderstood the original phone call.

On 5/8/12 an assault occurred outside the venue. Both Sgt Hicks and I attended to view CCTV. We requested a copy of the CCTV but Engin was unable to do so. We again attended on 14/8 to collect the requested CCTV, it had not been downloaded. Again on 28/8 they were visited and no CCTV was available to be collected, they were given 5 days to provide on 3/9 further visit and they had not done so. This has lead to a loss of evidence in an assault case due to the lack of support shown by the management.

On 28/9/12 I attended to show Local Council members the venue, the windows at the front of the venue were clearly open and music was well above background levels.

Total Crime Stats shown for the part year below:

2012 to 11th Nov

Efes	Sun	Mon	Thur	Fri	Sat	Grand Total
1601-1800	1					1
2201-2400				1	3	4
0001-0200	11	1	1	1	5	19
0201-0400	6				3	9
0401-0600	1					1
Grand Total	19	1	1	2	11	34

In September 2012 Police attempted to organise a meeting with the staff and a legal representative to discuss the continual breaches of premises licence and poor management of the venue. Due to unavailability of parties this was postponed until October 2012.

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of

On the weekend of 3/4th November 2012 an incident occurred that required several Police officers attendance. During this incident the DPS punched a customer in the face without any physical provocation. Initially the cooperation shown by the new DPS was good and the venue's number of breaches decreased. However, gradually they have increased again and Police have witnessed unregulated entertainment taking place in the venue.

Other measures that have been taken to try and improve the venue include a change of DPS, several new sets of conditions during the various applications and advising them around crime prevention and crowd management.

On 14/10/12, a without prejudice meeting was held at Stoke Newington Police station. Mr Demir (DPS), Mr Jun Simon (Licensing Consultant), Mr David Dadds (Solicitor), PS Guy Hicks and PC Paul Merry were present. The purpose of the meeting was to discuss the Police concerns and look at an action plan for the venue. It was agreed that several actions would be taken. They included an action plan sent from Mr Dadds to Police by Monday 19th November 2012 allowing until Friday 23rd November 2012 to agree all parts.

Police have had no contact from the venue, or the solicitors, or Consultant since that date.

Police have spent extensive amounts of time at this venue, we have continually given advice and support around crime reduction through the CIMOS report, regular meetings and also in group meetings such as pubwatch. The total number of crimes in the venue between Jan 2012 and 7th May 2012 has surpassed the total number of crimes compared to any previous year that the venue has been trading. Police have issued several written warning to the venue due to the continual breaches of premises licence.

It is of our opinion that this shows that Efes Snooker Club is a crime generator and is clearly showing a disproportionately high level of crime compared to similar venues. The Police have worked with the management team and have continually provided advice to them. However due to the continual breaches in Licensing legislation including those imposed by the committee and a high number of reported crimes at the venue we have no faith in them. Police are of the opinion that the above information shows that the management team and owners of the venue have clearly undermined the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.

The police invite the sub-committee to revoke the premises licences as a proportionate and necessary step to promote the licensing objectives.

Signature:



Signature witnessed by:

2003(1)

Efes Snooker Club, 17B Stoke Newington Road – Timeline

Date	Occurrence
26/07/2006	Application for a premises licence under Section (17) of the Licensing Act 2003 received from Mr Vural Kacmaz.
24/09/2007	Premises licence LBH-PRE-T- 0880 granted by the Licensing Sub-Committee
09/06/2008	Application received under Section (42) of the Licensing Act 2003 to transfer the premises licence to Mr Yasar Akin and vary the licence under Section (37) to specify Mr Ali Ihsan Tepe as premises supervisor with immediate effect.
31/10/2008	Application received under Section (37) of the Licensing Act 2003 to vary the licence to specify Mr Yasar Akin as premises supervisor with immediate effect.
18/02/2009	Application received to vary the licence under Section (34) of the Licensing Act 2003 (Withdrawn 31/05/2011).
15/10/2010	Application received to vary the licence under Section (34) of the Licensing Act 2003 (Withdrawn 12/11/2011).
15/11/2010	Application received to vary the licence under Section (34) of the Licensing Act 2003.
10/01/2011	Application received under Section (37) of the Licensing Act 2003 to vary the licence to specify Mr Mehmet Demir as premises supervisor with immediate effect.
11/01/2011	Section 34 application to vary licence is approved by the Licensing Sub-Committee with amendments.
05/04/2011	New application for a premises licence under Section (17) of the Licensing Act 2003 received from Mr Yasar Akin.
09/06/2011	New premises licence is granted by the Licensing Sub-Committee.
14/12/2011	Following an appeal against the decision of the Licensing Sub-committee, a consent order is signed following agreement between all parties involved.
27/03/2012	New application for a premises licence under Section (17) of the Licensing Act 2003 received from Mr Yasar Akin.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Kerrie RYAN

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

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

Witness Signature: Date:

On Saturday 3rd November 2012, I was on duty in plain clothes engaged on licensing patrols in the Dalston area. At approximately 0210hrs I heard a call on my personal radio, from CCTV, stating that the door staff at EFES SNOOKER CLUB, STOKE NEWINGTON ROAD, N16 were asking for police assistance. We were close by and started making our way to the venue to assist. A couple of minutes later we pulled up in our vehicle opposite the premises. As we got out of our vehicle another call came over the radio stating that there was a fight at the location. We approached the main entrance and I saw several males fighting. A large black male in all black clothing with an SIA badge on his arm, who I now know to be Andrew OFOMOLA pointed at another black male wearing jeans and a jacket. There were lots of people outside the venue and it took a while to identify those involved. Whilst trying to speak to those involved to try ascertain what had occurred, I turned around and saw Mr OFOMOLA dragging a black male by his hair and his jacket to a door way. My colleague and I attempted to separate the males, instructing OFOMOLA to release the male. It took several loud verbal commands and physical attempts until the male was released. Once the situation appeared to have calmed down a little and several other police units had arrived, I went inside the club to speak to the management. As I approached the front door, I was approached by a male member of the public who pointed at a Turkish male with hair in a ponytail wearing a checked shirt and said 'He started it. He's causing trouble'. I walked through the main entrance and up the stairs to the first floor. As I opened the door into the venue I was shocked to see the amount of people that were inside. There were several hundred people inside, loud music playing and a television screen. I made my way to the bar to identify the management team. In my opinion, the venue was grossly overcrowded, to the point that it felt unsafe. I went to the bar, showed my warrant card to the bar staff and

Witness Signature:

Signature Witnessed by Signature:

67

Continuation of Statement of:
 asked to see the manager. After a short while I saw Mr Yasar AKIN, the Premises Licence Holder and Mr Engin AKIN, his son, both of whom I have met previously. I asked about the incident that had happened outside. I spoke with Engin as I was aware that his fathers English was not as good as his and I wanted to ensure that he understood. I asked if we could see the CCTV footage from the camera at the main entrance to try and get a better understanding of what had happened at the doors so that I could relay the information to my colleagues who were still dealing with it outside. Neither of them appeared to know how to work the CCTV system and instead fetched a female member of staff to rewind the CCTV and allow us to view it. The lights were put up, the bar was closed and the patrons were asked to leave by the staff. I then went behind the bar to view the CCTV footage. The footage showed two black males at the door who had been refused entry by the door team. They remained at the door refusing to leave and then started verbally abusing the door staff. The CCTV showed the Turkish male in the checked shirt standing on the inside of the door. One of the bar staff pointed at it and said that's Mehmet. I now know this male to be Mehmet DEMIR, the Designated Premises Supervisor. The CCTV footage shows that the door staff are verbally abused and at one point Mr Andrew OFOMOLA, the head door supervisor, was spat at. Mr DEMIR came from behind the door, over the top of the shoulder of another door supervisor and punched one of the males in the face. This then turned into a fight at the front door.

A while later, once the venue had been emptied, I took details of all the door supervisors on duty. I then checked them against the SIA register and discovered that the female door supervisor did not have a valid SIA badge. It had expired in January 2012. The management were questioned about this and stated that they were unaware. When asked if the door staff sign in and out of a register giving their badge details, a book was presented to me. The female had clearly written her badge number in the register, but the venue had not checked the numbers to ensure that they were employing qualified door staff. I asked the head door man, Mr OFOMOLA, how many people they had inside the venue when we had initially arrived. He looked at the clicker and said 'around 600, 550'. He stated that they were at the stage of one in, one out and had reached capacity.

I asked to speak to the DPS. A short while later a Turkish male, of slight build wearing glasses presented himself to me as the DPS. I asked him if he was the DPS. He said yes.

Witness Signature:

Signature Witnessed by Signature:.....

Continuation of Statement of:

It wasn't until I returned to the office later that night that I discovered that this wasn't the case, but he was a family member and works at the venue. It is extremely disconcerting that the staff do not know who the DPS at the venue is when it is such an important role. It is also worrying that the staff are not aware of what his role within the organisation is.

I find it incredibly disappointing that the DPS of the venue, the person responsible for the sale of alcohol, and who should be setting an example to the rest of the staff, was the one who has lashed out and assaulted a member of the public. He has intervened in a situation being dealt with by the door team, where, at the most, he should have been a mediator, lost his temper and self control and exacerbated the situation. This is unprofessional and totally unacceptable

Staff records are clearly not checked. Having an unauthorised door supervisor on the main entrance puts, not only the venue at risk, but any other door supervisor working with them and any member of the public walking through the doors. It is the responsibility of the Premises Licence Holder to protect the safety of their patrons and staff at all times. This is severely lacking.

This venue has come to the attention of police on several occasions. On each occasion I have felt that they are not in control of the venue. Nobody seems to know their role and what they are responsible for. The street outside is chaotic. There is little distinction between those queuing to get and in and those coming outside to smoke. The venue, in particular, Yasar and Engin AKIN and Mr DEMIR, have been spoken to numerous times about the state of this, but there has been little, if any, improvement.

Should this venue be continued to be managed in this way, the probability of someone getting hurt is high. The overcrowding inside, poses a huge safety risk in the case of a fire or a need to quickly evacuate the building. And the lack of supervision and staff management means that the premises cannot be run in a way that promotes the licensing objectives.

Witness Signature:

Signature Witnessed by Signature:

WITNESS STATEMENT

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

Statement of **Robert BAKER**..... URN:

01	GD		12
----	----	--	----

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable 206921**

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

Signature: *[Signature]* Date: **21/12/2012**.....

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

On SUNDAY 16th DECEMBER 2012 I was on duty in plain clothes in company with PC's 450GD WILKINS, 814GD COOKE and 817GD HARMER who were also in plain clothes. At 1930HRS we attended EFES 17B STROKE NEWINGTON ROAD N16. I found the door to the club open with no door staff/supervisor present either at the door or just inside or even in the stair well leading into the hall area which they require as apart of their license when the door is open other wise they are to control access to the premises via the intercom. I entered the main Hall and found approximately 300 patrons crammed into the front half of the hall around the large screen which is to the LEFT as you enter the hall from the double doors, the door to the hall it's self was obstructed by the sheer number of people crammed in and stood in front of it. I spoke to the manager and his nephew from STONE CAVE, they stated that they had a capacity of 240 but had sold 270 tickets for people to watch the Juventus - Atalanta match. I found that the only doorman on for the evening was stood inside watching the football and eating. The manager stated that he did not have any other doormen on and it was pointed out to him that he should have for safety reasons another 2 doormen on as their venue is above ground and they had anticipated large number and would need the additional door staff to facilitate safe egress if there was an emergency and to hopefully reduce the likely hood of a crushing incident should there be a fire or some other kind of incident requiring the quick evacuation of people, adding to the risk of a likely crush was the wet floor/stairs.

The manager claimed that he did not need extra door staff as the condition stated that he only needed them after 2200HRS, this decision in my opinion shows poor management as they are not considering the potential dangers with large numbers of people for this type of venue, he also did not seem to understand that even if his conditions state he did not need more than 1 doormen on that it was in the interest of public safety that he have extra doormen on so that they could operate with the industry standard of ONE (1) supervisor to ONE HUNDRED (100) people ratio.

The following 2 conditions have been taken from the Hackney Licensing website and I believe EFES has breached the TWO (2) conditions. Condition 6 is only really of concern due to the part where it states "and to be considered on a continual operational risk assessment" relating to there being 2 SIA door supervisors.

- 27. When security is not present a buzzer entry system will be used from 1900 Hours.
- 6. Two SIA door supervisors to be present from 2200 hours until close on every Thursday, Friday and Saturday and to be considered on a continual operational risk assessment. The applicant shall ensure search procedures are in place and conducted. All details (full name, date of birth, address, SIA badge number, company and booking on and off times) to be recorded and to be made available to the police immediately.

I recorded this on CRIMINT reference GDRT00420175.

Signature: *[Signature]* Signature witnessed by:

22

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC108GD 206921 Robert BAKER**..... Station: **GN**

Time and place statement taken:

WITNESS STATEMENT

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

Statement of **Amy PROCTER**..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 229801**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Amy Procter 1805GD Date: 31.05.12

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

I work on the night time economy team in Hackney Borough. Part of my role is to work with clubs in the Hackney area as a liaison officer for any issues that may occur. At the end of April 2012 I was made aware that Efes Snooker Club was beginning to rise on our top 20 problem venues list due to an increase in crimes at the venue. I was tasked to make the club one of my venues. Since that I have conducted 2 licensing visits checking to see if they are adhering to their conditions.

The first visit I conducted was on Friday 27th April 2012 at about 2230hrs. I was in uniform and accompanied by PC HARMER 817GD. On arrival at the venue there were 2 SIA security staff who on seeing us arrive used their radios and appeared to be letting management know we were there. Once inside the venue I spoke to a male who advised me that he was the manager of the premises Mr Engin AKIN. He told me that it was himself and his father Mr Yasar AKIN on the premises. As it was after 2100hrs and I knew part of their licensing conditions is to have a Personal License Holder 'PLH' or a Designated Premises Supervisor 'DPS' that isn't either of them I asked him who else was on the premises. He told me that the DPS a Mr Mehmet DEMIR had 'popped home' He also told me that his other brother who was a PLH had 'popped to get some food' and that he would be back shortly. I could see people at the bar still getting serve alcoholic beverages at this time. Whilst at the venue I found other breaches to their conditions, all of which I pointed out to Mr AKIN and then labelled out in a report on the police CRIMINT system. I advised Mr E AKIN that I would be working with them as their liaison officer. I gave them my details and told them to contact me with any issues or if they needed any assistance. Neither the DPS or PLH arrived at the location in the time I was there. That night on the 28th April at approximately 0315hrs I attended the location again but this time did not enter and I could clearly see more breaches to their license namely about 20-30 people in the smoking area where there should only be 10 max. There was also a female leaning out of an open window at the top over looking the crowd and they are not allowed any windows open.

Signature: Amy Procter 1805GD Signature witnessed by:

Continuation of Statement of Amy PROCTER.....

The next time I conducted a visit to the venue was Monday 28th May 2012 at about 0130hrs. I was in uniform and accompanied by PC AHMED 227GD and PC SHARKEY 461GD. On arrival at the venue I used the buzzer to gain access. Once inside I spoke to a female who was working behind the bar. I asked her if there were any management on the premises and she told me that she would contact her boss who had 'popped downstairs to get some food.' About 5-10 minutes after we arrived a male who I recognised from the last visit as Mr Yasar AKIN came into the bar. Mr AKIN does not speak very good English so he had his nephew with him to translate. I asked him if there was anyone else on the premises, either a DPS or PLH and I was told that someone else was downstairs and they would be coming up shortly. Another 5-10 minutes later a male came into the bar who gave his details as Ismail Cem DEMIR. He told me he's a personal license holder and showed me his licence. I asked him why he had not been on the premises when I arrived and up to 20 minutes after I had got there and he told me that he had been there all day and is only human so he has to eat. I have then asked Mr Yasar AKIN where the incident log book was. It was explained to him in Turkish but Mr AKIN didn't seem to understand what I was asking for. I tried to explain again asking him for the book which they put details of any incidents which occur in the venue but again he did not seem to understand what I wanted to see. Mr AKIN started to produce all sorts of paperwork from behind the bar. All of this paperwork seemed to be in a very unorganised manner just piled in various places all around the bar. Having no success in asking for the incident log book I moved on to ask where the details of the DPS manager was visible for patriots to see. Again this was translated for Mr AKIN but no one could tell me where to find the details on display. About 30 minutes after arriving at the location Mr Engin AKIN arrived and introduced himself. I have then gone through the points that I have found such as the incident log being missing, the DPS details not being on display and a few other things I have found. Mr AKIN started telling me that he had been on holiday getting engaged and this was why things in the premises wasn't up to scratch.

I have only met the owner Mr Yasar AKIN and his son Mr Engin AKIN who claims to be the manager of the premises. When I have spoken to them they always seem to be coming up with some sort of excuse as to why the conditions of their licence keep getting breached. It comes across as very disorganised and unprofessional.

Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of Tom Sigmund URN:

--	--	--	--

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

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

Signature: [Signature] Date: 14/04/12

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

I am Licensing Inspector in the Metropolitan Police Service, I have 19 years service and have worked on Hackney Borough for 8 years. This statement relates to Efes Snooker Club 17B Stoke Newington Road N16. On Saturday 14/04/2012 at about 0620 I was off duty walking North along Stoke Newington Rd, toward Stoke Newington police station in order to commence duty at 0700. As I passed Efes snooker club, 17B Stoke Newington Rd, London N16 I noticed an unusually large amount of debris and rubbish directly outside the venue. There were bottles, some intact, some broken, glasses and discarded food packaging all centred on the entrance to the venue. In addition there was an incredible amount of discarded cigarette butts, numbering some hundreds, on the pavement directly outside the door and for about 20 metres either way along the pavement. There was other debris and rubbish elsewhere along the road but not to the same extent or concentration. My assessment was that this unacceptable degree of detritus originated from Efes customers the previous night. I am aware that the venue has an application for a New Premises Licence allowing the sale of alcohol until 0345 hours and regulated until 0400 hours. It is in my opinion that the owner/managers of this venue continually undermined the Licensing objectives of Crime and disorder and the prevention of public nuisance and that the granting of this new licence will cause an increase in crime and anti social behaviour in an already very demanding area that considerable resource are in place.

[Signature]

Signature: [Signature] Signature witnessed by:

26

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

KT

Merry Paul - GD

From: Birt Matt M - GD
Sent: 12 June 2012 14:41
To: Merry Paul - GD
Subject: Cris 4613878/12 EFES snooker club

Paul,

I am aware that this venues conditions state that they must provide their CCTV upon request of the police. The IIO for my report which is an alleged gang assault, cris 4613878/12, requested the CCTV at the time from Yakan Akan who stated he was the manager but he told the officers that he couldn't do it at the time. I am aware that it is part of their conditions to provide this upon request, especially as the person who was capable of facilitating that request was present at the time of it being made. Below is a cut and paste directly from the report made by PC 828 GD JAMES.

CCTV - LBH did not capture the incident. However, EFES Snooker club had cameras that show SUSP1 and the other males arrive via two separate silver cars (too blurry to ascertain the brand or VRMs) and park up on TRUMANS ROAD. It the shows SUSP1 go over to the shop before returning and walking behind the blue metal crates where VIW1 joins him shortly after (shown as happening between 1916 and 1930 hours on their camera system.) It does not show the assault but does show VIW1 walking off quickly and SUSP1 and his associates then dashing to their cars and drivnig away in a hurry. EfES will burn this off for us - the OIC needs to call Yakan AKAN (manager) on 0207 249 6040 to arrange as he couldn't do it at the time.

For your information as they do not appear to be complying with their licence and this could disrupt any urgent enquiries by the CID in the future,

DC Matt Birt

Shoreditch Violent Crime Unit

TERRITORIAL POLICING

Mr Yasir Akin
Efes Snooker Club
17B Stoke Newington Road
Stoke Newington

N16 8BH

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile.

Email: hackneylicensing@met.police.uk

www.met.police.uk

Our ref: 01GD/WAR/1/11

10 July 2011

Dear Mr Akin

On Saturday 9th July 2011 officers from the Police Licensing unit witnessed a breach of the Premises Licence at Efes Snooker Club 17B Stoke Newington Road N16.

On 10th June 2011 a New Premises Licence was granted to your venue at London Borough of Hackney Licensing Sub committee and a condition was imposed by the committee, your legal representatives and DPS were present at the hearing. Condition number 51 states - There shall be no new admission to the premises after 02.00 the day following. At 0245 hours PC 288GD Griggs and I were outside your venue when I saw a male approach security from the street, he was fully searched, he was entry stamped on his wrist and allowed into the venue. He was in a small group that also appeared to be given entry for the first time. This is a clear breach of your premises licence. Please note this letter as a first written warning in regards to a breach of the premises licence.

Yours sincerely,

Paul Merry PC 494GD

TERRITORIAL POLICING

Mr Yasir Akin
Efes Snooker Club
17B Stoke Newington Road
Stoke Newington

N16 8BH

GD - Hackney Borough
GD Shoreditch and Hackney Police
Station

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/2/11

10 July 2011

Dear Mr Akin

On Saturday 9th July 2011 officers from the Police Licensing unit witnessed a breach of the Premises Licence at Efes Snooker Club 17B Stoke Newington Road N16.

On 10th June 2011 a New Premises Licence was granted to your venue at London Borough of Hackney Licensing Sub committee and conditions were attached to that licence from the operating schedule, your legal representatives and DPS were present at the hearing. Condition 46 states Two SIA door supervisors to be present from 2200 hours until close on every Thursday, Friday and Saturday and to be considered on a continual operational risk assessment. The applicant shall ensure search procedures are in place and conducted. All details (full name, date of birth, address, SIA badge number, company and booking on and off times) to be recorded and to be made available to the police immediately.

Between 2330-2345 hours I was present outside you venue in company with PC 288GD Griggs and only one (1) member of SIA was present. I also asked to inspect the SIA signing in sheet for the weekend and none was available. This is a clear breach of your premises licence. Please note this letter as a second written warning in regards to a breach of the premises licence.

Yours sincerely,

Paul Merry PC 494GD



(31)

TERRITORIAL POLICING

Mr Yasir Akin
Efes Snooker Club
17B Stoke Newington Road
Stoke Newington

N16 8BH

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile:

Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/4/11

11th August 2011

Dear Mr Akin

On Sunday 7th August 2011 officers from the Police Licensing unit witnessed two (2) breaches of the Premises Licence at Efes Snooker Club 17B Stoke Newington Road N16.

On 10th June 2011 a New Premises Licence was granted to your venue at London Borough of Hackney Licensing Sub committee and a condition was imposed by the committee, your legal representatives and DPS were present at the hearing. The previous premises licence is still in force and you informed me that that was the licence you were using that evening.

At 0305 Hours PC 288GD Griggs and PC 494GD Merry were standing outside your venue I we could clearly here loud music being played. We entered the venue and I saw you run to the stereo and turn the music down to a background noise level. There were people standing at the bar and what appeared to be fresh drinks on it and approximately 50 persons present inside the venue. The venue is not licensed for regulated entertainment with regards to music. Your permitted hours to be open to the public conclude at 0300 Hours. Therefore you have breached your premises licence in two separate ways.

Please note this letter as a warning in regards to a breach of the premises licence.

Yours sincerely,

Paul Merry PC 494GD

32

Designated Premises Supervisor
Efes Snooker Club
17B Stoke Newington Road
London N16 8BH

GD - Hackney Borough
GD Shoreditch and Hackney Police
Station

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/43/12

8th March 2012

Dear Sir/Madam

Over the weekend of Friday 24th - Saturday 25th February 2012 a plain clothes police officer tested your search and entry procedures.

He was in possession of a hammer multi tool including knife located in a trouser pocket that would have been easily found by a member of your security staff if he was searched.

On this occasion he was not searched and was allowed entry to your venue.

Obviously this causes concern as someone was able to enter your venue in possession of such potential weapons without being challenged.

The London Borough of Hackney/ Police search and seizure policy states:

1.2 As a minimum standard **ALL** licensed venues should implement a random search policy, with searching of all customers being considered dependant on promotion, operating history etc.

This letter should be taken as a written warning and any subsequent breaches in Licence Conditions may result in further action being taken. Please feel free to contact us to discuss further if you wish.

Yours faithfully,

Hackney Police Licensing Unit

Mr Yasar Akin
Efes Snooker Club
17B Stoke Newington Road
London N16 8BH

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/51/12

5 April 2012

Dear Mr Akin

On Saturday 24th March 2012 between 22.00 and 24.00 a plain clothes police officer tested your search and entry procedures.

He was in possession of a hammer multi tool including knife located in a jacket pocket that would have been easily found by a member of your security staff if he was searched properly.

On this occasion he was searched but the implement was not found and he was allowed entry to your venue.

Obviously this causes concern as someone was able to enter your venue in possession of such a potential weapon.

The London Borough of Hackney/ Police search and seizure policy states:

1.2 As a minimum standard **ALL** licensed venues should implement a random search policy, with searching of all customers being considered dependant on promotion, operating history etc.

This letter should be taken as a written warning. Any breaches in Licence Conditions may result in further action being taken. Please feel free to contact us to discuss further if you wish.

Yours sincerely,

Hackney Police Licensing Unit

TERRITORIAL POLICING

Mr Yasir Akin
Efes Snooker Club
17B Stoke Newington Road
Stoke Newington

N16 8BH

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile:

Email: hackneylicensing@met.police.uk

www.met.police.uk

Our ref: 01GD/WAR/55/12

5th April 2012

Dear Mr Akin

On Sunday 1st April 2012 officers from the Police night time economy team witnessed a breach of the Premises Licence at Efes Snooker Club 17B Stoke Newington Road N16.

At 0300 hours officers were outside your venue when they saw between 20-30 people in the roped off area you use for allowing customers to smoke. Condition 45 - Smoking to cease in the upstairs outside smoking area at 2200 hours. After 2200 hours, smoking will only be allowed at the front of the premises on Stoke Newington Road. No more than 10 patrons at any one time shall be permitted to smoke outside the premises on Stoke Newington Road.

This is a clear breach of your premises licence. Please note this letter as a written warning in regards to a breach of the premises licence.

Yours sincerely,

Hackney Licensing Unit

TERRITORIAL POLICING

Mr Yasar Akin
Efes Snooker Club
17B Stoke Newington Road
London N16 8BH

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/59/12

3rd May 2012

Dear Mr Akin

On 21/04/2012 at about 0245 hrs officers from the Licensing Unit attended:

Efes Snooker Club 17b Stoke Newington Road N16. They had a TEN in place from Midnight until 0400 Hrs. Music could be clearly heard by the exit on TRUMANS ROAD.

Present in the venue was Yasar and Engin AKIN (the owner and his son) plus a PLH who was a family member, officers explained that at 0110 hours more than 10 people (16 seen) were in the smoking area at the front of the venue and at 0200 hours more than 10 people (23 seen) were in the smoking area at the front of the venue customers were still being allowed entry after 0230 Hours 8 customers were allowed into the venue in the presence of officers.

No first aid kit (one was produced with 3 plasters in it)

Pool cue's seen lying around the venue

Only 3 snooker tables in the venue all of which would be breaches under the Premises Licence.

Incident Log - not provided

The DPS was not present.

Mr Engin Akin stated 'I do not need to worry about the conditions as I have a TEN.' I began to explain to him that an agreement had been made at LBH Committee around the TEN's but he stated he was not present.

At 2110 Hours officers attended again. Present at the venue was the DPS and Engin the following breaches were witnessed by Police:

3 Pool cues left unattended (not stored behind the bar)

First Aid kit was as the night before

3 snooker tables only in the venue

Incident book not at venue

No signage with contact details of the DPS

Mehmet - DPS - was spoken to. He stated he thinks he remembered something about agreeing to being on the premises whenever TEN's were in place (he claimed to be sick the night before) and that they did agree to adhere to all conditions on TENs in the public meeting. This letter should be taken as a written warning. Any breaches in Licence Conditions may result in further action being taken. Please feel free to contact us to discuss further if you wish.

Yours sincerely,

TERRITORIAL POLICING

Mr Yasar Akin
Efes Snooker Club
17B Stoke Newington Road
London N16 8BH

GD - Hackney Borough
GD Shoreditch and Hackney Police
Station

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile:

Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/61/12

4th May 2012

Dear Mr Akin

Police attended Efes Snooker club at 2230hrs on Friday 27th April 2012 to conduct a licencing check.

Inside the premises officers spoke to Mr Engin AKIN who stated that he and his father were at the premises. On asking them if a DPS or personal license holder were inside the venue he stated that Mr Mehmet DEMIR the DPS had 'popped home' and only lived up the road. He also said that his other brother Mr Seckin AKIN who is a personal license holder had been on the premises but he had also 'popped out' get some food. Customers were observed purchasing alcohol at the bar at this time. A Personal Licence Holder 'not Mr Engin Akin or you' must be in the venue after 2100 Hours.

There were 5 pool tables but only 3 snooker tables in the venue which on there license conditions states there should be 4 snooker tables. Mr AKIN was aware of this but stated that officers and lawyers had made a mistake on this part of the license as there had never been 4 snooker tables. You appealed the licencing sub committee's decisions on this license and have never mentioned this before. A Breach of your premises licence.

The venue was again visited at 0315-0330hrs on Saturday 28th April 2012. There was a large crowd of people approximately 20-30 in the smoking area just out the front. There was also a queue of people about 10-15 long who appeared to be waiting to gain entry. 2-3 were let in whilst officers were present. At the front one of the windows was open and a female was seen to be looking out of it at the crowd below. A Breach of your premises licence.

Yours sincerely,

Hackney Police Licencing Unit

TERRITORIAL POLICING

Mr Yasar Akin
Efes Snooker Club
17B Stoke Newington Road
London N16 8BH

GD - Hackney Borough
GD Shoreditch and Hackney Police
Station

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/63/12

12th June 2012

Dear Mr Akin

On Monday 28th May 2012 Police attended Efes Snooker Club to conduct a licencing check 0130hrs. On arrival there were no door staff present but it was using a buzzer entry system as part of their conditions.

Once inside the venue there was a female who was working behind the bar. She was asked who was in charge of the venue and she said it was her boss who had 'popped downstairs' to get some food. She was asked if there was a PLH or DPS on the premises and she did not know but told us she would get her boss. About 5-10 minutes after arriving at the venue Mr Yasar Akin arrived. Mr Akin does not speak very good english so he had a nephew with him who was translating. Part of the conditions on his licence is to have a PLH or DPS after 2100hrs who is not him or his son Mr Engin AKIN. I asked if there was anyone else on the premises with a licence and he told me yes someone else who was downstairs and coming up. Another 5-10 minutes later another male arrived who showed my his personal licence:

Mr Ismail Cem DEMIR LBH-PER-N-1356 expires 28/02/2021.

I asked Mr DEMIR where he had been and he told me that he had been there all day long but that he is human and need to have cigarettes and to eat so he had been downstairs with his girlfriend having food.

Everyone involved was advised that there needed to be 1 DPS or PLH on the premises when alcohol is being served otherwise they are breaching their conditions. When we arrived on the premises and for up to-20 minutes after we had arrived there was not one and people were getting served alcohol.

Mr Yasar AKIN was asked for the incident log for the venue. Mr AKIN did not seem to understand what this was. It was translated to him by one of the other males but he still didn't seem to understand what the incident log was and began getting all sorts of other paperwork out. He was pulling stuff out from all over the bar and there didn't seem to be any sort of order to the forms. Again he was asked for the incident log but nothing was produced.

Mr AKIN was then asked where the signage advising customers of the contact details of the designated Premises Supervisor. Again he didn't seem to know what I was looking for. On looking at the bar area there did not seem to be anything on display showing these details.

On looking around the premises it was noted that the entrance/exit had signage asking customers to leave the premises quietly and that it had CCTV in operation but it did not state anything about a drugs or weapons policy. The pool cues were being stored in a bucket by the bar but not behind it as requested in their policies. There were 3 snooker tables instead of 4 and at the front of the bar 2 windows were open.

As we were conducting these checks Mr Engin AKIN arrived on the premises. Mr Engin AKIN I was told is the manager of the premises. I have then spoken to him about the breaches that I found. Mr AKIN has began telling me that he has been out of the country in Germany getting engaged and that this was the reason for all of the problems. I asked him where the incident log was and he told me that the person he had left in charge whilst he had been away had taken it home with him last night (Saturday-Sunday 26th May) but had been off and was going to bring it back when he came back in. I then asked him where the details of the DPS was on display for customers and he said that he had written them down and had meant to put it up.

Mr AKIN was advised of the rest of the breaches that had been found and he advised that they would all be sorted by our next visit to the venue.

This letter should be taken as a written warning. Any breaches in Licence Conditions may result in further action being taken. Please feel free to contact us to discuss further if you wish.

Yours sincerely,

Hackney Police Licensing Unit

TERRITORIAL POLICING

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station****Designated Premises Supervisor
Efes
17B Stoke Newington Road
London
N16 8BH**Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DSTelephone: 0207 275 3022
Facsimile:
Email: hackneylicensing@met.police.uk
www.met.police.uk

Our ref: 01GD/WAR/107/12

10th Dec 2012

Dear Sir/Madam

On Friday 30th November 2012 between 23.00 and 00.01 a plain clothes police officer tested your search and entry procedures.

He was in possession of an imitation knuckleduster located in a jacket pocket that would have been easily found by a member of your security staff if he was searched properly.

On this occasion he was searched but the implement was not found and he was allowed entry to your venue.

Obviously this causes concern as someone was able to enter your venue in possession of such a potential weapon.

The London Borough of Hackney/ Police search and seizure policy states:

1.2 As a minimum standard **ALL** licensed venues should implement a random search policy, with searching of all customers being considered dependant on promotion, operating history etc.

This causes us particular concern as your venue is currently under review. Please feel free to contact us to discuss further if you wish.

Yours sincerely,

Hackney Police Licensing Unit

This premises licence has been issued by:
Licensing Service
London Borough of Hackney
263 Mare Street
London E8 3HT

Premises Licence Number
LBH-PRE-T-0880

Part 1 - Premises details
Efes Snooker Club
17B Stoke Newington Road
London
N16 8BH

This licence is valid from
24/09/2007

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence

- 1) Sale by retail of alcohol
- 2) Indoor sporting events

The times the licence authorises the carrying out of Licensable activities

- 1) **Supply of alcohol**
Standard Hours
Monday to Sunday: 12:00 to 02:45 the day following
- 2) **Indoor sporting events**
Standard Hours
Monday to Sunday: 09:00 to 03:00 the day following

The opening hours of the premises

Standard Hours
Monday to Sunday: 09:00 to 03:00 the day following

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

On Sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Yasar Akin
17B Stoke Newington Road
London
N16 8BH

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

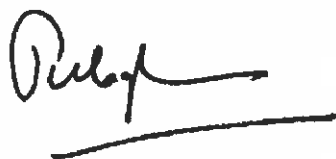
Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

DPS Name	Yasar Akin	
DPS Licence number	LN/00006643	
Issuing authority printed on that licence	London Borough of Haringey	
	Start date	End date
Period their licence is valid	12/09/2008	11/09/2018

Conditions associated with this Licence are annexed (1 to 4) on the following four pages of this document.

Issued by



**Thani Ulaga-Nathan
Licensing Services Manager**

Annex 1 - Mandatory conditions

Mandatory conditions for the supply of alcohol

1. No supply of alcohol may be made under the premises licence:
 - At a time when there is no designated premises supervisor in respect of the premises licence.
 - 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.

Mandatory Condition: Door Supervision

3. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating schedule

4. Toughened glass shall be used for service. At busy hours, the glass is to be replaced by plastic cups.
5. No open bottles or other drinks containers shall be carried from the premises.
6. There shall be no 'happy hours' or similar drinks promotions.
7. Applicant shall maintain effective door control.
8. Staff will be trained in crime prevention.
9. Applicant shall maintain search procedures.
10. Staff will regularly check all public areas including toilets.
11. Measures shall be taken to promote sensible drinking.
12. Measures shall be taken to prevent drink spiking.
13. An anti-drug policy is to be promoted. No drugs will be consumed on the premises.
14. Measures shall be taken to deal with queuing, where necessary.
15. Outdoor areas are to be checked regularly.
16. All waste will be disposed of carefully.
17. Proof of age provisions including signage, photo driving licence, passport, or identification carrying the Portman Group PASS Hologram will be required.
18. Persons under the age 18 years will not be served alcohol at all.
19. The applicant shall clearly display signs at all exits requesting patrons to leave the area as quietly as possible.
20. There shall be no discharging of bottles or bins between the hours of 23:00 and 07:00.
21. Applicant to make customers aware of the laws regarding sales or purchase of alcohol on behalf of children.
22. All staff shall be fully aware of legislation and always vigilant.
23. Premises and their vicinity to be monitored to ensure that children are not pressuring other customers to buy alcohol on their behalf and that children are

not using, or being encouraged to use, the gaming machines.

24. Applicant to nominate member of staff who is able to advise other staff and deal with child protection matters – knowing who to contact and what to do if they are concerned about a child.
25. Applicant shall demonstrate competence in taking appropriate immediate or emergency child protective action and knowledge of how to make a referral to Duty and Assessment and/or the police.
26. Applicant shall provide a commissioning/ compliance certificate from a competent person. This to include relevant fire action notices to be provided and staff training on the fire alarm, its use and actions on sounding. Records of weekly test must be carried out.
27. Applicant to provide adequate fire fighting equipment according to risk. Annual maintenance certificate to be provided.
28. Applicant to provide an emergency lighting test certificate by a competent person. Escape lighting to comply with BS 5266.
29. Fire exit signage to be provided to exit routes.
30. Recordable CCTV system to be installed and maintained. Recordings shall be stored for a minimum of 31 days and made available to Police and Local Authority on request. CCTV areas to be covered to include exterior of premises, entrance(s) and bar area. One further CCTV camera shall be located at the top of the stairs by Monday 24th September 2007.
31. The premises will operate a zero tolerance policy to drugs and comply with the Hackney Policy/ Council Community Safety Unit Drugs and Weapons policy.
32. Toilets will be checked hourly from 19.00 to closing time.
33. The premises will in cooperation with Hackney Police regularly facilitate a premises drug audit using the Ion Itemiser or similar device.
34. Signs will be displayed to inform all customers that the premises operates a zero drugs policy
35. There will be no happy hour alcohol promotions.
36. The premises will operate a no caps or hoods policy on entry to the premises.
37. "CCTV in operation" notices to be prominently displayed.
38. The licensee will report any incidents of a criminal nature that may occur on the premises to the police.

39. Appropriate fire safety procedures to be in place including fire extinguishers (H2O,CO2) illuminated fire exit signs , smoke detectors and emergency lighting.
40. Acceptance of accredited proof of age cards (eg Connexions card and Citizen Card, driving licence where photograph included, passport, official ID card issued by HM forces or by a EU country bearing the photograph and date of birth of bearer.
41. Clear and legible notices will be prominently displayed showing a message such as "if you appear to be under the age of 21, you will be required to prove you are over 18".
42. Register of refused sales shall be kept on the premises .This shall include time, date and details of the refusal.
43. When the premises open after 00:00, 2 SIA staff will be at the premises from 23:00 to closing.

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

Not applicable.

Annex 4 - Plans

PLAN/LBH-PRE-T-0880/260706

B2



This premises licence has been issued by:
Licensing Service
Hackney Service Centre
1 Hillman Street
London E8 1DY

Premises Licence Number
LBH-PRE-T-0880

Part 1 - Premises details
Efes Snooker Club
17B Stoke Newington Road
London
N16 8BH

This licence is valid from
24/09/2007

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence

- 1) Sale by retail of alcohol
- 2) Indoor sporting events

The times the licence authorises the carrying out of Licensable activities

- 1) **Supply of alcohol**
Standard Hours
Monday to Sunday: 12:00 to 02:45 the day following
- 2) **Indoor sporting events**
Standard Hours
Monday to Sunday: 09:00 to 03:00 the day following

The opening hours of the premises

Standard Hours
Monday to Sunday: 09:00 to 03:00 the day following

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On Sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Yasar Akin
17B Stoke Newington Road
London
N16 8BH

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

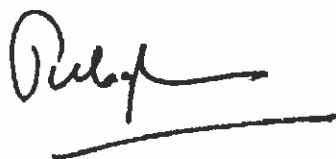
Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

DPS Name	Mehmet Demir	
DPS Licence number	LN/000008195	
Issuing authority printed on that licence	London Borough of Haringey	
	Start date	End date
Period their licence is valid	08/06/2010	07/06/2020

Conditions associated with this Licence are annexed (1 to 4) on the following four pages of this document.

Issued by



**Thani Ulaga-Nathan
Licensing Services Manager**

Annex 1 - Mandatory conditions

Mandatory conditions for the supply of alcohol

1. No supply of alcohol may be made under the premises licence:
 - At a time when there is no designated premises supervisor in respect of the premises licence.
 - 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. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6.
 1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. 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:
 1. beer or cider: 1/2 pint;
 2. gin, rum, vodka or whisky: 25ml or 35ml; and
 3. still wine in a glass: 125ml; and
 - b) customers are made aware of the availability of these measures.

Mandatory Condition: Door Supervision

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating schedule

9. When security is not present a buzzer entry system will be used from 1900 Hours.
10. Measures shall be taken to deal with queuing, where necessary.
11. Applicant to make customers aware of the laws regarding sales or purchase of alcohol on behalf of children. No under 18's permitted on the premises at any time.
12. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer. A staff member from the premises will be able to fully operate the system.
13. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
 - (i) Toilets to be checked by staff randomly and at least once per hour.
14. There shall be a personal licence holder on duty on the premises from 1900 hours until close.
15. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police. 0300 123 1212 police non emergency phone number.
16. Venue will have a Design out crime report completed by police and staff to be aware of the four (4) Licensing objectives.
17. There shall be no promotional sales of alcohol at the premises.

18. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is served.
19. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 21 years of age (Challenge 21). Such evidence may include a driving licence or passport.
20. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
21. Premises to operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons Policy where appropriate.
22. The premises in cooperation with Hackney Police will regularly allow a premises drug audit using the iron itemiser or similar device.
23. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.
24. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
25. Refuse, including bottles, shall not be taken outside the premises between the hours of 2200 and 0800. All waste will be disposed of carefully.
26. Toughened glass shall be used for service. At busy hours, the glass is to be replaced by plastic cups.
27. No open bottles or other drinks containers shall be carried from the premises.
28. Staff will regularly check all public areas including toilets which will be checked hourly from 19.00 to closing time.
29. Measures shall be taken to promote sensible drinking.
30. Outdoor areas are to be checked regularly.
31. Signs will be displayed to inform all customers that the premises operates a zero drugs policy.
32. There will be no happy hour alcohol promotions.

33. The premises will operate a no caps or hoods policy on entry to the premises.
34. "CCTV in operation" notices to be prominently displayed.
35. Clear and legible notices will be prominently displayed showing a message such as "if you appear to be under the age of 21, you will be required to prove you are over 18".

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

36. Smoking to cease in the upstairs outside smoking area at 2200 hours. After 2200 hours, smoking will only be allowed at the front of the premises on Stoke Newington Road. No more than 10 patrons at any one time shall be permitted to smoke outside the premises on Stoke Newington Road.
37. Two SIA door supervisors to be present from 2200 hours until close on every Thursday, Friday and Saturday and to be considered on a continual operational risk assessment. The applicant shall ensure search procedures are in place and conducted. All details (full name, date of birth, address, SIA badge number, company and booking on and off times) to be recorded and to be made available to the police immediately.
38. Doors and windows at the premises shall remain closed except for ingress and egress
39. Snooker and pool cues shall remain behind the bar when not being used to play snooker or pool
40. The door leading to Truman Road shall be used as an emergency exit only.
41. The premises licence holder is to retain at least four snooker tables and five pool tables at the premises.

Annex 4 - Plans

PLAN/LBH-PRE-T-0880/260706

APPENDIX C

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Enforcement
ADDRESS OF AUTHORITY	Trading Standards & Licensing Service Legal, HR and Regulatory Services Directorate Hackney Service Centre 1 Hillman St London E8 1DY
CONTACT NAME	Darren Reilly
TELEPHONE NUMBER	020 8356 4965
E-MAIL ADDRESS	darren.reilly@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Efes, 17 Stoke Newington Road, London E8 2PB
NAME OF APPLICANT/PREMISES USER	Met Police

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

Representations (which include comments and/or objections) in relation to:

The premises is named Efes Snooker Club but it does not effectively function as such. It has become similar to a large nightclub with music being played via a large TV screen playing music videos through the clubs sound system. Due to a complaint from a resident regarding disturbance outside the premises and noise nuisance from music Licensing Enforcement has visited this premises a number of times in recent months.

A complaint was received in October alleging that the premises do not play background music and that it can be heard by them sometimes. We visited on 2/11/12 at 11.45pm and found that the music was being played very loud and persons were dancing. We spoke to the licensee and his son and informed them that they are only permitted to play background music and that they must turn down the volume considerably. The DPS Mehmet Demir aswell as the licensee Mr Yasur Akin and his son were very opposed to this and argued that the music was not too loud. We explained that as we were having to shout to be heard it was clearly way above background level.

During subsequent visits on 17/11 and the 1/12 the music continued to be louder than background music and the DPS, Licensee and his son continued to be difficult and did not accept the volume level we were instructing them to set.

Although the premises does have an area set aside for pool/snooker the main area is open and used as a bar and dance floor. We estimate that approximately 80% + of the people that attend the venue do so to drink and party and do not partake in any pool/snooker at all. It is clear that the licensee and management of the premises see the loud volume of music as a key factor in the premises new found success as effectively a night club and not a snooker/pool club.

It should also be noted that on 27/4/12 the Licensing Service received a new application for a premises licence to allow supply of alcohol from 12:00 to 02:45 Sun to Weds and from 12:00 to 03:45 Thurs to Sat and regulated entertainment comprising of films, indoor sporting events, recorded music, performances of dance from 12:00 to 03:00 Sun to Weds and 12:00 to 04:00 Thurs to Sat. This is a clear indication of the managements' intention to operate the venue as a nightclub. This application was deferred and has not yet been considered.

The premises functioning as a bar/nightclub instead of a snooker/pool club has seriously added to the cumulative impact in a very licensed premises saturated area.

The premises could still function as a snooker/pool club without a licence to serve alcohol as many such clubs do.

We support the Police review to revoke the premise licence.

The above representations are supported by the following evidence and information.

The licensing Policy and Licensing Objectives. The visits stated above.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

No

Signed : 

Name: Darren Reilly (Principal Licensing Enforcement Officer)

Date: 20/12/12

APPENDIX D1

From: [REDACTED]
Sent: 26 December 2012 11:11
To: Licensing
Subject: Review of licence for Efes Snooker Club

Dear Sirs,

I am sending this email to confirm my support for the review of the current licence for Efes Snooker Hall. This huge venue is run like a club and drinking establishment and is the focus for nuisance and disorder in the area.

I live two doors away and am constantly woken by their frequent and deliberate breaches of licensing controls by using the outside roof terrace late at night. Efes completely disregard their existing licence restrictions and know that noise enforcement teams do not work late at night to catch them in the act.

My life and those of my neighbours has suffered terribly over the last few years as a direct result of their nuisance and reckless actions.

Yours Faithfully

[REDACTED]
Stoke Newington Road,
N16 8BH

D2

From: [REDACTED]
Sent: 06 December 2012 12:27
To: Licensing
Cc: Guy.Hicks@met.police.uk; Ian.Simpkins@met.police.uk; Wardens Mailbox; Michelle Gregory (Cllr); Linden Sophie; Darren Reilly; [REDACTED]
Subject: FW. EFES Snooker club, 17b Stoke Newington Road

Dear Hackney Licensing,

I am writing in support of the application by the police to review the license of the Efes Snooker club. I am forwarding herewith the objection I sent when Efes Snooker Club applied for a premises license earlier this year.

Since then, I have found further evidence online that this establishment seems to be operating with no respect for the objectives of Hackney's licensing policy. For instance there is a reference to 'a bar serving drinks 24/7' in the blog 'on the inside' ('the hippest trends, coolest bands, social events and industry secrets from Londontheinside' – see <http://londontheinsidesocial.blogspot.co.uk/2011/02/efes.html>). I have pasted in the full quotation below.

This seems to confirm exactly what local residents have always maintained – that Efes serves as a place for people who are already drunk to carry on partying after other venues in the area have closed.

The streets outside our homes are where they congregate both on their way to the Efes (when they are already fairly drunk), and on their way out when they are so incapacitated that they have completely lost control over both the volume of their voices and their bladders.

This leads to a range of problems for local residents including noise, crime, public urination, vomiting and defecation, intimidation and harassment of local residents, including vulnerable young women, litter, graffiti and the creation of negative role models for local teenagers whose parents are trying to bring them up with good values.

Yours,

[REDACTED]
John Campbell Road
EFES



The clubs are shut and the pubs have kicked out so where do you go now? The snooker hall of course! EFES is the latest hangout of choice for Fasion'East'ors and cool kids alike. Located in Dalston EFES is a snooker hall with fooze ball tables, snooker tables and a bar serving drinks 24/7 plus it's free entry!

It usually gets too busy to actually play snooker but there's always plenty of drunken characters to keep you entertained. It doesn't fill up until 2am and if you can still see by the time you arrive a) you're better than us and b) you might spot a celeb. Alexa, Kelly Osborne and Peaches Geldof have all been know to hang there.

Head along before the secrets out.
EFES, 17B Stoke Newington Road, N16

From: [REDACTED]
Sent: 20 April 2012 11:12
To: 'Licensing'

Subject: EFES Snooker club, 17b Stoke Newington Road

I am writing to object to the application from the EFES snooker club for a premises licence to allow supply of alcohol from 12:00 to 02:45 Sun to Weds and from 12:00 to 03:45 Thurs to Sat and regulated entertainment comprising of films, indoor sporting events, recorded music, performances of dance, facilities for making music, facilities for dancing and any entertainment/entertainment facilities of a similar description from 12:00 to 03:00 Sun to Weds and 12:00 to 04:00 Thurs to Sat. Opening hours are 00:00 to 00:00 daily – in other words, a request for round-the-clock partying.

I live in John Campbell road, in a spot where clubbers congregate at night, drawn from a large local radius of venues. From the loud conversations taking place under our bedroom windows about what music they have been listening to etc. it is possible to identify many of the particular clubs they have come from. The EFES Snooker Club is prominent among these. Patrons of EFES are, in other words, already major contributors to noise and anti-social behaviour inflicted on local residents, including industrial-scale urination on our doorsteps, vomiting, defecation and leaving a detritus of discarded bottles, cans, fried chicken remains.

From a quick online search it is easy to see why the EFES attracts such a loutish clientele. I attach a couple of screenshots that show that it has the reputation of providing cheap drinks and being lax about operating the conditions of its license (as one website puts it, 'if you ask nicely they may let you stay a little longer').

Granting this license will add significantly to the numbers of people on our streets at night, already crowded beyond their capacity at weekends. The very presence of these large numbers of drunk and out-of-control young people also attracts other forms of crime including theft, drug-dealing and sexual predation. I urge you to reject this application.

Yours sincerely,

[REDACTED]

Golden Down
www.goldendown.co.uk

BLACKBUSH VALLEY
 MATTHEWLEY ESTATE
 WINCHESTER

BOOK NOW

15 17th
 June
 2012



Photo by Alberto Pizarro
 RevveHER Silver Magic present Tim Sweeney, James Priestley, John Heckle live and Auntie Flo photo gallery

Line-up:

- Tim Sweeney (Beats in Space / DFA / NYC)
- James Priestley (secretsundaze / Simple / The CAMP)
- John Heckle (live) Debut (Mathematics Recordings)
- Auntie Flo (Huntloys & Palmers)
- Bi-Bop (RevveHER / Dogme East)
- Nicholas Feel (Silver Magic Airways)

From:

RevveHER, James Cooper, Silver Magic

Our next RevveHER takes a break from its some-time residency at Dalston Superstore, teaming up with Silver Magic Airways, the excellent online Roundhouse Radio Show, brought to you by regular RevveHER DJ Nicholas Feel. Nicholas' recent guests include Soul Clap, TBD and Chicago house legend Farley Jackmaster Funk. We grabbed this opportunity to throw the first of many parties together at one of our favourite Dalston hang outs - EFES Snooker Club.

Usually the stomping ground of The Only Way is Dalston fashionistas, trippers, scenesters and those on the prowl for one final drink, EFES does not normally host musical events. However, on Friday 4th November it will be transformed into a fairy tale playground rave - think a cavernous dark room, flashing balloons, smoke, acid house-era vibes, dishing on tables, and most importantly - CHEAP DRINKS!

On top of that, we've got got a killer lineup to boot, with two DJs at the top of their game presenting the best in classic and modern underground dance music, supported by two upcoming UK talents showcasing their forward thinking sounds.

This will be a one off transformation of a great intimate space. EFES do not normally host music events so jump on the ticket train whilst you can, especially as capacity is limited and due to licensing, only those with tickets reserve the right for admission when it gets busy.

Tickets:

- £5 - Early Bird on RA
- £8 - Second Release

On The Door

logged in

- _RICKY_TORRES
- abonahatari
- alexgales
- analogue5
- amshmassoudi
- arouse
- Atassi
- Basement_Boogaloo
- bibles
- Berwick Street
- Biffstg
- brickhouse
- casanostira
- cone_ball
- congreel
- d-mazy
- Danzro187
- DandPratt
- deadcowboy2010
- DeathInTheBalcony
- delartoc
- DiscoDartbox
- dprad
- dspecial1

There are 142 more members
[See all members](#)

RA News /
 RevveHER books Tim Sweeney

Brand Name
 Price
 Update (by owner)

Event Name
 Support

D3

From: [REDACTED]
Sent: 21 December 2012 23:48
To: Licensing
Subject: Efes Snooker Club

Dear Licensing,

Reluctantly, I write to support this review.

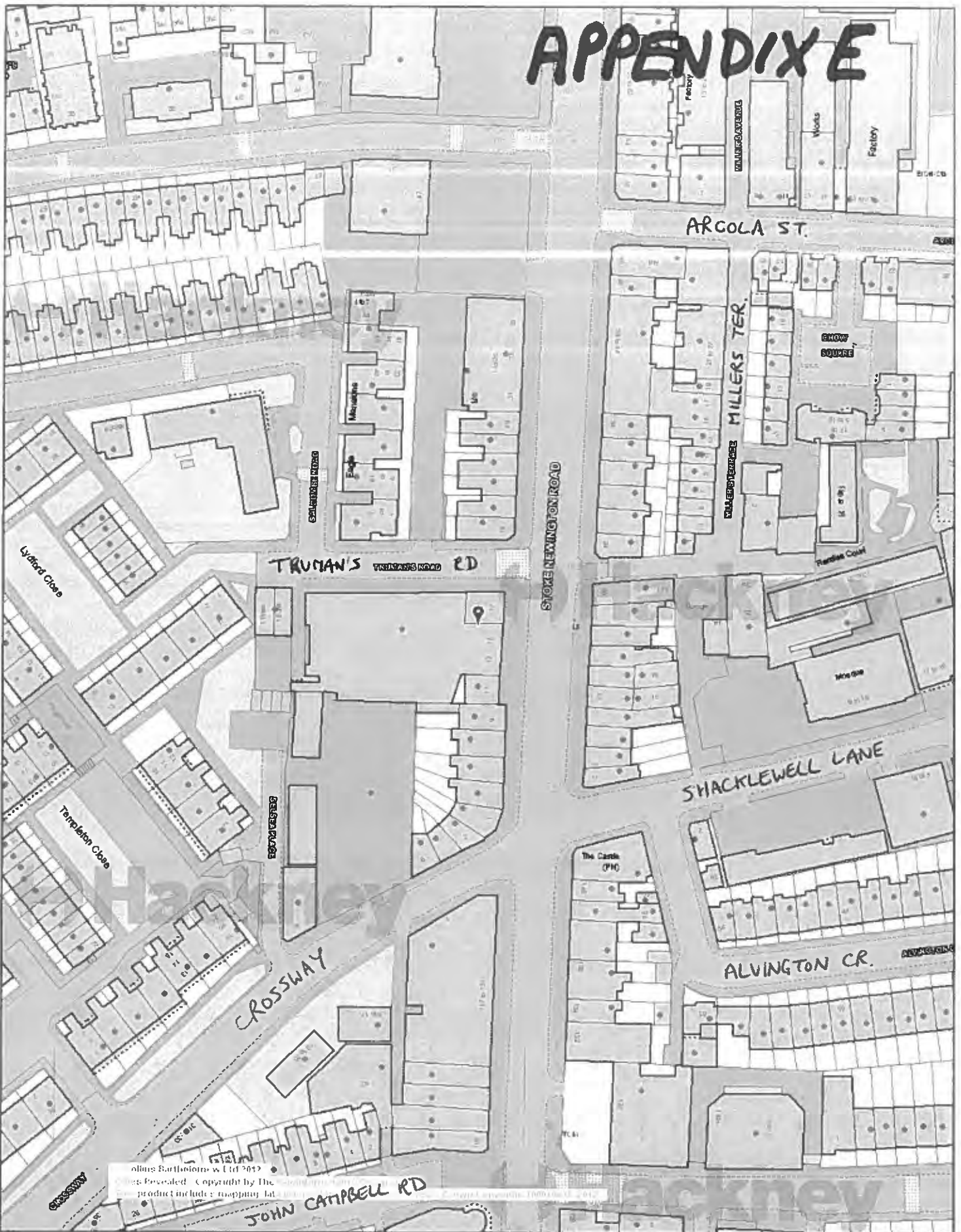
This large venue is run like a drinking establishment/club and is a focus for nuisance and disorder.

There have been frequent, deliberate multiple breaches of licensing controls which have consequently caused nuisance and I have suffered as a consequence of these reckless actions.

yours sincerely,

[REDACTED]

APPENDIX E



NORTH

Efes

Scale 1/1250

at A4

Hackney

Date 23/1/2012 Page 205



This product includes mapping data licensed from Ordnance Survey with the permission of HMSO © Crown Copyright 2011. All rights reserved License number. 100019635. 2011
©Bartholomew Ltd. Reproduced by permission, Harper Collins Publishers 2010
Cities Revealed® Copyright by The GeoInformation® Group, 2010

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	18 April 2013	31	Highbury East

Delete as appropriate		Non-exempt
------------------------------	--	------------

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: THE WHITEHOUSE, 313 Highbury New Park, London, N5 2LB

1. Synopsis

- 1.1 This is an application by the Licensing Authority for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of public nuisance.

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

2.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, Sunday to Thursday from 10:00 until 01:00, and Friday and Saturday from 10:00 until 03:00 the following day.
- ii) The performance of dance, on Sunday to Thursday from 10:00 until 01:00, and Friday and Saturday from 10:00 until 02:00 the following day.
- iii) The performance of live music, on Monday to Thursday from 19:30 until 01:00, Friday from 19:30 until 02:00, Saturday from 12:00 until 02:00, and Sunday until 01:00 the following day.
- iv) The playing of recorded music Monday to Sunday for 24 hours a day.
- v) The provision of late night refreshment, on Sunday to Thursday from 23:00 until 01:00, Friday and Saturday from 23:00 until 03:00 the day following.

3.2 Papers are attached as follows:-

Appendix 1: application form, current premises licence and supporting documents;

Appendix 2: representations;

Appendix 3 correspondence from licence holders agent and a copy of the acoustic report..

Appendix 4: suggested conditions and map of premise location.

3.3 The Licensing Authority has received six supporting letters of representation, five from local residents; and one from the Councils Noise Team.

3.4 The relevant licensing and Noise history at the premises are contained in the Licensing Authority review application and responsible Authority representation. The licensing Authority and the Council's Noise Team have requested three conditions be placed on the licence in order to prevent public nuisance, two of these conditions have been agreed by the licensee. These are listed below.

- Television screens and speakers shall not be permitted in the garden at any time. (Agreed)
- There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is use. (Agreed)

3.5 The Licensing Authority and the Councils Noise Team have also requested that the rear garden area be closed at 21:00, the licensee wishes to use the garden area until 23:00, so is unwilling to agree to this condition. The licence holder has produced an acoustic report as mitigating evidence against this review; this report is attached as Appendix 3.

4. Planning Implications

4.1 There are no planning implications in respect of the premises review application.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date 9/4/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I Licensing Authority

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Whitehouse 313 Highbury New Park	
Post town London	Post code (if known) N5 2LB
Name of premises licence holder or club holding club premises certificate (if known) Mr Yasar Akin	
Number of premises licence or club premises certificate (if known) LN10415 – 250612	

Part 2 - Applicant details

I am

Please tick ✓/yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

Please tick ✓/yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Janice Gibbons Service Manager Commercial Environmental Health, Licensing & Emergency Planning Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 020 7527 3212
E-mail address (optional) licensing@islington.gov.uk

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

Please tick one or more boxes

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

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

This review is made on the grounds of the prevention of public nuisance and is made to regulate the licence conditions at the premises and to prevent further disturbance to local residents.

The licence enforce at the premises has noise conditions which have only been partially discharged. The council is in receipt of substantiated noise complaints in respect of the use of the premises, and although the licensee has been afforded every opportunity to discharge the noise condition, they have failed to do so.

The most appropriate way forward is to amend the licence as follows:

1. Remove conditions 16 and 17 from annexe 2 of the licence
2. Attach the following conditions:
 - a. Television screens and speakers shall not be permitted in the garden
 - b. There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is in use.
 - c. The rear external area shall not be used by patrons after 9pm
3. The bar installed in the garden shall be removed
4. A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of this review application.

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

On the 28 August 2012 the Licensing Team received a telephone complaint from a local resident regarding noise from customers, television screens and amplified music in the premises rear garden area. This telephone complaint was followed up by a number of e-mails including attached video clips taken by the local resident of the garden being used on some occasions past 00:30.

Licensing checked the premises licence and noted the premise was subject to two conditions in relation to noise which specifically related to the use of the garden. The licence conditions are Annex 2 conditions 5 and 6 of the current licence. I have attached copy of the licence as JG01.

The Noise conditions had not been discharged and the Council's Noise Teams opinion was that the smoking area of the premises could only be used based on quiet supervised use with amplified noise levels up until 21:00. I have attached a copy of this correspondence as JG02.

I have attached a copy of an e-mail from a Council Noise Officer Nicholas Clarke dated the 9 June 2011 setting out these opinions including the attachments as part of this review.

On 28 August 2012 Licensing Team wrote a letter to Mr Yasar Akin advising him that the Council was in receipt of complaints and also highlighting that the licence conditions regarding use of the garden had not been discharged and also setting out the restrictions on the use of the garden smoking area. A copy of this letter is attached as exhibit JG03.

On the 30 August 2012 the Licensing Team received a separate complaint from a different resident regarding noise and the use of the garden at the premises. On the 31 August 2012 Licensing Team visited the premises at 21:45pm. At the time of the visit the garden was being used by approximately 20 customers. The Licensing Team spoke to Mr Engin Akin and went over the conditions of the licence and stressed that the garden could not be used after 21:00 until agreement had been reached with the Councils Noise Team.

Mr Engin Akin introduced himself that evening as the responsible person at the premises. Officers advised Mr Engin Akin that the television could only be used without sound and that the reason you do not see other licensed premises with screens in the garden is because they would likely cause a noise nuisance to local residents and Islington Council would get complaints. A copy of the notes of this visit, are attached as exhibit JG04.

On the 6 September 2012 Licensing Officers again wrote to the licensee of premises about the restriction on the gardens use as I was still in receipt of complaints about the use of the garden. In addition these complaints had been verified by the Council Noise Team. A copy of this letter is attached as exhibit JG05.

On 7 September Licensing Officers visited with the Police and Fire Brigade. There was a stocked bar in the garden area. Officers advised that this bar was not on the authorised plan for the premises and a closure notice was served on this area. A copy of the officer notes of this visit are attached as JG06, and the closure notice served is attached as JG06.

In September the licensee indicated his intention to appoint a noise consultant to comply with conditions 16 and 17 of annexe 2 of the premises licence. As no further progress appeared to have been taken to implement this intention the Licensing Officer e-mailed the licence holders solicitor on 23 October 2012 to advise that Licensing had not heard anything from them, or their client nor the premises acoustic consultant who was due to be appointed.

The licensee solicitor was advised that the Licensing Team were still receiving reports of the garden at the premises being used after 11pm and including further complaints about noise

nuisance at the premises from the televisions outside.

The Environmental Health Officer has visited the premises to inspect the garden area and has found that the smoking area is substantially enclosed under the Health Act 2006. A copy of this letter is attached as JG07.

This e-mail advised that the Licensing Authority would be likely to be submitting a review of the premises in order to tighten up the conditions on the garden in line with the previous noise management plan, substantiated complaints and EHO recommendations and requested an update on these premises by return so that I am able to advise her before any review application is submitted. I copy of this e-mail is attached as JG08.

The Licensing Officer and I meet with the licence holder, his son and their solicitor on 22nd November 2012. At the meeting it was agreed to give them the opportunity to submit a schedule of works to deal with the outstanding issues at the premises.

The licensee agreed to submit the schedule by 3/12/12 but to date it has not been submitted.

On 11 January 2013 Licensing Officer wrote to the licensee reminding him of his verbal agreement to submit a schedule of work and invited him to submit a minor variation to rectify the outstanding issues with the licence at the premises. A copy of this letter is attached as JG09.

To date a minor variation application has not been submitted.

Summary and Recommendations

The Licensee is breaching the terms of the premises licence in that conditions 16 and 17 have not been complied with. Having considered our Enforcement Policy the most appropriate course of action is to submit a review application to request the following amendments to premises licence LN/10415-250612:

5. Remove conditions 16 and 17 from annexe 2 of the licence
6. Attach the following conditions:
 - a. Television screens and speakers shall not be permitted in the garden
 - b. There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is in use.
 - c. The rear external area shall not be used by patrons after 9pm
7. The bar installed in the garden shall be removed
8. A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of this review application.

In my opinion these recommendations are appropriate to promote the Licensing objectives.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature Julie Gibbons

Date 12 FEB 2013

Capacity SERVICE MANAGER ON BEHALF OF LICENSING AUTHORITY

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

Notes for Guidance

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



Premises Licence Summary

Licensing Act 2003

Premises licence number LN/10415-250612

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**THE WHITE HOUSE
313 HIGHBURY NEW PARK**

Post town	London	Post code	N5 2LB
------------------	--------	------------------	--------

Telephone number 07810 716 181

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Ground Floor only

- The provision of regulated entertainment by way of:
The performance of live music
The playing of recorded music
Performance of dance
- The provision of entertainment facilities for:
Making music
Dancing
- The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the performance of live music:

Monday	19:30	to	01:00	the following day
Tuesday	19:30	to	01:00	the following day
Wednesday	19:30	to	01:00	the following day
Thursday	19:30	to	01:00	the following day
Friday	19:30	to	02:00	the following day
Saturday	12:00	to	02:00	the following day
Sunday	12:00	to	01:00	the following day

- The provision of regulated entertainment for the playing of recorded music:

Monday	00:00	to	24:00	the following day
Tuesday	00:00	to	24:00	the following day
Wednesday	00:00	to	24:00	the following day
Thursday	00:00	to	24:00	the following day
Friday	00:00	to	24:00	the following day
Saturday	00:00	to	24:00	the following day
Sunday	00:00	to	24:00	the following day

- The provision of regulated entertainment for the performance of dance:

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	02:00	the following day
Saturday	20:00	to	02:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of entertainment facilities for making music:

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	02:00	the following day
Saturday	20:00	to	02:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of entertainment facilities for dancing:

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	03:00	the following day
Saturday	20:00	to	03:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	01:30	the following day
Tuesday	23:00	to	01:30	the following day
Wednesday	23:00	to	01:30	the following day
Thursday	23:00	to	01:30	the following day
Friday	23:00	to	03:30	the following day
Saturday	23:00	to	03:30	the following day
Sunday	23:00	to	01:30	the following day

• The sale by retail of alcohol:

Monday	10:00	to	01:00	the following day
Tuesday	10:00	to	01:00	the following day
Wednesday	10:00	to	01:00	the following day
Thursday	10:00	to	01:00	the following day
Friday	10:00	to	03:00	the following day
Saturday	10:00	to	03:00	the following day
Sunday	10:00	to	01:00	the following day

Except on:

New Year's Eve until the time authorised on the following day.

Live music from 12pm until the time authorised on bank holidays

The opening hours of the premises:

Monday	10:00	to	01:30	the following day
Tuesday	10:00	to	01:30	the following day
Wednesday	10:00	to	01:30	the following day
Thursday	10:00	to	01:30	the following day
Friday	10:00	to	03:30	the following day
Saturday	10:00	to	03:30	the following day
Sunday	10:00	to	01:30	the following day

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

On and off supplies

Name, (registered) address of holder of premises licence

Yasar Akin

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Saadettin Akin

State whether access to the premises by children is restricted or prohibited

There shall be no unaccompanied children on the premises at any time.

There shall be no persons under the age of 18 on the premises after 9pm.

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

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. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

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

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (1) 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
 - (2) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (1) the outcome of a race, competition or other event or process, or
 - (2) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

9. 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:
 - (1) beer or cider: ½ pint;
 - (2) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (3) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h) the taking of alcohol from the premises by a person residing there; or
 - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:
 - a. He is the child of the holder of the premises licence.
 - b. He resides in the premises, but is not employed there.
 - c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

On licence with children's certificate

3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
 - Children and Young Persons Act 1933
 - Cinematograph (Safety) Regulations 1955
 - Sporting Events (Control of Alcohol Etc) Act 1985
5. All vents facing nearby residential properties shall be fully sealed and windows shall be double glazed to prevent any public nuisance from music noise at the premises.
6. When the premises is used after 11pm for any event activity SIA registered door supervisors shall be employed inside and outside the premises.
7. The premises shall enforce a proof of age scheme, which is approved by the Licensing Authority and by the Local Police.
8. There shall be no unaccompanied children on the premises at any time.
9. There shall be no persons under the age of 18 on the premises after 9pm.
10. On days when Arsenal Football Club are playing home matches the start time for the sale of alcohol should be 10 am on Monday to Saturday and 12 midday on Sunday, unless otherwise agreed with the police.
11. Unless otherwise agreed with the police on days when Arsenal Football Club are playing home matches and between the times commencing 4 hours before the advertised start of the game and until 1 hour after the game finishes alcohol may not be sold in glass containers for consumption either on or off the premises, save for in an area set aside from the main bar area for the consumption of food as agreed in consultation with the police.
12. For the sake of clarify Arsenal Football Club means the male adult first team.
13. When alcohol and/or public entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 9 pm until closing time at the rate of one door supervisor for every one hundred customers
14. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable facial identification of every person entering the

premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

15. Premises to adopt Bill Challenge 21 The National Proof Of Age Standards Scheme.
16. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
17. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.
18. The premises shall not be used under the variation to the licence until the requirements specified in the schedule dated 30 September 2008 have been completed and approved in writing by the responsible authority for health and safety.

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

Annex 4 – Plans

Reference Number: 025604/73 Date: 15/11/04

Forde, Niall

From: Clarke, Nicholas
Sent: 09 June 2011 12:19
To: Licensing
Subject: Acoustic Report Review 070611 (2)

Importance: High

Licensing

Regarding the acoustic report and discharge of conditions 16 and 17. Please see my response below, in which I do not believe that the conditions have been satisfactorily discharged. Please notify the applicant, who is required to comply with the licence condition until such time as the conditions are discharged as outlined.

Acoustic Report Review

The White House Highbury New Park Islington N5

Tim Lewers Acoustics 21st September 2009

Noise Team has reviewed the above report and has taken into consideration recent complaint received by the Council's Noise Patrol regarding noise disturbance arising from the Smoking Area.

An application was made by the Premises to remove Condition 6 from Premises Licence Number 129799 'Customers shall only smoke within a specified area at the front of the premises'

Condition 6 was lifted from the Premises Licence and replaced by Condition 16 and 17

16. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.

17. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

Noise Team has been sent a copy of an acoustic report submitted to satisfy Condition 16 and 17.

Having reviewed the report Noise Team has a number of concerns:

1. It is noted that the noise survey was undertaken between Monday 24th and Wednesday 26th of August 2009. We are concerned that noise measurements were not undertaken over what is likely to be more busy days i.e. Friday and Saturday.

3. Having considered the noise measurements and assessment made, whilst we can accept the acoustic consultants conclusions regarding the background LA90 levels, we do not feel that a thorough assessment has been made of potential noise impact. We would have expected average levels for the noise source (LAeq) to have been compared with the existing measured (LAeq) noise levels, having regard to the IEMA document 'Guidelines on Noise Impact Assessment'.

4. We have undertaken prediction calculation based on people noise levels published by the ASA and noise levels published by Defra (the London Noise Map). It is our conclusion given loud voices within the smoking area that there is the potential for noise disturbance.

5. It is noted that the condition required that 'a scheme of noise control works and measures' were to be recommended. The Acoustic Consultant has not made any proposals in this regard. It is our view that the smoking area could be used based on quiet supervised use, with amplified noise levels at background up until to 21:00.

6. Paragraph 5. above is further reinforced by a recent Noise Patrol visit in response to the use of the premises smoking area earlier this year. Complaint has been received regarding amplified noise from television screens, the Noise Patrol has also witnessed people noise some 50 metres away after midnight, this may be due, or at least exacerbated due to a building being demolished between smoking area and the Complainant.

Should the above not be accepted for the discharge of condition 16 and 17, the Noise Team will require a further assessment in line with Guidelines on Noise Assessment IEMA., demonstrating a change noise level in not greater than a slight impact.



ISLINGTON

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Mr Yasar Akin


T 020 7527 3227
F 020 7527 3057
E niall.forde@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Niall Forde

Our ref:
Your ref:

Date: 28 August 2012

Dear Mr Akin,

Licensing Act 2003

RE: The Whitehouse, 313 Highbury New Park, London, N5 2LB

I am writing to you, as the licence holder for the above premises, regarding the operating of the premises.

I have received a complaint about the use of garden during licensable hours and also after midnight and for regulated entertainment.

When the licence was granted the following conditions were placed on Annex 2 of the premises licence issued by the Council's Licensing Committee in respect of the use of the garden of your premises.

5. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
6. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted by the previous licensee to the Council's Noise team on the 26th August 2009 in respect of the garden. Unfortunately this report only partially de-charged the condition in respect of the use of the garden, and the following agreement was reached in respect of the use of the garden at the premises.

- **That the smoking area could only be used for quiet supervised use, with noise levels up until 21:00.**

Therefore any use of the garden for any regulated entertainment or amplified use of TV would be unauthorised at any time, and the garden must be closed and not used after 9pm on each day.

In addition I should remind you to make yourself fully familiar with all your licence conditions as members of the Councils and Police licensing team will be inspecting your premises for compliance full licensing compliance now that we are in the receipt of complaints.

As you are the licence holder should we find you premises breaching its licence conditions you could be liable to prosecution. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact me.

Yours sincerely

**Niall Forde
LICENSING OFFICER**

Sources of additional information:

www.islington.gov.uk/Business/Licences/ - Guidance on operating schedules, etc.

www.culture.gov.uk - the Department for Culture, Media and Sport

www.hms0.gov - "Licensing Act 2003"

Cc Anne Brothers, Islington Noise Team

Licensing OOH visit.

30 August 2012

Whitehouse, 313 Highbury New Park, London, N5 2LB

Dan Whitton (DW) & Niall Forde (NF) in attendance.

Arrived at the premises at approx. 21:45 and entered. Garden was open and in use at the time of our visit. There was a bar in use in the rear garden (Niall Forde to check plan to so if permitted) and approximately 20 customers. There was a TV on and music playing in the garden area and alcoholic drinks were being consumed, in addition to this Shisha pipes were being smoked.

We spoke to the DPS, Engin Akin (EA), outside on the frontage of the premises. NF went through the licence conditions with EA and advised that the rear garden area of the premises must close at 21:00 unless an extension to this is agreed with the Council's Noise team. EA wanted to have customers and entertainment in the rear garden area until 23:00, NF stated that he could not authorise that but that he would come to premises with Anne Brothers of the Noise team to discuss the options in the week.

On leaving the premises we stated the importance of not causing a noise nuisance over the coming weekend and the possible consequences of doing so.

We left the premises at approx. 22:10.



Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Mr Yasar Akin



T 020 7527 3227
F 020 7527 3057
E niall.forde@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Niall Forde

Our ref:
Your ref:
Date: 6 September 2012

Dear Mr Akin,

Licensing Act 2003

RE: The Whitehouse, 313 Highbury New Park, London, N5 2LB

Further to me letter of 28 August 2012 and my subsequent visit on 31 August 2012.

I need to advise you that we are still in receipt of complaints about the use of garden during licensable hours and also after midnight and for regulated entertainment.

As I previously advised when the licence was granted the following conditions were placed on Annex 2 of the premises licence issued by the Council's Licensing Committee in respect of the use of the garden of your premises.

- 5. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
- 6. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted by the previous licensee to the Council's Noise team on the 26th August 2009 in respect of the garden. Unfortunately this report only partially de-charged the condition in respect of the use of the garden, and the following agreement was reached in respect of the use of the garden at the premises.

- **That the smoking area could only be used for quiet supervised use, with background noise levels up until 21:00.**

Therefore any use of the garden for any regulated entertainment or amplified use of TV would be unauthorised at any time, and the garden must be closed and not used after 9pm on each day.

You have a large outside area at the front of the premises and you need to utilise this area from customers wishing to smoke after 9pm. If you continue to use the garden in breach of the licence you could be liable to prosecution. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

In addition as the Licensing Authority should you be found to be using the garden after 9pm we will consider applying for an application for review of the licence in order to get the condition regarding hours of use for the garden formally applied to your licence. Should an application for a review be submitted, then any other interested parties could make a representation about any aspect of activities permitted by the licence at this premise, including your trading hours and permitted activities.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact me.

Yours sincerely

Niall Forde
LICENSING OFFICER

Sources of additional information:

www.islington.gov.uk/Business/Licences/ - Guidance on operating schedules, etc.

www.culture.gov.uk - the Department for Culture, Media and Sport

www.hms0.gov - "Licensing Act 2003"

Cc Anne Brothers, Islington Noise Team

Licensing OOH visit.

7 September 2012

Whitehouse, 313 Highbury New Park, London, N5 2LB

Visited premises accompanied by Don Stewart and an officer from the fire brigade. We entered the bar and introduced ourselves. Yasar Akin, DPS, came and spoke with us; I suggested we moved out to the rear garden for more privacy. There were approx. 6 - 8 customers in the rear garden some had drinks. I explained that I was there to serve a closure notice on the rear garden and then made it clear that the bar in the garden could no longer serve alcohol as was not on plans. Mr Akin then asked his staff to remove the optics.

Mr Akin seemed to have difficulty in understanding the requirements of the closure notice so Don Stewart spoke with him. Fire officer undertook a brief inspection of the upper floors of the premises, when this was complete we left the premises.



ISLINGTON

CLOSURE NOTICE

**Section 19 of the Criminal Justice and Police Act 2001
(as amended by Sections 126 & 127 of Schedule 6 of the Licensing Act 2003)**

Date of the Closure Notice: 7 th September 2012	Time Served:
Local Authority: London Borough of Islington	22.55 ^{HR}
Person issuing the Notice:	Signature: <i>[Handwritten Signature]</i>

Name (if applicable) & address of the affected Premises:

THE WHITE HOUSE PUBLIC HOUSE, 313 Highbury New Park, London, N5 2LB.

The grounds for this notice are that the above premises are being used or have been used within the period of 24 hrs preceding service of this notice for the unauthorised sale of alcohol on or in the vicinity of the said premises and there is a reasonable likelihood that the premises will be so used again in the future.

The specific alleged use of the premises to which these grounds apply are:

Knowingly allowing or carrying on an unauthorised licensable activity, contrary to section 136 of the Licensing Act 2003:
a) the sale of alcohol at the premises without authorisation.

Under Section 20(6) (b) of the Criminal Justice and Police Act 2001, an application for a section 21 closure may be made to Highbury Corner Magistrates Court, unless the above use of the premises has ceased and there is no reasonable likelihood of it re-occurring or being prevented.

Steps which may be taken to end the alleged unauthorised use of the premises, or prevent it from re-occurring (Section 19(6) (c) of the Criminal Justice and Police Act 2001):

The licence holder shall submit to cease the use of the premises for all licensable activities until such time as the un-authorised bar in the garden area of the premises is closed and no longer used for the sale of alcohol.
--

A closure order may be applied for requiring the premises to be physically closed (boarded up) and/or all sales of alcohol to stop, and/or an unlimited amount of money to be deposited with the court that will only be returned when the court is satisfied that the illegal use of the premises has ceased.

The Person (if applicable) on whom the Closure Notice has been served:

Name: ENGIN AKIN Signature: *[Handwritten Signature]*
Date: 7/9 SEPT 2012 Time: 22.55HR

Notes

1. This notice has been issued by an authorised officer from London Borough of Islington Council under the terms of Section 19 of the Criminal Justice and Police Act 2001 (CJPA).
2. The Notice alleges that the said premises have been operating otherwise than in accordance with an authorisation granted in respect to the sale or supply of alcohol. The Notice alleges that the said premises has been operating illegally without authorisation to sell alcohol in compliance with the Licensing Act 2003 ('the Act') or as set out at section 18 of the Licensing Act 2003 and the mandatory conditions under section 19 of the Licensing Act 2003 and/or licensable activity within the meaning of Sec. 14 of the Act.
3. It also mentions the actions that may be taken by the licence holder, owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

Section 20 of the 2001 Act – Closure Orders

4. Your attention is drawn to Section 20 of the 2001 Act. This provides that the Council can apply to the local Magistrates' Court for a Closure Order if the unauthorised sale of alcohol (as alleged in this Closure Notice) continues, or there is a reasonable likelihood that the premises will be so used in the future. Your attention is drawn to Section 20 of the 2001 Act. The application for a Closure Order must be made not less than 7 days, and not more than 6 months, after the date on which this Closure Notice was served.
5. Upon an application for a Closure Order being made, the Court may issue a summons requiring the applicant, and also the person or persons on whom the Closure Notice was served, to attend a hearing at the Court on a specified date and time. At the hearing the Court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.
6. In accordance with the Magistrates' Court Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the Court before any decision is taken.

Appeals – Section 24 of the 2001 Act

7. An appeal against a decision by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences – Section 25 of the 2001 Act

8. It is an **offence** for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
9. It is also an **offence** for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
10. Police Officers and authorised officers from the Local Authority have the power to enter the said premises at 'any reasonable time', and do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However, when exercising this power, the Constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or person in charge of the premises).
11. It is an **offence** for a person to intentionally obstruct Police Officers or authorised Local Authority officers from exercising these powers. Any person convicted of obstructing an authorised Local Authority officer is liable to a fine not exceeding £5,000.



Commercial Environmental Health
Public Protection
3rd Floor
222 Upper Street
London N1 1XR

T 020 7527 3857
F 020 7527 3057
E andrew.walker@islington.gov.uk
W www.islington.gov.uk

Our ref: 121365214
Your ref:
Date: 29 October 2012

Mr Yasar Akin
The White House
313 Highbury New Park
London N5 2LB

This matter is being dealt with by:
Andrew Walker

Dear Mr Akin

HEALTH ACT 2006 SECTION 8 (OFFENCE OF FAILING TO PREVENT SMOKING IN A SMOKE-FREE PLACE)

THE WHITE HOUSE, 313 Highbury New Park, London N5 2LB

I carried out a visit to your above premises on 18 October 2012 with Mr Doug Love, Trading Standards Officer. The purpose of the visit was to provide you with a copy of the council's guidance on the provision of shisha. I am attaching a copy of that guidance.

We found that the rear covered area is "substantially enclosed" under the above legislation. It is therefore illegal for people to smoke there. I pointed this out to your staff.

A structure is "substantially enclosed" if it has a roof or ceiling, and more than half of the area of its walls is enclosed.

This a formal warning that you must take steps to prevent people smoking in the enclosed and substantially enclosed parts of your premises. Please note that council officers will be monitoring the use of the rear covered area, and they may not necessarily reveal their identities at the time of their visit. If they gather evidence that you are failing to comply with your duty to prevent smoking in a Smokefree place, you may be prosecuted.

There is a maximum fine of up to £2, 500 upon conviction for each and every offence.

Please contact me if you have any questions.

Yours sincerely

Andrew Walker
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 3857.

Forde, Niall

From: Forde, Niall
Sent: 23 October 2012 15:21
To: 'office@dadds.co.uk'
Subject: The Whitehouse, 313 Highbury New Park, London, N5 2LB

Dear Mr Dadds,

I refer to our conversation in respect of the licence at the above premises. I haven't heard anything from you, your client or the premises acoustic consultant who was due to be appointed since this phone call.

I have though received reports of the garden at the premises being used after 11pm and including further complaints about noise nuisance at the premises, especially from the televisions.

In addition our Environmental Health has visited the premises to inspect the garden area and has found that the smoking area is substantially enclosed under the Health Act 2006.

I have been advised by the Service Manager for Licensing that she is likely to be submitting a review of the premises in order to tighten up the conditions on the garden in line with the previous noise management plan, substantiated complaints and EHO recommendations.

I therefore would request an update on these premises by return so that I am able to advise her before any review application is submitted.

Regards

Niall Forde

Licensing Officer

Licensing Team

Environment and Regeneration

Islington Council

222 Upper Street

N1 1XR

0207 527 3227

Alternative contact: Terrie Lane 0207 527 3233

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee.

Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers
Job Title	Principal Technical Officer, Noise Liaison
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk
Contact telephone number	020 7527 3047

Name of the premises you are making a representation about	The White House
Address of the premises you are making a representation about	313 Highbury New Park, London N5

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	See attached sheet
To protect children from harm	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<ol style="list-style-type: none"> 1. The rear garden must be cleared of all customers and staff by 21:00. 2. There shall be no amplified sound in the outside areas at any time. 3. There shall be no screens in the outside areas at any time.
---	---

Signed: Anne Brothers Date: 8 March 2013

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031

The Noise Team supports the review application in relation to the White House P.H. at 313 Highbury New Park submitted by the Licensing Team.

Calls have been received by the Noise Patrol service from local residents in relation to noise from the use of the rear garden at the White House since last August.

I attach the following letters to the licensee in relation to noise from the rear garden to support this representation:

1. Warning letter dated 31 August 2012
2. Section 80 Noise Abatement Notice served 20 September with covering letter.
3. Warning letter dated 10 December 2012
4. Reminder letter dated 8 January 2013
5. Final Warning letter dated 30 January 2013.

The licensee has never responded to any of the letters sent.

I also attach a copy of a witness statement by me in defence of their appeal against the Section 80 noise abatement notice served on 20 September. The witness statement details my contact with this premise. I also attach two further witness statements from Noise Patrol colleagues Andrew Mitchell and Patrick Bangura describing their visits that were also included as part of the defence of the Section 80. The appeal was dismissed by the District Judge at Tottenham Magistrates Court in Lordship Lane on 25 January this year.

I have briefly looked at the acoustic report prepared for the licensees by RBA Acoustics. Noise Team will judge a noise nuisance by visiting a resident and assessing noise from their perspective, not by measuring sound levels. I would comment that for the monitoring periods noted in the report the occupation of the garden was very low in comparison to what I noted on the night of 19 September when I visited a resident at home and witnessed noise nuisance from the use of the rear garden while a football match was being screened. At that time the garden was absolutely packed with customers, the manager, Engin Akin claimed at the time that there were only about 50 customers in the garden at the time of my visit; I would estimate there were at least 100 customers in the garden, if not more on that night. There was no spare room in the garden at all when I looked out from the premises after stepping out there briefly in the company of Engin Akin. It was packed with customers. The type of noise generated by crowds of people cannot be adequately represented by tables of sound measurements as detailed in the acoustic report.

The type of noise experienced by the residents is very disruptive and is different to ordinary environmental noise such as passing traffic. There are peaks of noise generated by a crowd of people enjoying a football match or by amplified commentary and/or music noise which is very different to environmental noise even including the occasional noise from passing traffic such as sirens etc. The residents were aware of a pub garden to the rear of their homes when they moved in and anticipated a degree of noise from the garden. The point is that the type of noise generated by the use of the back garden at the White House is unreasonably loud and the noise from patrons cannot be limited.

We have a DVD to show Committee as part of our representation. This film was taken from the resident's home on the night of 19 September at approximately 21:15 hours while a football match was being shown. This film was taken after a visit had been carried out to the premises and the manager had been made aware of the noise nuisance being caused to the residents. At the time the garden was very full of customers enjoying the match being screened. We feel that the short clips on this film are a better illustration of the type of noise that has been suffered by residents than the acoustic report submitted.

Noise Team previously considered that there may be some amplified sound at low levels in the rear garden until 21:00. We have no confidence that the management at the premises will control sound from any screens or speakers that Committee may be minded to permit in the garden in future. Further screening of football matches in the rear garden will attract

large crowds of people; the noise from the customers as they are enjoying a football match cannot be limited by any machinery. The screams and loud cheers from customers are very disruptive to the residents and were considered to be a Statutory Noise Nuisance at the time of the visit on 19 September and subsequently. Management at the premises have indicated that the screening of football matches will continue in the rear garden area.

Therefore Noise Team recommends that all speakers and screen should be removed from the outside areas and amplified sound in any outside areas should be prohibited at all times.

I refer Committee to the reports from Noise Patrol pasted below that detail the noise generated in the rear garden when they have screened football matches there.

29/8/12 22:55 NP notes of visit

"Loud noise coming from the TV in the back garden of 'The White House Pub'. Noise started at 17:00. Comp would like to know licensing agreement for have TV screens in the back garden. Comp also has video evidence and can send it if required."

Visited at 2255hrs. Noise from loud TV (football match) was a nuisance in comps bedroom. Went to the pub and noted football match on TV in the beer garden. Advice given to the manager, Engin Akin. He said he is the son of the owner of the pub, Yasar Akin.

CM08. Noise Wit. Pot SN.

23:20 8 September 2012. Proactive visit. (ABR)

Visited, the garden was in use. Saw Engin and some of his friends – I recognised a couple of them from previous visit. Tables under the shelter were in use – approx 15 people outside – didn't notice any customers inside as we went in. Shisha pipes in use in the garden – shelter needs to be re-checked for compliance with smoking shelter rules? Discuss with Andrew Walker.

They said the pay bar outside was not in use, but I saw bottles of lager in the fridges (which they said were locked). I tried the doors and they were open.

Asked them how people seated outside were getting their drinks and they told me they were going to the main bar inside but I saw 3 hand written receipts on the counter on the bar outside – one for Corona lager, others for more booze – but they still insisted that people were going inside to buy their drinks. I told them I didn't believe them and I thought a closure notice had probably been served regarding the garden bar the previous night (Niall told me he would do that). I asked them if I could take the hand written receipts but they said they needed them, I told them I considered them to be proof they were still selling from the bar outside.

Engin told me I had told him they could use the garden until; 23:00. I had said I had been mistaken when I told him at the time of my previous visit that I had needed to check permitted timings and that he had now been corrected by letter from me and Niall besides which it was 23:20 when we arrived.

We went out to the street and I told Engin that people should be inside and the garden should be cleared of customers.

He said he knew of only one person in the block overlooking them that had complained. Told him I knew of more than that. He said the people from the block to the rear were customers at the pub and they were OK about the garden being used. Told him not so according to people that had been in touch with us.

People noise from the garden could be heard from outside the premises on arrival. While in the garden the customers were chatting with some peaks of noise – laughter etc. No music or TV screen in use noted.

Told them that if they want to use the garden after 21:00 they need to apply for a variation. If the people in the block were OK with the use of the garden, they could write in and support the variation – but that I doubted they would.

Kevin told them at one stage to stop crowding me when I was talking to Engin outside – four or five men gathered around listening to the conversation I was having with him. I told them they have a terrace at the front that is ideal for their customers to use at night but they said their customers don't like to use it as it's on the street and men could be seen by their wives when out with their girlfriends. I told them that was too bad - "tough". The open area facing Green Lanes was much less likely to cause any noise disturbance to residential neighbours and they should use that area.

Saw some people coming up to the bar area before we left.

Licence contravention.

19/9/12 ASB Report

"loud noise from music, tv and amplifier."

Motts & Az called complainant @ 19.43 arrived at complainants address witnessed noise from living room noise coming from rear of building I believe it used to be called the white house pub. noise was coming from the tv I think a big football game is on.

Noise Wit. Pot SN CM08.

19 September 2012 NP Report (ABR)

Visited resident at 20:50. Could hear some noise from rear of the building housing residents on approach. Quite warm night and windows open. Very loud commentary and crowd noise from football match being broadcast - Turkish commentary. Customer noise also constant but broadcast was dominant affecting both bedroom and living room of resident affecting daytime activity. Peaks of noise from customers noted in the garden at 20:52 and at 20:55 there were huge cheers from customers in the garden. Then applause. 21:00 another huge cheer from the customers in the garden. Loud commentary and broadcast football crowd noise continuous, customers noise also became more noticeable.

Visited premises and spoke to Engin Akin, licensee. DOB 06/06/88. He said he was just making money and doing nothing wrong with people watching the match. Discussed noise etc, incl. Correspondence re: no use of garden after 21:00. Need to control noise at all other times and he is showing he is not willing to co-operate with us because of the screen and speakers in the garden and he knew it would go on after 9 and he can't clear the garden now - too many people. He said he would clear it at 21:30 at the end of the match.

RV'd residents and noise including loud commentary continued until 21:38. Some peaks of noise with customers screaming and shouting before the end of the broadcast.

N.B. The pub and garden were both absolutely packed, Standing room only in the pub. Engin said there were about 50 people in the garden. I would estimate at least 100 outside when we looked, possibly up to 150 out there. It was completely packed out with customers watching the football.

S.80 to be served. Stat nuisance from both customer noise and amplified sound. Also licence contravention.

20/11/12 NP

Call received 20:16 " The White House - loud TV in garden"

Rang comp at 2022 hrs. Noise ongoing.

Visited at 2035 hrs. On arrival, could hear loud voices/conversations through the complainant's window. Also heard noise from possibly loud radio/TV in the background The noise was coming from the beer garden of the White house pub below. The complainant said that it was half-time in champion's league match between Galatasaray football club and Manchester United.

At 2047hrs, the voices quietened down except for occasional shouting but the football commentary from the radio TV and chanting from fans became more audible. There was also occasional clapping of hands by the patrons in the beer garden. The noise was a statutory nuisance. Left comps flat at 2116hrs with this noise continuing.

2120hrs - visited the White House Pub and spoke to a man who was standing outside the entrance door. He gave his name as Erhan Jeneci and phone number as XXXXXXXX and said he was in charge at the time. He apologised for patrons being in the rear garden and watching football match on TV at that time. He said that they have paid about £10,000 pounds in legal fees and needed to recoup that money. Left the area about 21.35hrs.

AB1

COPY

ISLINGTON

Yasar Akin



Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/111223868

Your ref:

Date: 31 August 2012

This matter is being dealt with by:

Anne Brothers

Dear Mr Akin

**NOISE NUISANCE FROM USE OF THE GARDEN AREA, THE WHITE HOUSE, 313
HIGHBURY NEW PARK, LONDON N5 2LB. ENVIRONMENTAL PROTECTION ACT 1990.
LICENSING ACT 2003**

We are in receipt of calls from local residents in connection with noise from the garden at the White House. Noise Patrol were contacted on Wednesday 29 August and visited a local resident. At the time of the visit at 22:55 they report intrusive noise arising from a loud football match being screened in the garden. They stated the noise was sufficiently loud to be a noise nuisance to the bedroom of the property they visited.

There is a noise condition on the premises licence for the White House as follows:

- The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
- Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted but Noise team did not consider the survey was sufficient to discharge the condition. The Noise Officer as part of his conclusion stated

it is our view that the smoking area could be used based on quiet supervised use with amplified noise levels at background up until to 21.00."

Therefore at present until a scheme of noise control works and measures is devised and approved by the Noise team in accordance with the conditions on the premises licence, the garden must not be used after 21:00.

We look forward to your co-operation in this matter but we must warn that in the event of further noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the above legislation. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is £20,000. In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Yours sincerely



Anne Brothers

Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Saadettin Akin, DPS, 12 Breton Road, London N17 8DA

Yasar Akin, Licensee, The White House P.H. 313 Highbury New Park, London N5 2LB

AB2



Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/111223868
Your ref:

Yasar Akin
Licensee
The White House P.H.
313 Highbury New Park
London
N5 2LB **BY HAND**

This matter is being dealt with by:
Anne Brothers

Date: 20 September 2012

Dear Mr Akin

**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990. THE WHITE HOUSE P.H. 313
HIGHBURY NEW PARK, LONDON N5 2LB**

This letter does not form part of the attached Notice

Please find enclosed a Notice served on you today under the above Legislation. The Notice is self-explanatory. Please refer to the notes attached to the Notice.

This Notice is served after I visited the White House last night and witnessed a statutory noise nuisance arising from amplified sound from a live broadcast and customer noise during a football match that was being screened in the rear garden. The noise was witnessed from a nearby residential dwelling. I also enclose a letter I sent previously in connection with noise issues at the premises for your ease of reference.

In order to comply with the Notice, I advise you to remove all speakers and the screen from the rear garden area. In future if you want to show sporting events or have any functions involving amplified sound, you should restrict these to the inside of the premises.

In addition, you have been advised that in order to comply with the noise condition on the premises licence, the use of the garden should cease at 21:00 and before that time, any noise in the garden should be kept at low levels.

Yours sincerely,

Anne Brothers
Principal Technical Officer
cc. Louise Norris, Noise Patrol Manager
Niall Forde, Licensing Officer



**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80
ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED
SOUND AND/OR PEOPLE**

To **Yasar Akin**
The White House P.H.
313 Highbury New Park
London N5 2LB

An identical copy of the Notice has also been served on:
Yasar Akin, 12 Brereton Road, London N17 8DA
Saadettin Akin, 12 Brereton Road, London N17 8DA

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 Islington Council being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance arising from **amplified sound and/or people's voices**.

at premises known as **The White House Public House, 313 Highbury New Park, London N5 2LB**

HEREBY REQUIRE YOU as the person responsible for the nuisance, owner and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to:

Take all reasonable steps to ensure that no amplified sound or noise from people present at the above premises, including the gardens, are at levels likely to cause a nuisance to occupiers of nearby premises.

IN the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, the noise to which this notice relates is likely to be of a limited duration, such that suspension would render the notice of no practical effect and the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 20 September 2012

(Signature)

Address to which all communications should be sent:

(Name) Anne Brothers

Noise Patrol Team, Public Protection, 3rd Floor

25 Upper Street, London N1 1XR

(Title) Principal Technical Officer

Phone: 020 7527 7772

1. N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

***Currently £20,000. subject to alteration by Order*

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to the Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of:
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the 1990 Act are more onerous than the requirements for the time being in force, in relation to the

the noise to which the notice relates of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

- (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises,
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit.

with respect to the parts of the work which is to be abated and the production of a copy of the notice to the person who is the subject of the notice.


- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

 **COPY**

 **ISLINGTON**

Yasar Akin


Noise Patrol Team
Public Protection Division
222 Upper Street
London N1 1XR

T 020 7527 3047
F 020 7527 3057
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: WK/111223868
Your ref:

Date: 10 December 2012

This matter is being dealt with by:
Anne Brothers

Dear Sir/Madam

ENVIRONMENTAL PROTECTION ACT 1990
PREMISES: The White House Public House, 313 Highbury New Park, Islington, London, N5 2LB

I am writing following a visit to the above premises to investigate a noise complaint. Noise Patrol officers visited at 21:20 on 20 November 2012 and witnessed amplified sound from a football commentary and loud voices from customers due to a football match being screened in the rear garden. Officers spoke to a man who gave his name as Erhan Jeneci, he stated he was managing the premises on your behalf at the time.

The officers visiting considered the noise heard from a nearby resident's home to be a statutory nuisance and a contravention of the Section 80 noise abatement notice served on you.

I have to remind you that the Notice is not suspended during the appeal you have made.

The effect of serving an abatement notice is to make it a criminal offence to breach its requirements. Failing to comply with the requirements of a statutory notice carries a maximum fine of £20,000 for each offence. In addition, if the nuisance continues we may apply to a magistrate for a warrant to enter your premises and remove any noise making equipment. Any equipment that we seize is likely to be retained until the case goes to court, and we may then apply for a forfeiture order, so that the equipment would not be returned to you.

We are considering prosecuting you for this apparent breach, and would therefore wish to ask you the following questions. You do not have to answer these questions but it may harm your defence if you do not mention something which you later seek to rely on in court. Any answers that you give may be given in evidence.

1. Were you occupying the premises at the time of the alleged offence?
2. Why was loud music being played in apparent contravention of the notice?
3. Are there any mitigating circumstances which you wish to state?

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

In addition to the above action, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

If you have any questions about the noise incident witnessed at night or if you want to discuss any steps you propose to take to prevent a recurrence of the problem my contact details are at the top of this letter.

Yours sincerely

Anne Brothers

**Anne Brothers
PRINCIPAL TECHNICAL OFFICER - NOISE LIAISON**

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Quentin Paterson, LBI Legal Division via e mail.

Saadettin Akin, DPS, [REDACTED]

Yasar Akin, Licensee, [REDACTED]

[REDACTED] ark, London N5 2LB

 **COPY**

 **ISLINGTON**

Yasar Akin
[REDACTED]

Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/111223868

Your ref:

Date: 8 January 2013

This matter is being dealt with by:
Anne Brothers

Dear Sir

ENVIRONMENTAL PROTECTION ACT 1990

PREMISES: The White House Public House, 313 Highbury New Park, Islington, London, N5 2LB

I refer to the previous letter sent on December 10. I enclose a copy for your ease of reference. To date I have not received any response.

This matter requires your urgent attention and I would appreciate a response to the following questions in relation to further noise nuisance witnessed by Noise Patrol on 20 November within the next 7 days. :

Please note the following caution:

You do not have to say anything but it may harm your defence if you fail to mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.

1. Were you occupying the premises at the time of the alleged offence?
2. Why was loud amplified sound being played in apparent contravention of the notice?
3. Are there any mitigating circumstances which you wish to state?

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

I have to inform you that we are now considering making an application for a review of the premises licence on grounds that such action is necessary in order to prevent a public nuisance.

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

Yours sincerely,

Anne Brothers

Anne Brothers

Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer


Quentin Paterson, LBI Legal Division via e mail.

Saadettin Akin, DPS, 

Yasar Akin, Licensee, White House P.H. 313 Highbury New Park, London N5 2LB



ISLINGTON

Yasar Akin


Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/111223868

This matter is being dealt with by:

Anne Brothers

Your ref:

Date: 30 January 2013

Dear Sir

THE WHITE HOUSE P.H. NOISE FROM AMPLIFIED SOUND AND CUSTOMER NOISE ARISING FROM THE USE OF THE GARDEN AREA. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.

I write further to my letter dated 8 January to which I note I have not received any reply from you. I enclose a copy of that letter along with the previous letter referred to dated 10 December for your ease of reference. I have to inform you we are again in receipt of calls in relation to a noise event at the premises on Sunday 27 January. The noise reported was witnessed by ASB officers and they report the noise was arising from a football match that was being screened in the rear garden area.

You will be aware the appeal was heard last week and your appeal against the Section 80 noise abatement notice was dismissed by the District Judge. This means the Section 80 noise abatement notice is now enforceable and we are now considering further enforcement options against you in relation to noise being reported from the premises and witnessed by officers. The notice was not suspended during the appeal period and contraventions of the notice have already been witnessed.

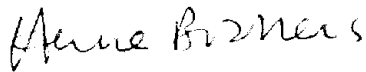
The contravention of the Section 80 noise abatement notice is a criminal matter for which you could be prosecuted. Current fines for contraventions of notices in relation to commercial premises could be as much as £20,000 per offence. I cannot emphasise how serious this matter is and must reiterate previous advice to you and urge you to remove all noise making equipment from the garden. This means you could remove any screens and speakers from the garden area and cease the screening of events via the screen and speakers in the garden area. This could reduce the likelihood of further noise nuisance being witnessed from the premises. In addition I take this opportunity to remind you to of previous advice to cease the use of the garden area after 21:00. This is the recommendation of the Noise Team based on the old acoustic report commissioned by the previous licensee that was shared with you. I am aware you commissioned a new acoustic report but to date I have not had sighting of it.

I must warn that Noise Team as one of the Responsible Authorities as defined by the Licensing Act 2003 is currently considering making an application for a review of the premises licence on grounds of the prevention of public nuisance. I am aware you have been in touch with the

Licensing Team in relation to issues at the premises and they are also considering making an application for a review of the premises licence.

I strongly advise you to seek legal advice regarding this letter. I look forward to receiving the new acoustic report in due course.

Yours sincerely,



Anne Brothers
Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Saadettin Akin, DPS

Yasar Akin, Licensee, White House P.H. 313 Highbury New Park, London N5 2LB

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF **Anne Brothers**

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Principal Technical Officer – Noise Liaison**

This statement, consisting of 6 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: Anne Brothers Date: 5/11/12

My name is Anne Brothers and I have been employed as Principal Technical Officer by the Public Protection Division of Islington Council since 1988. I hold the BTEC Ordinary and Higher Certificates in Environmental Health Studies and the Higher EHORB Certificate in Food Inspections. I also have a BSc (Hons) Degree in Environmental Health Studies. I have worked as the Principal Technical Officer – Noise Liaison dealing with reports of unwanted noise from licensed premises for the past eight years. The post involves the investigation of noise complaints about licensed premises and ensuring licensed premises are complying with noise conditions on their premises licences. This involves some night work assessing noise nuisance from licensed premises and taking any necessary action in relation to reports from colleagues who have visited licensed premises at night in response to calls to the ASB Hotline. In addition I have worked intermittently on the reactive Noise Patrol Service for the past 20 years. I have assessed hundreds of reports of noise nuisance from residents in a variety of situations over the years. In my current

Dated the 11 day of November

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Anne Brothers

post I carry out regular night time shifts. I am authorised as first officer during the shifts and am responsible for assessing the extent of any noise witnessed from licensed premises and follow-up actions in relation to noise nuisance issues with licensees.

I first visited The White House P.H. at 313 Highbury New Park this year at 22:45 on 2 June 2012. I visited to establish who was running the premises as I had bumped into the old Licensee in the street one afternoon and he told me that he had sold the premises and was no longer connected to it. While there I noted the premises was very quiet and the staff told me the licensee would come and speak to me. I waited for 10 minutes and a man who introduced himself as Engin Akin came to speak to me. He told me he was the new licensee and I informed him that there was no premises transfer on file and that he should contact the Licensing Section the following week to discuss the transfer of the premises licence to his name as a matter of urgency.

We discussed the limits on the use of the garden and I told him it has to be cleared by a certain time every night. I told him we had an informal agreement with the old licensee that he could use the garden quietly until 23:00 but at the time of that agreement the flats that overlook the garden were not occupied; they were due for demolition and a new block was proposed for the site. Any informal agreement was made only to last for the period of time that the flats were not occupied, after that time the permitted hours for the night time use of the garden would be reduced. Engin Akin wanted to use the garden to its full extent and I repeated it had to be cleared by a certain time but I needed to check the noise team's report. I was not sure of the agreed times as I did not have any paperwork on me in relation to any agreements. Engin Akin asked about any possibility of an extension to midnight and I told him there was no chance of any extension to the hours of the use of the garden. I pointed out that new flats have been built that overlook the garden, Engin Akin told me he had already established contact with the residents there - but the block looked barely occupied (if at all) at the time. the flats were all in darkness and it looked like kitchens were being installed as I could see some fittings through the windows to the blocks. Engin Akin told me they wanted to develop the business to

Dated the

day of

Page 263

Sign

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Anne Brothers

be led by food and they are not planning to be a music-led business although he did say they would have some functions there. I went through the provisions of the licence as I had a copy of it on me and discussed that they have wide range of permitted entertainments. I discussed a staged closing down after any parties they may have there to promote a quiet dispersal of customers.

At the end of August I was alerted to noise complaints that were being received by the Licensing Officer, Niall Forde. I e mailed both the residents and advised them to call the ASB Hotline in the event of any intrusive noise to their homes from the premises.

On 31 August I was copied to a report from a Noise Patrol Officer in relation to a visit carried out to the pub in response to a call from a local resident. The Noise Patrol Officer reported that he visited the pub and advised Engin Akin with regard to noise that had been witnessed arising from the screening of a football match in the garden area that night at 22:55.

On 31 August I wrote to the Licensee Yasar Akin at his given address in relation to the noise incident witnessed by the Noise Patrol Officer a couple of days earlier. I attach a copy of the letter sent as Exhibit AB1.

On 8 September at 23:20 I visited the White House P.H. as part of a proactive noise and licensing out of hours shift. I found the garden to the rear was in use at the time of my visit. I did not note any customers inside the bar area of the premises on my way through to the garden but I noted approximately 15 people seated in the rear garden. Shisha pipes were in use in the rear garden. I knew that Licensing had visited and had issued a closure notice in relation to a pay bar that had been set up in the rear garden. I could see there was a bar area still in the garden. Engin Akin and his staff told me the bar area was not in use. I saw bottled beers in the display fridges and Engin Akin told me the fridges were locked so they would not be used. I tried the doors to the fridges and they opened freely. The men working there claimed that people were going to the bar inside for their drinks but I saw 3 hand written receipts on the counter of the bar outside in the garden. I told them that I did not believe they were serving drinks inside and that I thought the garden bar was still in

Dated this

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Anne Brothers

use. They would not let me take the hand written receipts for the drinks as they said they needed them. I noted that one was for some Corona Lager and the others were for more alcohol but I did not note down the details.

Engin Akin claimed that I had told him they could use the rear garden area until 23:00. I told him that I had said I needed to check and I had since written to the licensee about the permitted timings and that I was also aware that Niall Forde, the Licensing Officer had also written to the Licensee. I also stated the time of my arrival was 23:20 and I had found people using the rear garden. At that point we left the garden area and returned to the street outside. I told Engin Akin and his staff that they should clear the rear garden of all people. Engin Akin told me he knew of only one person in the block overlooking them that had complained. He claimed the people from the block to the rear were customers at the pub and they were all happy about the garden being used. I told him this was not so according to people that had been in touch with us.

The people noise from the garden could be heard from the street at the front outside the premises on arrival at 23:20. While in the garden the customers were chatting with some peaks of noise from laughter and loud conversations. I did not note any music or TV screen in use. I told Engin Akin that if they want to use the garden after 21:00 they need to apply for a variation to their premises licence. If the people in the block were alright about the late night use of the garden as he claimed they were, they could write in and support the variation. I told Engin Akin there is a terrace at the front that is ideal for their customers to use at night but Engin Akin said their customers don't like to use it as it's on the street and too public. He told me the male customers could be seen by their wives when they were out with their girlfriends. I told them that was too bad, the open area facing Green Lanes was much less likely to cause any noise disturbance to residential neighbours and they should use that area after 21:00.

I visited the White House P.H. again on the night of 19 September. A call had been received by Noise Patrol via the ASB Hotline from a local resident in connection with noise from the rear garden area. I visited the resident in the company of my

Dated the

day of

Page 265

Sign

70

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Anne Brothers

on after 21:00 and he would not be able to clear the garden at the time of the visit as there were too many people present. Engin Akin told me he would clear the rear garden area at 21:30 at the end of the match. I told Engin Akin I would discuss possible service of a Section 80 Noise Abatement Notice under the powers of the Environmental Protection Act 1990 with my manager. This was due to the continuing noise from the premises that had been witnessed that night. I revisited the residents after the visit to the pub to check the use of the garden ceased at 21:30 as Engin Akin had promised. Noise including loud commentary and customer noise continued until 21:38. There were some peaks of noise with customers screaming and shouting before the end of the broadcast.

I served a Section 80 noise abatement notice on 20 September 2012. I attach a copy of the Notice served on the Licensee, Mr Yasar Akin along with a covering letter as Exhibit AB2.

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Anne Brothers

colleague, Noise Patrol Officer, Andrew Mitchell. I noted that on approach to the resident's home in Riversdale Road that I could hear a lot of noise from the rear of the White House P.H. even though the blocks of flats in Riversdale Road are taller than the average house around there, from memory I think they are 3 or 4 storeys high and the pub garden is behind them. It was quite a warm night and the windows were open to the flat. I noted very loud Turkish commentary and crowd noise from a football match being broadcast. Customer noise also constant but broadcast was dominant affecting both the bedroom and living room of the resident affecting daytime activity. Peaks of noise from customers in the garden were noted at 20:52 and at 20:55 there were huge cheers from customers in the garden, then applause. At 21:00 there was another huge cheer from the customers in the garden. Amplified loud commentary and broadcast football crowd noise was continuous, the noise from the customers in the garden area also became louder alongside the broadcast crowd noise. I visited the premises in the company of my manager Louise Norris who was observing that night. I spoke to Engin Akin. I noted the pub and garden were both absolutely packed with customers. It was standing room only in the pub and a large screen was showing the football inside. I had to squeeze through the customers to get to the bar to see Engin Akin. He told me there were about 50 people in the garden. I would estimate at least 100 people, possibly more were outside in the rear garden when we briefly looked there. I have never seen it so full of people. It was completely packed with customers watching the football. We left the premises and had a conversation outside in the street where it was possible to talk and discuss the noise issues seen that night. It was not possible to have a conversation inside the premises as there were too many people there and it was too noisy.

Engin Akin told me he was just making money and doing nothing wrong with people watching the match. I discussed the noise I had heard that night from a resident's flat and the correspondence regarding the limits on the use of the rear garden area. I told him about the need to control noise at all other times and said to him that he was showing us that he was not willing to co-operate with us because of the screen and speakers in use in the garden. In addition he knew the football match would go

Dated the

Day of
Page 267

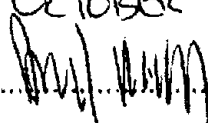
Statement of Andrew John Mitchell

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967 s 9,
Magistrates' Courts Act 1980 s 5B)*

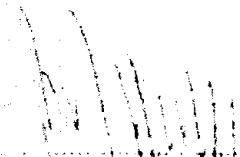
Statement of: Andrew John Mitchell
Age of witness: over 18
Occupation of witness: Environmental Health Officer (Noise Patrol)
Address & Tel No: 222 Upper St, London N1 1YA
020-7527-3229

This statement, consisting of 2 pages, signed by me, is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated: 16 October 2012
Signed.....

I am an Environmental Health Officer, employed by the London Borough of Islington and working as a member of their Noise Patrol. I qualified as an Environmental Health Officer in 1983 by obtaining the Bachelor of Science Degree in Environmental Health. Since then I have obtained further qualifications in Acoustics, namely a Diploma in Acoustics and a Master of Science Degree in Environmental Acoustics. Since qualifying I have worked in all of the main specialties of the Environmental Health profession but mostly in the area of Noise and Nuisance.

On Wednesday 19 September 2012 whilst on duty with Islington's night time noise service I received a complaint about loud music coming from The White House Pub, 313 Highbury New Park, Islington, London N5 2LB hereinafter referred to as 'The White House'. I visited the complainant's premises, which was close to The White House, at 20:50hrs.

Signed..... Page 268

Statement of Andrew John Mitchell

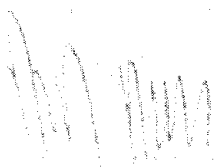
I listened from the complainant's bedroom and heard the sounds of a televised football match. In particular I could hear commentator and the sound of a crowd. From the bedroom window I looked down on the beer garden to The White House, hereinafter referred to as 'the garden'. The garden was covered with an open sided structure and parts of the garden were visible from the complainant's bedroom window. I could see people in the garden. From time to time there were loud cheers and gasps from the crowd in the garden. The noise in the complainant's bedroom in my view caused a material interference with the use and enjoyment of this room, and also with all parts of the flat. I was filming a documentary about Islington's noise service and these events were recorded on camera.

I observed from the front of the source address and could see that The White House was crowded with people watching a football match on a large television. The garden at the rear also had a screen showing the match and was also crowded. The noise reduced at 21:39hrs

The combined effect of the sounds from the television and the patrons in the garden created a very significant and disturbing noise intrusion inside the complainant's flat. In my opinion the noise intrusion was sufficient to prevent a person of average sensitivity from sleeping, relaxing or enjoying normal conversation in this flat, even with the windows closed.

In my opinion the noise constituted a nuisance.

Signed



Page 269

Page 2

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Statement of : Patrick Bangura

Age of Witness (if over 18 enter "over 18"): **Over 18.**

Occupation of Witness : **Environmental Health Officer**

Address : **Environment & Regeneration
Consumer Protection Services
London Borough of Islington
Municipal Offices
222 Upper Street
London
N1 1XR**

This statement, consisting of 3 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 17th December 2012

Signed:.....

My full name is Patrick Bangura and I am a qualified Environmental Health Officer I hold a Bachelor of Science Degree, with Honours, in Environmental Health and I am a registered member of the Chartered Institute of Environmental Health. I also hold a postgraduate Diploma in Acoustics and Noise control. I have been working as an Environmental Health Officer since June 2001 and have obtained considerable experience in the investigation of noise complaints and enforcement of noise control legislation under the Environmental protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993) and the Control of Pollution Act 1974. I am currently employed by London Borough of Islington as an Environmental Health Officer in the Council's Noise Patrol Team.

Signed:.....

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Continuation of statement of: Patrick Bangura

I was on duty on Tuesday, 20th November 2012 when a complaint was paged to me by Islington ASB/Noise controller at 20.20 hours alleging noise nuisance caused by playing loud TV from the beer garden of 'The White House Public House' at 313 Highbury New Park, London N5 2LB. The complainant was a resident in a flat in a purpose built block of flats building in Riversdale Road, London N5 2SU. I phoned the complainant at 20.22 hours on Tuesday, 20th November 2012 to inquire if the noise was still occurring. He said that it was on going and he agreed for me to make a visit to his premises to assess the noise. Visited the complainant at 2035 hours and on arrival, I could hear loud voices/conversations through his living room window. Alongside this noise, I also heard noise from possibly loud radio/TV. The noise was coming from the direction of the beer garden of the White house public house at 313 Highbury New Park. The complainant said that the noise was much reduced because it was half-time in the champion's league match between Galatasary football club (Turkey) and Manchester United (United Kingdom). At 2047 hours, the voices quietened down except for occasional shouting but the football commentary from the radio/TV and chanting from fans became more audible. At 2051 hours, there was loud shouting from the patrons in the beer garden and noted that the level of noise from the radio/TV also increased. There was loud cheering and clapping of hands from the patrons in the beer garden at 2055 hours. This continued for about a minute. There was another wave of loud cheering and clapping of hands at 2100 hours and also at 2102 hours. In my opinion, the noise from the loud cheering, clapping of hands, occasional shouting and loud football commentary from radio/TV was at levels that was materially interfering with the complainant's comfort and enjoyment of his home and therefore, constituted was a statutory nuisance. I left the complainant's flat at 2116hrs with the noise continuing.

Signed:

Patrick Bangura

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Continuation of statement of: Patrick Bangura

At 2120 hours on Tuesday, 20th November 2012, I went to the 'The White House Public House' at 313 Highbury New Park, London N5 2LB. I spoke to a man who was standing at outside the one of the entrance doors and requested to speak to the licensee or the person in charge at the time.

He told me he was in charge and gave his name as Erhan Jeneci and phone number as 0207 6016047 and said he was in charge at the time. I told him about the noise nuisance from the loud radio/tv, loud cheering, clapping of hands and occasional shouting from the patrons in the beer garden. Whilst speaking to him, I noted that, there were many patrons inside the pub watching football from a plasma TV that was hung on the wall. He apologised for the nuisance caused and for the patrons being in the rear garden and watching football match on TV at that time. He told me that they had paid about £10,000 pounds in legal fees and needed to recoup that money. As I advised, he agreed to ensure that the level of the noise was reduced so that it did not cause further nuisance.

I left the area about 21.35hrs.

Signed:

Patrick Bangura

Yasar Akin

This matter is being dealt with by:
Anne Brothers

Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/201303621

Your ref:

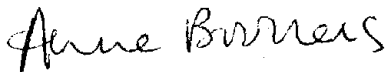
Date: 8 March 2013

Dear Mr Akin

PREMISES LICENCE REVIEW, THE WHITE HOUSE, 313 Highbury New Park, London N5 2LB. NOISE TEAM REPRESENTATION

Please find enclosed a copy of the representation from Noise Team in relation to the review called by the Licensing Team for your information.

Yours sincerely,



Anne Brothers
Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

04/03/2012

Whom It May Concern:

**Licence Review,
The White House Public House
313 Highbury New Park N5 2LB
LICENCE NO: LN10415-250612**

PUBLIC PRO
OFFICE S

Dear Sir / Madam,

I would like to express my full support to Islington Council's Licensing department taking an action to review the terms of Licence of the White House pub. As someone who has been subjected to numerous occurrences of noise disturbance caused by the owners of the White House pub ignoring the terms of their licence and subsequent warnings issued to them by Islington Council Licensing Department, I feel that all in your power should be done to prevent the White House pub owners from continuing to cause noise nuisance.

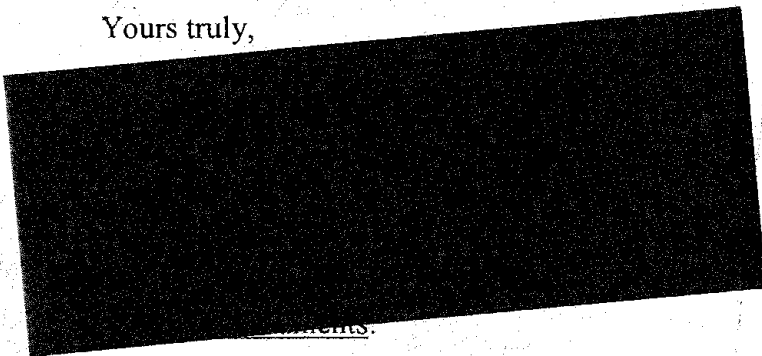
We have reported the disturbances and understand from our correspondence with Anne Brothers that the owners of the White House have been issued with warnings but choose to ignore them. Further, they are currently doing building works to the rear garden, again into late at night (which again causes noise disturbance ref: FI773377. 02/03/2013) which leads me to think they have plans to continue using the rear garden to screen football matches and play loud music there.

It is upsetting to see the owners to act as if they are above the law, having a complete disregard for the court ruling, terms of their licence, and the people living around the pub.

I would like to see the White House pub being forbidden from using the rear garden in any way after 9pm and for them to be forbidden to have and use TV or any form of amplified sound in the rear garden.

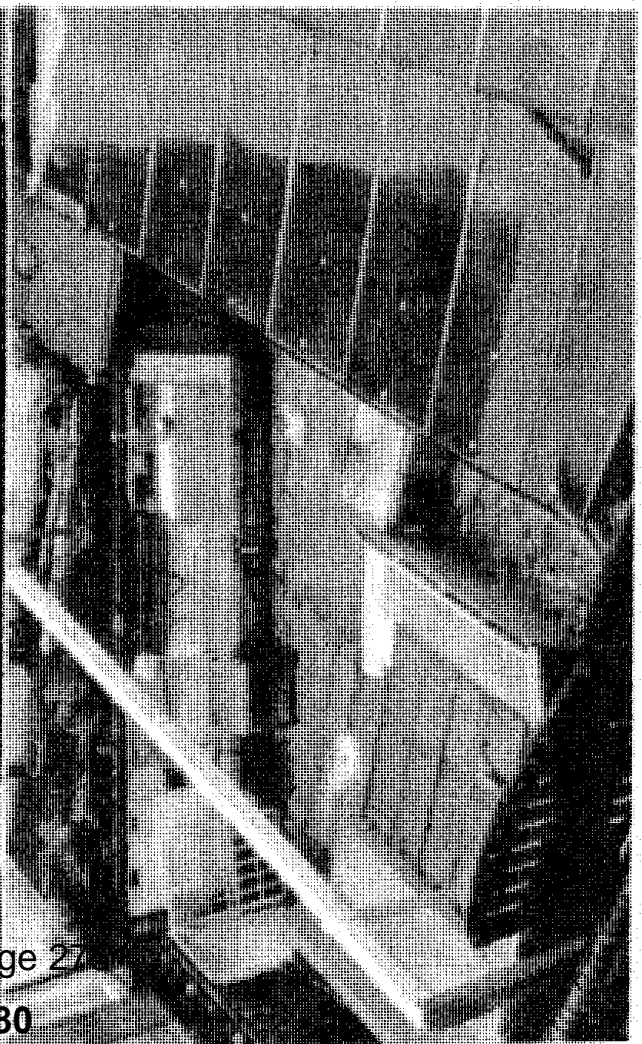
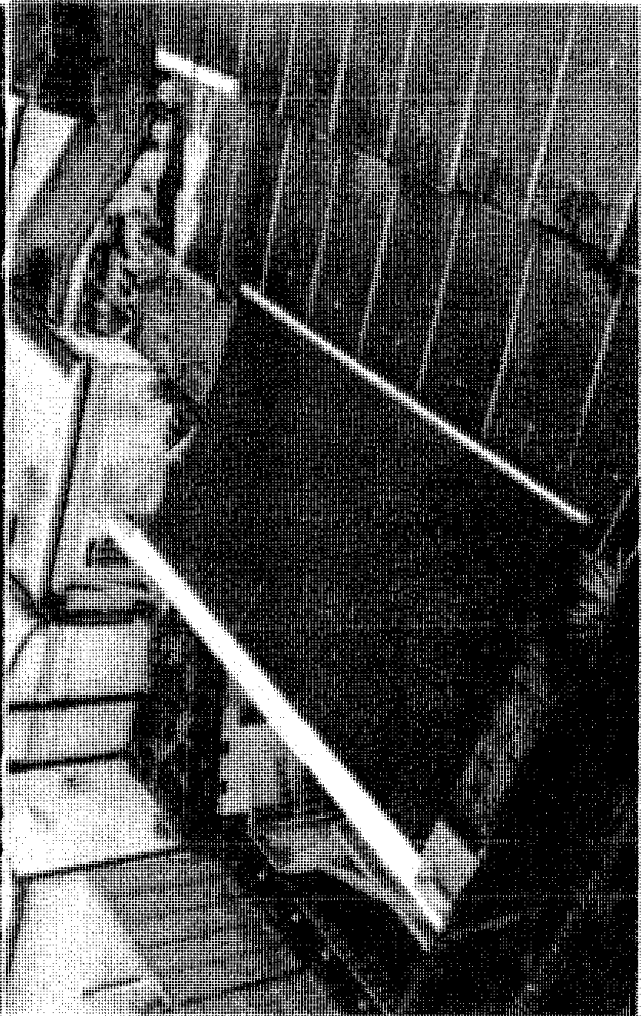
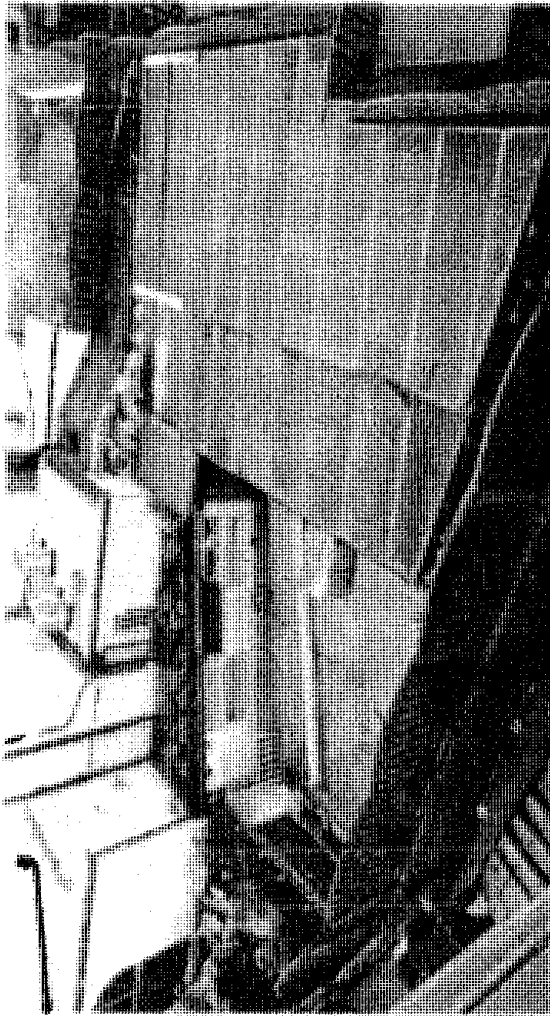
Please do not hesitate to contact me should you wish to discuss this further.

Yours truly,



5 MAR 2013

- 1X BUILDING WORK PICTURES
- 1X FOLLOWING SOME OF THE DATES NOISE DISTURBANCE - FOOTBALL MATCHES RECORDED VIDEOS
26/08/12 - 27/08/12 - 29/08/12 - 31/08/12 - 02/09/12 - 07/09/12
11/09/12 - 18/09/12 - 28/10/12 - 16/12/12 - 27/01/2013
- 1X WITNESS STATEMENT GIVING TO COURT ~~MINIMUM~~



Statement of witness

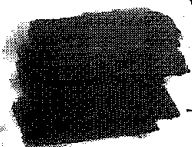
(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)



Occupation of witness

This statement, consisting of 5 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date:

06/12/12

I moved to my current address in Riversdale Road on August 11 2012. My flat has windows that overlook the garden at the rear of the White House P.H. in Highbury New Park.

I started to notice noise from the use of the rear garden in late August and I have kept some notes of significant noise disturbance to me and my family caused by the use of the garden.

I have kept notes as follows:

26/8/12 - 18:00 - 21:40 pm

TV in use in the garden. A football match was being shown - lots of noise from the customers and the amplified sound of the commentary. The noise increased when goals were scored.

27/8/12 - 19:00 - 00:30 am

Again a football match was shown, with lots of noise as described above. From 11pm there was live music in the garden area. The music was acoustic but it was very noisy as the customers were singing along to the songs being played. The music was traditional Turkish music. This prompted me to call the council and report

Dated the 6th day of December 2012

Signed



Statement of witness

2

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF

[Redacted Name]

the noise to their Noise Patrol Service. I was so desperate that I called the Police first of all and they gave me the number to call the Council.

29/8/12. 19:00 - 21:30.

Another football match was screened outside in the rear garden. The noise disturbance was the same with lots of people noise, the sound of the commentary that was amplified. The noise increased when goals were scored with the customers cheering etc.

2/9/12. 15:00 - 19:30.

Another football match with noise as described above. Only on this occasion the garden stayed open until about 11pm.

6/9/12. 19:00 - 22:00.

Another football match with the same type of noise as described above.

7/9/12 17:00 - 21:20.

Another football match was shown in the rear garden with a lot of customer noise and amplified sound as described above.

11/9/12. 17:00 - 21:30.

Today was my son's third birthday, we wanted to have a nice birthday gathering of family and friends to celebrate but we were badly disturbed again by noise from the rear garden at the White House when they screened another football match and I ended up having to call the Noise Patrol again which spoilt my plans to celebrate my son's birthday.

Dated the 6th day of December 2012

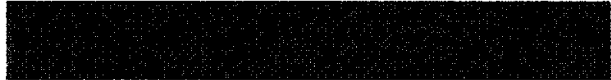
Signed [Redacted Signature]

Statement of witness

3

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF



18/9/12. 17:00 - 20:30.

Another football match was screened in the rear garden of the White House. The noise disturbance to my home was as described above.

I was away from home from 21/9/12 until 7/10/12. On my return on 7/10/12. I was again disturbed by noise from the rear garden between the hours of 17:00 - 20:30 when another football match was screened. Again the noise disturbance to me and my family was as described above.

23/10/12. 19:00 - 21:30.

Noise disturbance again from the screening of a football match in the rear garden of the White House. Again, the noise disturbance to my home and family was as described above.

20/11/12. 19:30 - 21:40.

The same again, another football match was shown. The noise disturbance to me at home was the same with lots of people noise with raised voices, screaming, shouting and swearing to each other. I understand the Turkish language so I could tell they were using bad language. There was also noise from the commentary and the people noise increased when goals were scored.

I have noticed the garden is in use on most nights after 9pm. The noise is not as bad when there is no football being screened but I can still hear customers talking and laughing outside and sometimes this is quite noisy and it still

Dated the 6th day of December 2012

Sign



Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF [REDACTED]

disturbs me and my family at home. This noise from the rear garden can go on until 11pm and sometimes it continues to later on.

The noise has got less since the cold weather has set in but I dread next spring and summer when the weather gets warmer again.

As well as the noise, the pub garden is used for the smoking of shisha pipes. The tobacco smoked in the pipes is very fragrant and aromatic. It has quite a destructive smell which is not nice. The smell from the shisha gets into my flat which overlooks the garden.

The noise disturbance from the use of the garden has had a big effect on my family. I had chosen to put my son's bedroom at the rear of my flat as I thought any traffic noise outside could disturb him. I have now had to swap bedrooms and he now sleeps at the front of the flat and my wife and I sleep in the bedroom that overlooks the garden to the pub.

This noise has put a strain on my relationship with my wife. We worry about when the noise is going to happen again and we have to call the Noise Patrol to come and visit us to witness the noise again and we have to wait for them to come. This makes us very short tempered with each other and fed-up with our situation.

We were very happy when we moved into our flat but our happiness has been spoilt by this terrible noise nuisance. We both feel very angry

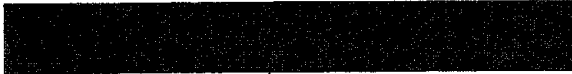
Dated the 6th day of December 2012

Signed [REDACTED]

Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

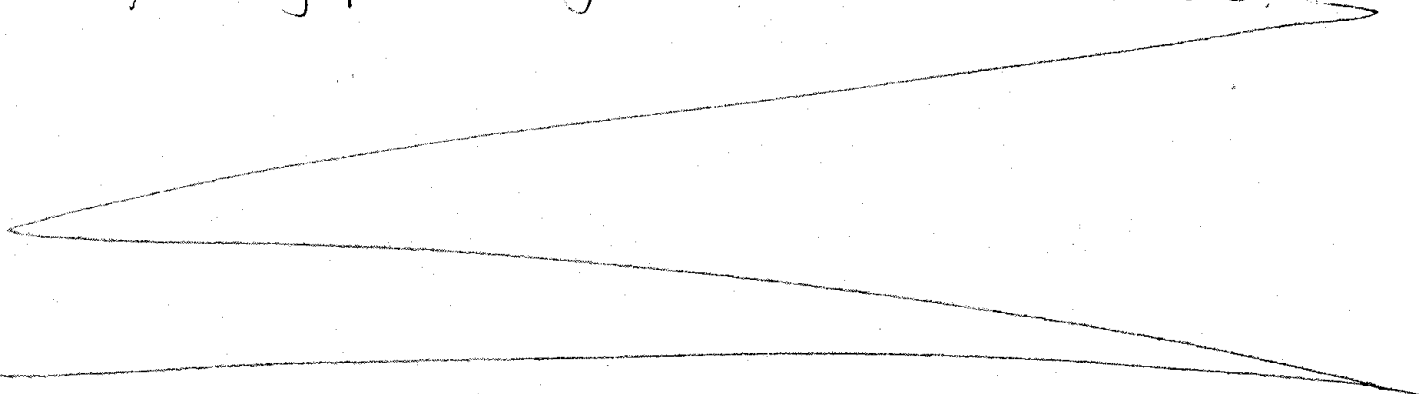
STATEMENT OF



that our peace and quiet at home has been ruined by the noise from the garden with lots of people crowding in it and making a lot of noise. The TV and the amplified sound in the garden is too loud.

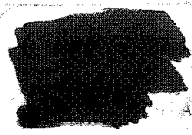
At the time of writing this to my knowledge the garden at the rear of the pub has not been used since last Thursday. I have not noticed any people or amplified sound in the garden at all. I have some video recordings of some of the noise from the events in the rear garden of the White Horse. Sometimes I have made recordings rather than make notes.

I have short clips of recordings that I made on my mobile phone at the window to my flat that overlooks the garden. I recorded noise on 26/8, 27/8, 29/8, 31/8, 2/9, 6/9, 7/9, 11/9, 18/9 and 23/10. I will make a disk of these recordings and would like to use these recordings as evidence of the noise that is affecting me and my family from the garden at the White Horse.



Dated the 6th day of December 2012

Signed



-----Original Message-----

From: [REDACTED]

Sent: 15 February 2013 09:20

To: Brothers, Anne; Forde, Niall; Licensing

Subject: Spam: The White House Public House Licensing Application 12/02/2013

Dear Anne Brothers, Nial Forde

I hope this finds you well? Today I have checked Islington Council Licensing applications, I have found The White House Public House(313 Highbury New Park N5 2LB) licensing application dated 12/02/2013 and Licensing Application Review Waiting Issue! the information supplied seems to cover only the general terms of alcohol license. My main concern is what exactly is meant by 'Ground Floor'. Does this include the rear garden? I would like to know if their applications can cover using the back garden to screen TV Football events and / or music? If the answer is yes should we appeal or is Islington Council already aware of the current situation and prepared to take their unacceptable behaviour the past month into account when considering their application?

As you know we have had problems with them ignoring the terms of their current licence and all warnings given to them so this really is a concern.

If they do get this licence, I fear there will be nothing to stop them from escalating the noise and all sorts of trouble related to drunken behaviour and gambling (allegedly taking place in the White House).

This will make living in the area very hard. They seem to have already started building works to the rear garden, which appear quite significant, perhaps getting ready for screening football matches.

Please see attached pictures taken by day by.

As always, I await your response in anticipation.

Kind Regards

[REDACTED]

This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.

[REDACTED]

Fitzsimons, Aiden

From: Forde, Niall
Sent: 08 March 2013 14:36
To: Fitzsimons, Aiden
Subject: FW: Spam: The White House Public House Licensing Application 12/02/2013
Attachments: App_Review_WhiteHouse_12Feb13.pdf;
060918GuidanceforInterestedPartiesReviews2007.pdf

-----Original Message-----

From: [REDACTED]
Sent: 05 March 2013 15:31
To: Forde, Niall
Cc: Brothers, Anne
Subject: Fwd: Spam: The White House Public House Licensing Application 12/02/2013

Dear Niall,

I would like to express my full support to Islington Council's Licensing department taking an action to review the terms of Licence of the White House pub. As someone who has been subjected to numerous occurrences of noise disturbance caused by the owners of the White House pub ignoring the terms of their licence and subsequent warnings issued to them by Islington Council Licensing Department, I feel that all in your power should be done to prevent the White House pub owners from continuing to cause noise nuisance.

We have reported the disturbances and understand from our correspondence with Anne Brothers that the owners of the White House have been issued with warnings but choose to ignore them. Further, they are currently doing building works to the rear garden, again into late at night (which again causes noise disturbance), which leads me to think they have plans to continue using the rear garden to screen football matches and play loud music there.

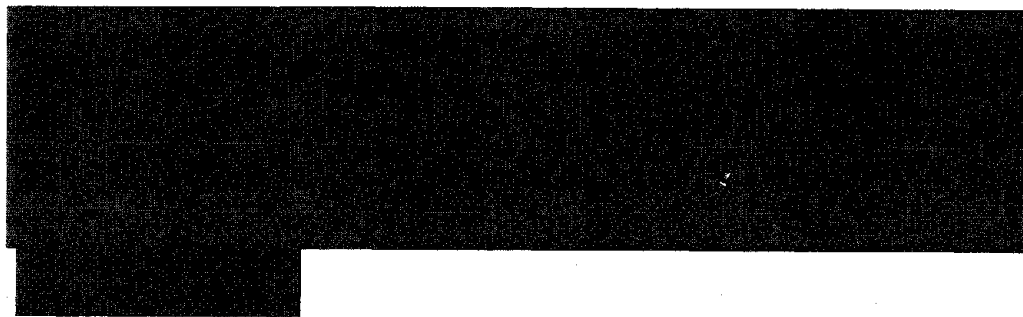
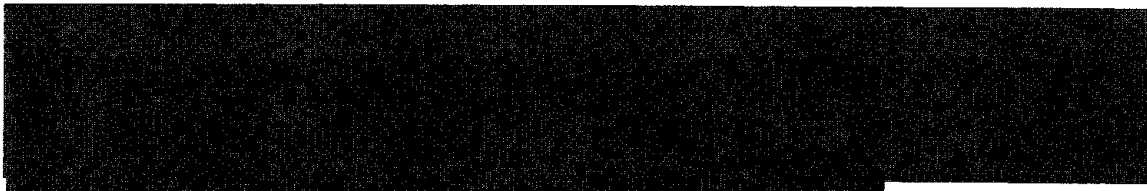
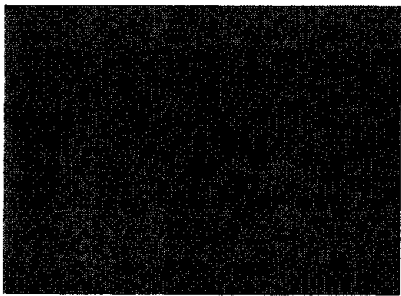
It is upsetting to see the owners to act as if they are above the law, having a complete disregard for the court ruling, terms of their licence, and the people living around the pub.

I would like to see the White House pub being forbidden from using the rear garden in any way after 9pm and for them to be forbidden to have and use TV or any form of amplified sound in the rear garden.

Please do not hesitate to contact me should you wish to discuss this further.

Yours truly,

[REDACTED]



13

The application submitted was made by Janice Gibbons on behalf of the licensing authority. The review is to tighten up the conditions in respect of the garden area, and also to add a condition to remove screen and speakers from the garden.

As the review has now been submitted any other interested parties including residents and the noise team can make comment on any issues relating to licensing objectives at the premises within the 28 day deadline. I have attached a copy of the review and the DCMs guidance on reviews for your information.

The last date for representations is 12 March 2013.

Regards

Niall Forde
Licensing Officer
Licensing Team
Environment and Regeneration
Islington Council
222 Upper Street
N1 1XR
0207 527 3227
Alternative contact: Terrie Lane 0207 527 3233

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on it, is prohibited and may be unlawful.

Fitzsimons, Aiden

From: Forde, Niall
Sent: 08 March 2013 14:35
To: Fitzsimons, Aiden
Subject: FW: Licence review for the White House Pub.

[REDACTED]

Sent: 05 March 2013 22:07
To: Forde, Niall
Cc: Brothers, Anne
Subject: Licence review for the White House Pub.

Dear Niall,

Please can you accept this email as a formal representation in support of the review of the licence for the White House Pub, 313 Highbury New Park, London, N5 2LB.

I would prefer it if I was not named in the papers that are published as part of this review. I would love to be able to speak at the hearing for this review but the disrespect that the owners have shown their neighbours thus far leads me to believe that I may face recriminations if I do so. This is a great shame.

Context

I purchased my flat, which is situated near the pub garden, in August 2012 - moving in on the 20th of that month. I understood that there would be some noise as a result of living next to the pub, and felt that under normal circumstances this wouldn't be a problem (I have previously lived in a flat that was situated in the middle of Camden under a railway bridge, opposite a popular pub, with no problem).

However since moving into the flat the level of disruption experienced has been, in my opinion, completely unacceptable. Additionally the level of disrespect the owners have shown for their neighbours and the degree to which they have blatantly disregarded the terms of their licence leads me to believe that the problem will only continue and possibly even get worse.

So that my representation can be considered, I will describe my experiences in the past 7 months under three key headings:

1) Unacceptable noise out of hours.

I understand that the agreement attached to the current licence states that the garden should not be used after 9pm. This is certainly not adhered to.

The garden is regularly open past 9pm and often stays open until the early hours of the morning. Friday, Saturday and Monday seem to be the worst days for this.

When the garden is being used late at night it is impossible to sleep and disruptive to our general living conditions. The noise has been so bad that I have reported it to the Council's noise team on several occasions and they have visited my flat to witness it.

My temperament is mild mannered, considered and calm. I try to avoid confrontation. However, the late-night noise from the garden has resulted in me shouting out of my window on two occasions (both resulted in the noise stopping immediately). The first of these was in July, shortly after I moved in, when the pub had a band with

several instruments playing and singing at 3am. The second is linked to the current building works and is detailed in point 3 below.

This is an ongoing problem that shows no sign of abating.

2) Music and football.

I understand that the agreement attached to the current licence states that the garden should only be used for background music and drinking only. This is certainly not adhered to.

The garden is equipped with large speakers and a huge flatscreen TV. This is used on regular occasions to screen foreign football (the european fixtures when the noise takes place leads me to believe that it is the Turkish league). When the football is screened, the garden is packed. All of the patrons spend the entire time of the game (2 hours or more) singing and chanting loudly. This is audible in every room of my flat, is therefore inescapable and is simply unbearable.

My understanding is that the pub have been informed by the Council that a TV and speakers are not permitted in the garden and they have continued since then. On nights when there is no football but the garden is open, the pub play loud music through these speakers.

This is an ongoing problem that shows no sign of abating.

3) Building works.

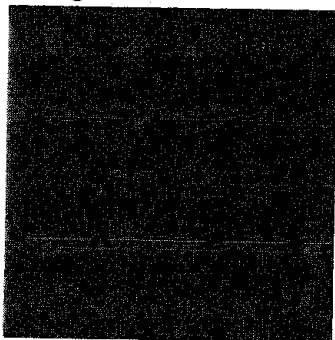
The garden is currently undergoing substantial building works. (I have been told that it is to create 'terracing' facing the TV so that more people can fit in when they screen football matches, however, I have not been able to confirm this).

Hammering and drilling are audible throughout my flat when the works take place.

The works do not generally take place during the day, but begin at around 6pm in the evening. I understand that this is not within the Council's stipulated hours for building work that can be heard outside of the site.

At 1:30am on the morning of Sunday 3 March the building work was taking place. 1:30am! I could not sleep due to the hammering and drilling and had to resort to shouting out of the window to tell them to 'shut up'. They stopped immediately, which to some extent indicates that they know they are in the wrong in the first place. This behaviour shows total lack of respect for their neighbours, which I can only imagine is going to continue unless suitable intervention takes place.

Regards,





Fitzsimons, Aiden

From: Forde, Niall
Sent: 11 March 2013 10:21
To: Fitzsimons, Aiden
Subject: FW: The White House Pub

Another one

-----Original Message-----

From: [REDACTED]
Sent: 08 March 2013 17:02
To: Forde, Niall
Subject: The White House Pub

Dear Niall,

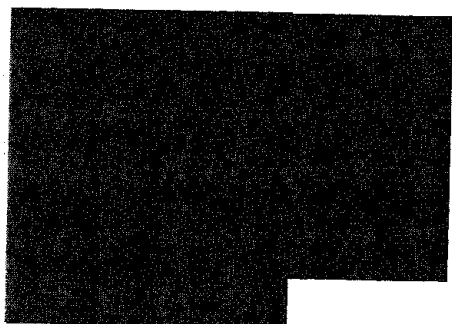
I am a resident of Riversdale Road, residing in very close proximity to The White House Pub on Highbury New Park. A neighbour of mine made me aware of the impending licence review facing the pub and I would like to make some comments.

I am in favour of any proposals which will result in the reduction of noise levels from the pub, particularly in the late evening/night time. There have been a few occasions, on Sundays if I recall correctly, where noise from the pub has prevented me from sleeping or has woken me up. I must say in their defence, it's not a constant problem, it doesn't occur week in week out. However, when they do screen football, it tends to be quite loud. I am surprised to learn that they don't in fact have a licence to screen sport in the rear garden.

Also, I'd like to point out that on Sat 2nd March, I did have an early night and was awoken past 11pm by what sounded like hammering and DIY. I cannot be certain that it was coming from the pub but it seemed to be coming from that direction.

I hope this information is of use. Please feel free to get in touch if you have any questions about my comments above.

Kind regards,



Fitzsimons, Aiden

From: Forde, Niall
Sent: 07 March 2013 14:20
To: Fitzsimons, Aiden
Subject: FW: White House pub 313 Highbury New Park N5 2LB

For the file.

-----Original Message-----

From: [REDACTED]
Sent: 08 March 2013 21:25
To: Forde, Niall
Subject: White House pub 313 Highbury New Park N5 2LB

Dear Niall

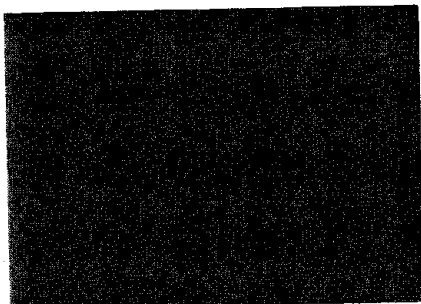
I'm writing you in regards to the Application For The Review Of A Premises License for the White House pub.

Living in very close proximity to the outdoor rear garden of the pub, we often have experienced noise disturbances in the evening after 21:00, and at many times after midnight. Including amplified music and live football matches.

I have just learned that there is a review of their license, and I strongly feel that the proposed terms and conditions are fair and reasonable, and hope they are applied.

If you have any questions, please do not hesitate me.

Kindest regards



Forde, Niall

From: Suna Hazar <suna@archgatelaw.com>
Sent: 03 April 2013 15:00
To: Forde, Niall
Subject: FW: Whitehouse Notice of hearing

Dear Naill,

I have been corresponding with Janice and she has today advised me to e-mail you with our clients proposal for consideration by individuals that have made a representation.

Our client proposes the following;

1. Television screens and the speakers to be removed from the rear garden.
2. No amplified music in the rear smoking area.
3. Rear garden shall not be used by patrons after 11pm.
4. Rear garden shall be supervised at all times whilst in use.

The fact that my client is now willing to remove the television and speakers should address the residents' complaints as there will be no matches shown at the rear garden.

As you are aware the committee hearing is on the 18th April and I hope that this matter can be resolved without going to the hearing if all parties are happy with the compromises my client is willing to make to minimize the destruction to the residents.

I look forward to hearing from you.

Regards,

Suna Hazar

Solicitor
cid:image001.jpg@01CDAAC9.A73577E0

FAX: 020 8809 9645

This email and any attachment(s) are confidential and are intended for the addressee(s) only. If you have received his email in error or there are any problems, please notify the sender immediately or contact Archgate Solicitors on 0203 397 2464. If you are not the named addressee you should not copy this message or attachment or disclose the contents to any other person.



THE WHITEHOUSE
313 Highbury New Park
LONDON
N5 2BL

Acoustic Consultant's
Report

REPORT 5356/AR1
Prepared: 25 February 2013
Revision Number: 0

The Whitehouse
313 Highbury New Park
London
N5 2BL

THE WHITEHOUSE
313 Highbury New Park
London N5 2BL

REPORT 5356/AR1
Prepared: 25 February 2013

Revision	Comment	Date	Prepared By	Approved By
Zero	First issue of report	25 February 2013	Torben Andersen	Francis Kneller

Terms of contract:

RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.

In line with our Environmental Policy, up to two hard copies of the report will be provided upon request. Additional copies of the report, or further hard copies of revised reports, would be subject to an administrative cost of £20.00 (+VAT) per copy.



RBA ACOUSTICS
44 Borough Road
London SE1 0AJ
T. +44 (0) 20 7620 1950
W. www.rba-acoustics.co.uk

Contents

1.0 INTRODUCTION.....1

2.0 NOISE MEASUREMENTS2

3.0 MEASUREMENT RESULTS.....3

4.0 DISCUSSION.....4

5.0 GOOD PRACTICE GUIDE.....4

6.0 OTHER CONSIDERATIONS.....5

7.0 RECOMMENDATIONS5

1.0 INTRODUCTION

- 1.1 The Whitehouse is a licensed premises at 313 Highbury New Park, which benefits from a late night planning permission until 1am Monday to Saturday. On Sundays there is planning permission until 00:30am although at present the venue only opens until 11:30pm.
- 1.2 There have been problems relating to the use of the beer garden at the rear of the premises due to the proximity of recently constructed residential properties which now overlook the garden.
- 1.3 A Section 80 Notice has been served by London Borough of Islington's Environmental Health Department and as such monitoring of noise levels over a typical weekend period has been undertaken.
- 1.4 The results of the monitoring have been compared to the prevailing noise levels (with no patrons in the external area) and also guidelines given within various relevant documents.
- 1.5 In summary, it is concluded that use of the beer garden (within certain constraints) can be considered acceptable.
- 1.6 With this in mind, we would recommend the following Conditions be applied to the premises licence regarding use of the beer garden:
 - A dedicated member of SIA staff to be within the beer garden at all times of occupation
 - No amplified music to be played within beer garden after 6pm
 - Televisions within beer garden to be altered such that there is no "sound" after 6pm
 - A noise limiting device to be installed to the sound system such that both amplified music and television noise are controlled to acceptable levels as assessed at the nearby residential properties

2.0 NOISE MEASUREMENTS

- 2.1 Unattended noise measurements at The Whitehouse premises were undertaken between Friday 30th November to Monday 3rd December 2012.
- 2.2 The survey period covered a typical weekend period when The Whitehouse venue was operating under normal conditions. The beer garden was open until 9pm.
- 2.3 Contemporaneous notes were also made by the premises management of the number of patrons within the rear beer garden area over each 15 minute period between 17:00 and 21:00 hours.
- 2.4 Weather conditions over the monitoring period were considered to be generally good, being predominantly dry and still, although there may have been light rainfall during the night-time period. As such, the measurements can be considered to give a satisfactory representation of the prevailing noise climate
- 2.5 A microphone was fixed to a boom and extended 3m above ground level on the Western perimeter of the beer garden. This position was selected to yield representative background noise levels as experienced at the worst-case noise sensitive receptor overlooking the beer garden.
- 2.6 Continuous measurements of the background noise climate were made throughout the weekend and were considered representative of the typical conditions. This location is shown on the attached Site Plan 5356/SP1.
- 2.7 The measurements were made using the following equipment, which was calibrated prior to and on completion of each survey period with no significant drifts being observed.
- 2.8 The following equipment was used for the measurements.

Table 5356/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
01dB A&V Type 1 Sound Level Meter	Solo 01	11298	U11335	28 May 2014
01dB A&V Pre Amplifier	PRE 21 S	12021		
G.R.A.S. 1/2" Microphone	40AE	151019	U11333	28 May 2014
01dB-Stell Calibrator	Cat 21	51231453		

The sound level meter was calibrated both prior to and on completion of the survey with no calibration drift observed.

3.0 MEASUREMENT RESULTS

- 3.1 The results of the measurements in terms of both L_{Aeq} noise levels and the L_{Amax} values made during our survey are detailed in the attached graphs 5356/G1-G3. These also include an indication of the number of people within the beer garden area.
- 3.2 As can be seen from these graphs, the noise levels at the measurement position over the key evening periods are consistent across each day on monitoring. The following table summarises the measured levels for the Friday night.

Table 5356/T2 – Measured Levels for 30 November 2012

Measurement Period	No. Patrons in Garden	L_{Aeq} (dBA)	L_{Amax} (dBA)
17:00	2	55.8	70.7
17:15	4	55.9	73.1
17:30	4	55.8	66.9
17:45	6	57.2	70.6
18:00	13	59.5	75.9
18:15	17	57.1	64.7
18:30	23	63.1	85.0
18:45	24	59.5	78.8
19:00	28	58.4	66.3
19:15	25	58.7	67.9
19:30	34	60.5	83.7
19:45	26	58.5	77.1
20:00	2	56.4	72.0
20:15	2	55.0	64.8
20:30	3	55.6	64.5
20:45	2	55.2	63.6
21:00	1	55.1	63.6
21:15	0	55.5	66.1
21:30	0	54.7	64.0
21:45	0	53.9	64.0
22:00	0	57.1	78.3
22:15	0	53.0	62.2
22:30	0	53.5	60.0
22:45	0	53.2	61.3
23:00	0	56.3	77.7
23:15	0	52.9	58.5
23:30	0	53.0	60.4

4.0 DISCUSSION

- 4.1 As can be seen from the attached graphs and Table 5356/T2, noise levels at the measurement location do increase slightly when there are patrons within the external garden.
- 4.2 It should also be noted that, during each of the days of the monitoring, the tv within the beer garden area was switched on and showing football matches.
- 4.3 We understand however, that one of the residents of the flats overlooking the beer garden has suggested that there were no patrons within the garden for the duration of the monitoring. This is not the case (our client has CCTV footage which can demonstrate this to be the case) although it could also be inferred from this allegation that received noise levels at the flats were not problematic over these periods.
- 4.4 Worst case levels of around 60dBA were recorded when there were 34 patrons in the garden area.

5.0 GOOD PRACTICE GUIDE

- 5.1 In March 2003, the Insitute of Acoustics published the "Good Practice Guide on the Control of Noise from Pubs and Clubs".
- 5.2 In Section 2.2 of the document, it is advised that "The purpose of this Guide is to assist local authority officers and venue management and their staff in the prevention of noise disturbance and in the investigation and resolution of noise complaints".
- 5.3 With regard to the use of Gardens and Play Areas, it is advised (Paragraph 7.8) that "The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and should normally cease at dusk or at 21:00 hours, whichever is the earlier.
- 5.4 It should also be noted that the draft version of the Good Practice Guide (and a subsequent Working Draft Annex to the Good Practice Guide) both included potential "prescriptive criteria" for the assessment of this type of noise.
- 5.5 These documents suggested a level of 55dBA L_{eq} at the noise sensitive premises could be considered a reasonable target criterion. It should however be noted that this criterion was suggested as being applicable for extremely quiet (rural) locations aswell as urban locations (where background noise levels are inevitably higher).
- 5.6 To compare the results of the noise monitoring exercise with the above suggested criterion, it is important to note the presence of background noise sources (such as local road traffic movements). As can be seen from Graphs, background noise levels immediately before and after the periods when there are no patrons within the beer garden are in the region of 55/56dBA.
- 5.7 It is also important to note that the measurement location used for the assessment is on the boundary of the Whitehouse beer garden area. As a result, measurements of noise due to patron activities will inevitably be marginally higher than those incident on the façades of the nearby residences. From our experience, the level difference is likely to be around 2dBA.
- 5.8 Taking the above into account, a level of (say) 60dBA as assessed at the measurement position, could be approximated as being 58dBA at the residential façade. When considering the cumulative effect of all background noise, this suggests noise due to the garden alone would be 55dBA. Therefore, a measured level of 60dBA could therefore be considered as being compliant with the target levels suggested in the draft Guide and Working Draft Annex.

- 5.9 With reference to Table 5356/T2, it can be seen that, during the Friday evening period generally (for 15 out of the 17, 5 minute periods in which there were patrons within the beer garden) measured noise levels were within this suggested limit.
- 5.10 The marginal exceedance (by less than 1dBA) at 19:30 is likely to have been a result of a large group leaving the garden area. The exceedance at 18:30 hours is likely to have been related to a group of patrons laughing.
- 5.11 Although such noise sources are normal (and do not relate to unacceptable behaviour), the fact that for such a high proportion of the time, compliance with the suggested limits was achieved, suggests that use of the beer garden (within certain constraints) can be considered acceptable.

6.0 OTHER CONSIDERATIONS

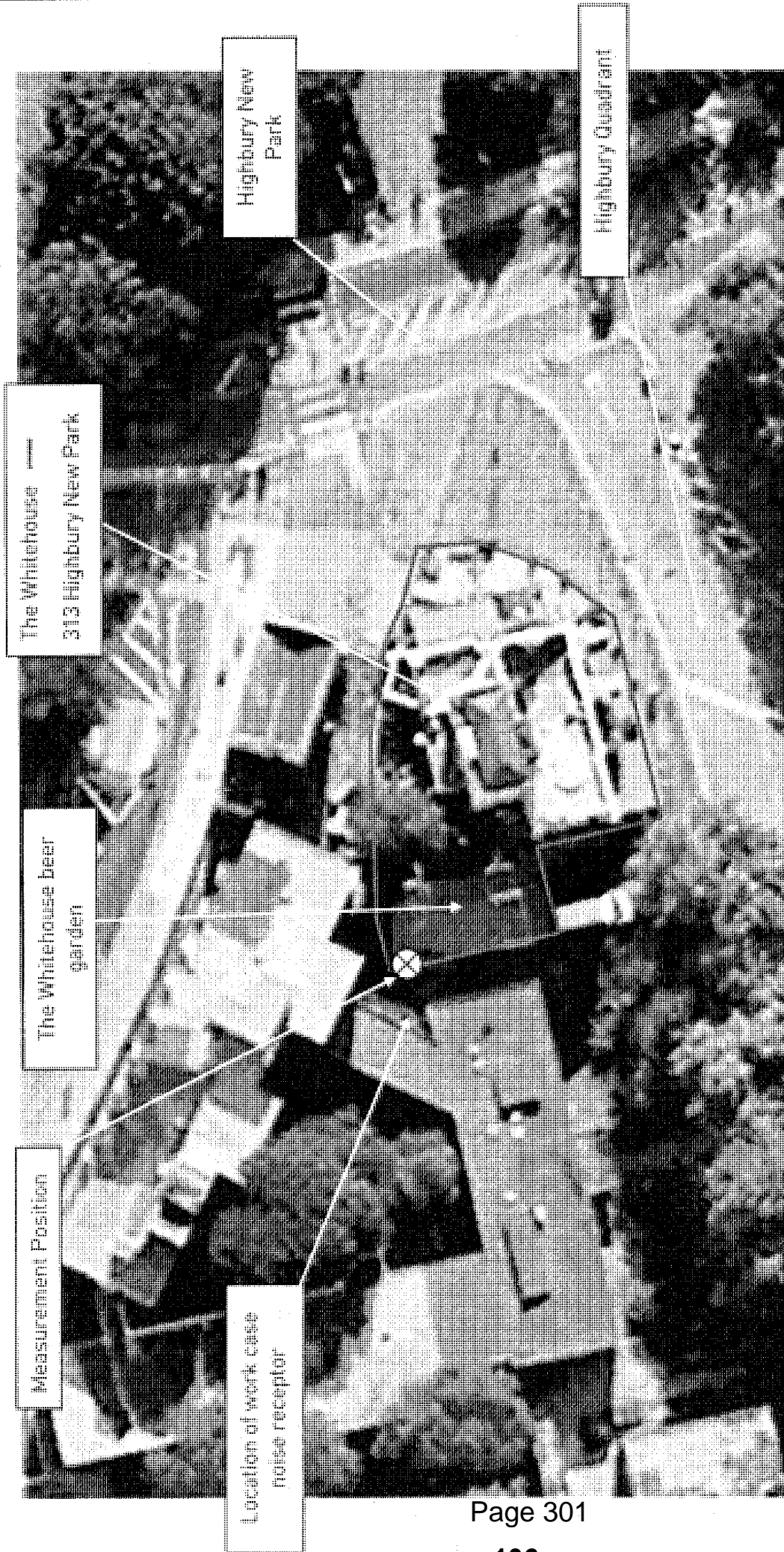
- 6.1 It should also be noted that the Whitehouse premises is a longstanding licensed venue and the properties from which the complaints have arisen are part of a recently constructed residential development.
- 6.2 While it is no defence to state that these residents have moved into the area, it could be expected that residents moving into a local area would fully appraise themselves of the local amenities (including licensed premises). Furthermore, the newly built residential properties should (under planning guidance for this area) be provided with sufficient sound insulation to adequately control pre-existing noise sources (such as road traffic along Highbury New Park and commercial premises such as the Whitehouse).

7.0 RECOMMENDATIONS

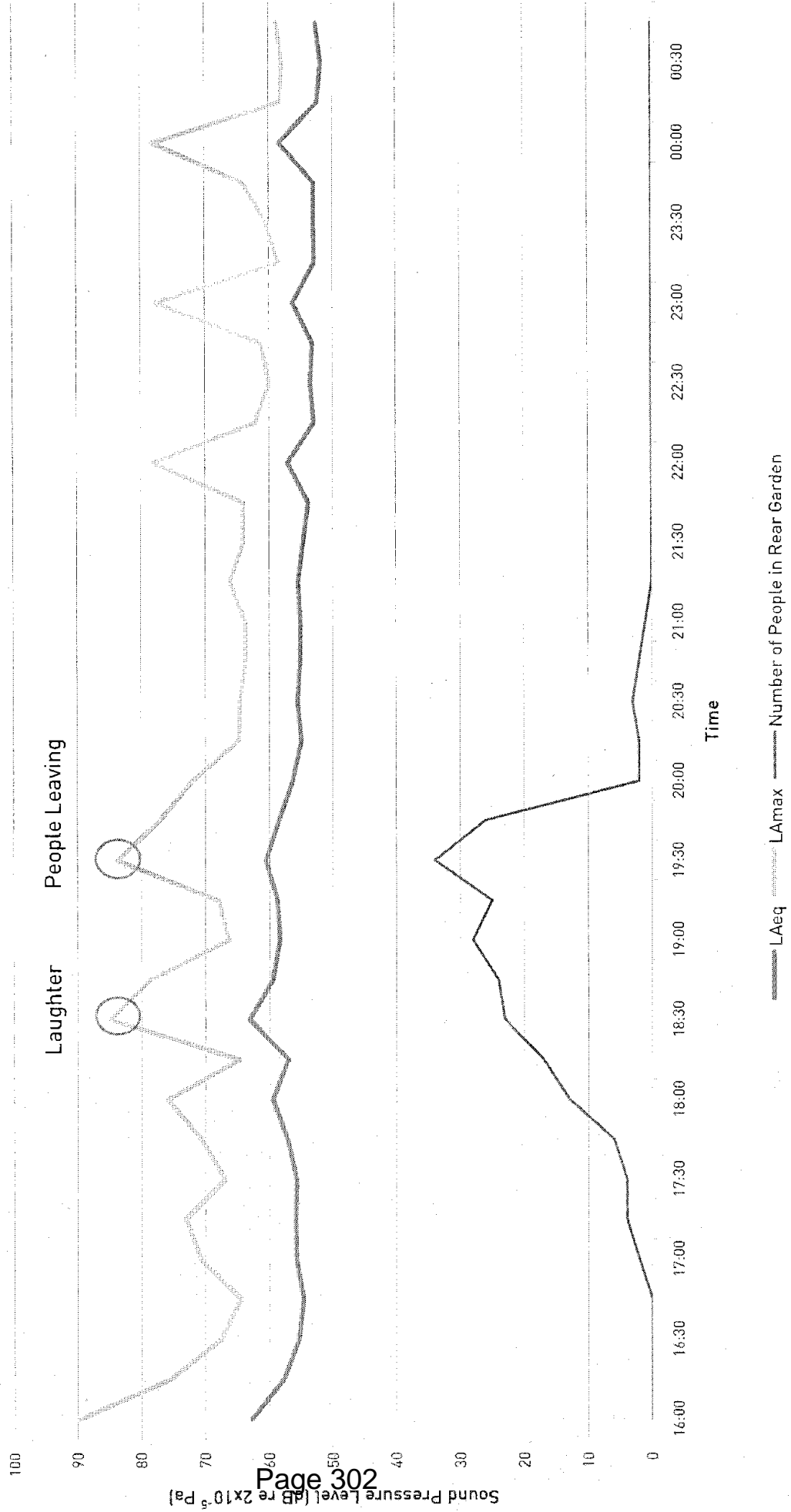
- 7.1 Measurements of the noise climate over a typical weekend period within the beer garden at the Whitehouse premises, have established that, even in the absence of noise associated with the beer garden itself, noise levels due to road traffic noise sources etc. are relatively high. With up to 34 patrons within the beer garden, L_{eq} levels increase only very slightly.
- 7.2 Generally, noise levels (when factored for increased distance to residential receptors and the prevailing background noise climate) due to the beer garden were below 55dBA.
- 7.3 With the above in mind, it is our professional opinion that use of the garden to the rear of the Whitehouse premises can be considered to be in accordance with the recommendations of the Good Practice Guide under certain constraints.
- 7.4 It must also be acknowledged that, although not a reason for defence, the beer garden was used for this purpose long before the residential development was constructed. There must therefore be some degree of "relaxation" to typically adopted standards to recognise this fact.
- 7.5 Notwithstanding the above the presence of such a beer garden in close proximity to residences inevitably has the potential to lead to disturbance to local residents. With this in mind, we would recommend the following Conditions be applied to the premises licence regarding use of the beer garden:
- A dedicated member of SIA staff to be within the beer garden at all times of occupation
 - No amplified music to be played within beer garden after 6pm
 - Televisions within beer garden to be altered such that there is no "sound" after 6pm
 - A noise limiting device to be installed to the sound system such that both amplified music and television noise are controlled to acceptable levels as assessed at the nearby residential properties

Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
L_{eq}	L_{eq} is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
L_{Aeq}	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
L_n (e.g. L_{A10} , L_{A90})	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence L_{10} is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L_{90} is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the L_{eq} value.



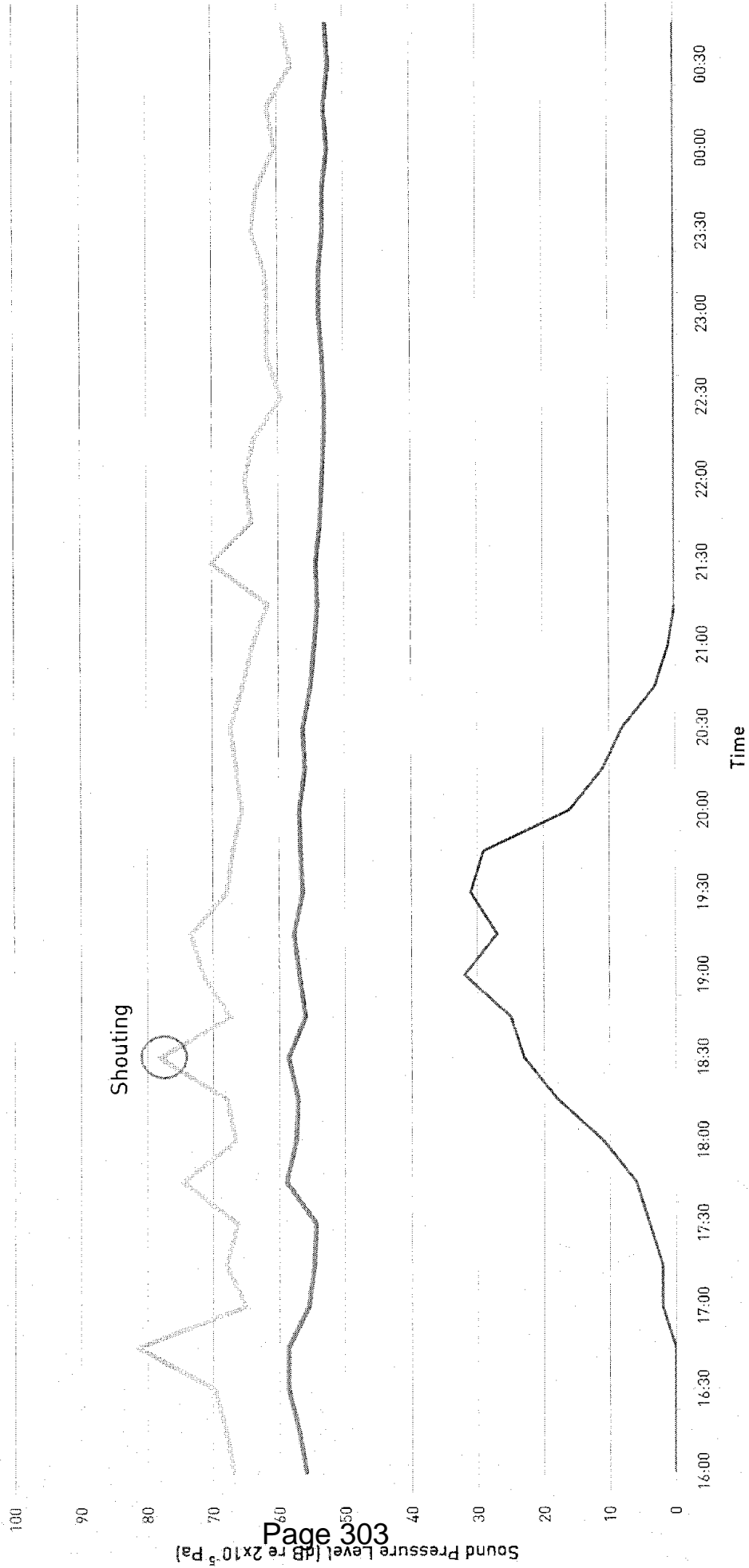
White House
15 minute LAeq & LAmax Time History
Friday 30 November 2012





White House
15 minute LAeq & LAmx Time History
Saturday 1 December

Graph 3356/G2

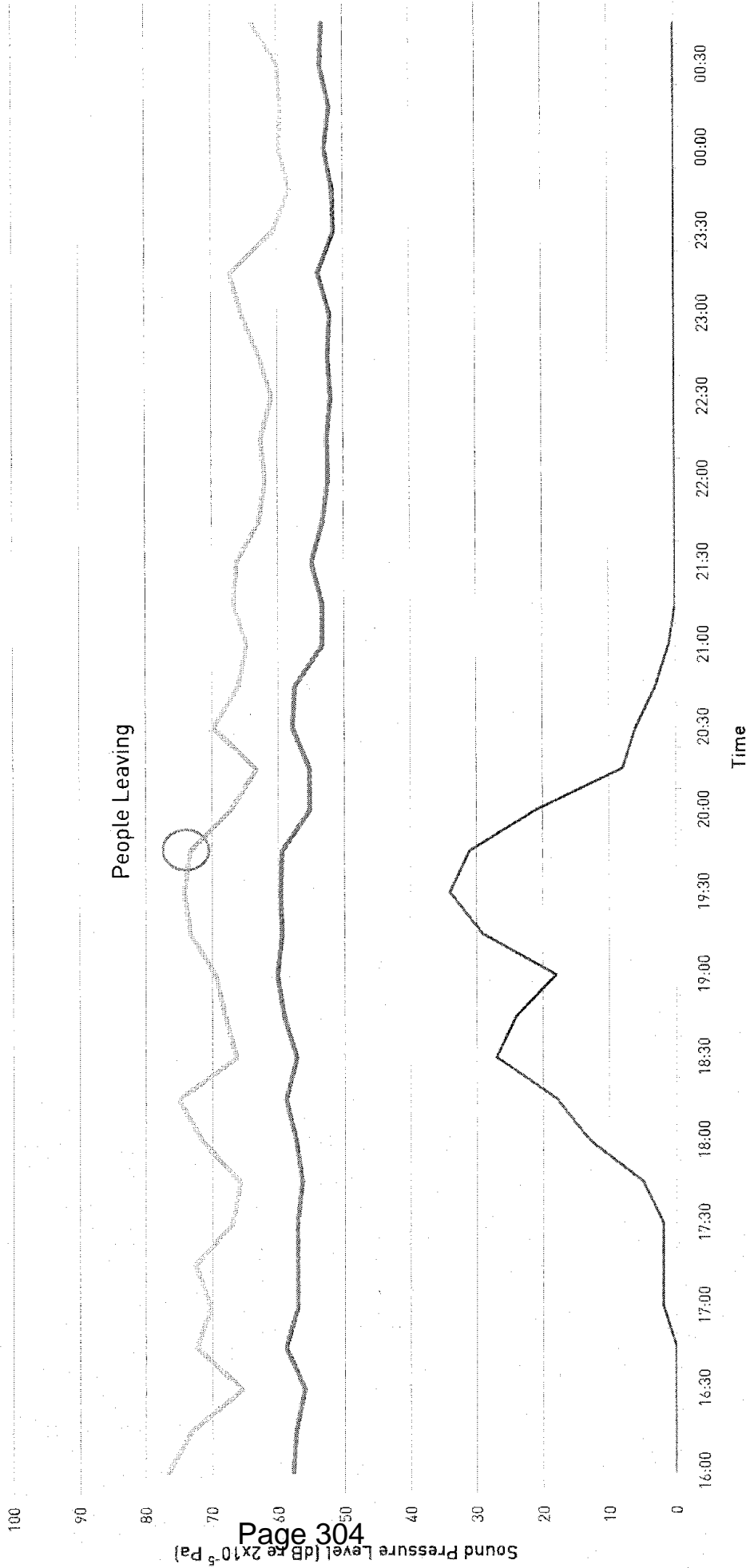


LAeq LAmx Number of People in Rear Garden



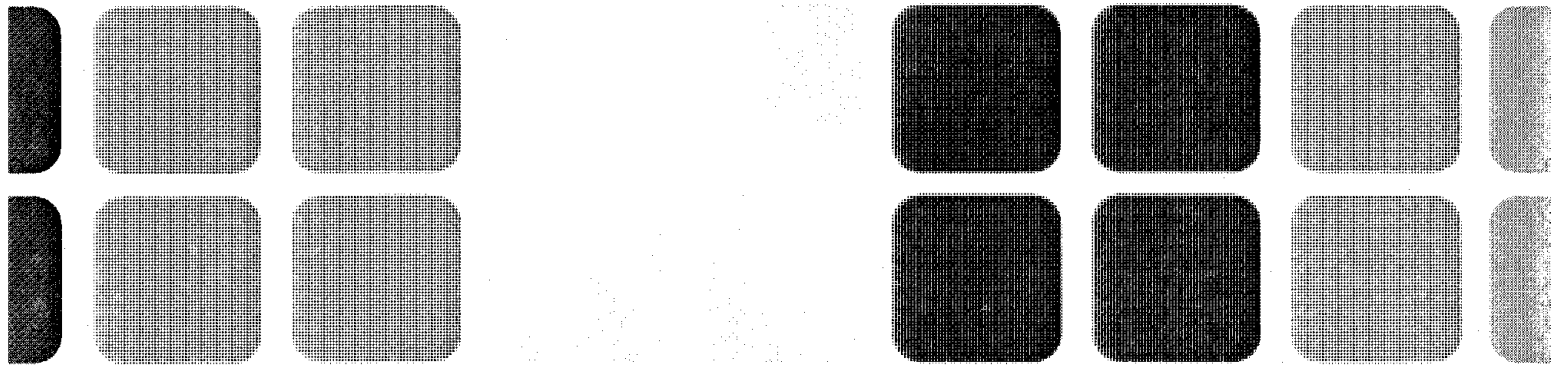
White House
15 minute LAeq & LAmax Time History
Sunday 2 December

Graph 5356/03



44 Borough Road
London SE1 0AJ

T. +44 (0) 20 7620 1950
W. www.rba-acoustics.co.uk



As per current licence

As outlined in Appendix 2 on the current premises licence.

Suggested conditions recommended by Council's Licensing Authority and the Noise Team

Remove conditions 16 and 17 from Annex 2 of the current licence.

Attach the following conditions

1. Television screens and speakers shall not be permitted in the garden at any time. **(Agreed)**
2. There shall no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is use. **(Agreed)**
3. The rear garden area shall not be used by patrons after 21:00.

The bar installed in the garden shall be removed.

A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of the review application.

Suggested conditions offered by licence holder

- 4 Rear garden area shall not be used by patrons after 23:00

London Borough of Islington
DRAFT
Licensing Sub-Committee C – 18 April 2013

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 18 April 2013 at 6.40 pm.

Present: Councillors: Raphael Andrews, Mouna Hamitouche and Claudia Webbe.

Councillor Claudia Webbe in the Chair

- 188. INTRODUCTIONS AND PROCEDURE (ITEM A1)**
Councillor Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting.
- 189. APOLOGIES FOR ABSENCE (ITEM A2)**
Apologies were received from Councillor Spall.
- 190. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**
Councillor Hamitouche substituted for Councillor Spall.
- 191. DECLARATIONS OF INTEREST (ITEM A4)**
None.
- 192. ORDER OF BUSINESS (ITEM A5)**
The order of business would be as on the agenda.
- 193. MINUTES (ITEM A6)**
RESOLVED
That the minutes of the meeting held on the 6 February 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 194. THE WHITEHOUSE, 313 Highbury New Park, London, N5 2LB**
APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003
(Item B1)

The Sub-Committee noted the tabled coloured photos and the addendum to the noise report which would be interleaved with the agenda papers.

The Licensing Service Manager, informed the Sub-Committee that, from August 2012 there had been a history of complaints regarding noise from customers, television screens and amplified music in the rear garden area. Licensing officers had then met with the licensee in November 2012 where it was agreed that the licensee would submit a schedule to deal with the issues at the premises. This had not yet been submitted. It was therefore considered necessary that a review application be submitted to control the current situation. It was reported that a building had been erected in the garden, which was substantially enclosed. With the deterioration in management practices including the breaches of conditions, the licensing authority had serious concerns with management practices at the premises.

The Environmental Health officer reported that the smoking ban applied in structures that were substantially enclosed. The guidance was that 50% of the wall would have to be open in order for smoking to be allowed. When this premises had first been visited the structure had been 75% enclosed and since then had become even more so. Guidance had been given to the licensee and the officer reported that the premises may be prosecuted for breaches in the smoking ban.

Licensing Sub-Committee C– 18 April 2013

The noise officer reported that no response had been received from the premises regarding the letters sent about noise nuisance from the premises. A Section 80 abatement notice had been served on the premises in September 2012 but further complaints regarding amplified music in the garden had still been received. They had no confidence in the management of the premises and considered that the rear garden should be closed at 21:00 hours. A DVD was played for the Sub-Committee which indicated the noise nuisance from a resident's perspective. An appeal against the abatement notice was heard in January 2013 and was dismissed by the District Judge.

In response to questions it was noted that noise complaints had been made from more than one resident. The DVD had been filmed on the 19 September. On that particular evening the garden was filled with approximately 100 people and there was a football game being screened. The licensing service manager reported that the complaints in August 2012 mainly related to match day screenings. They had hoped that the licensee would manage the process and remove the television screens. At the meeting in November it was agreed that the licensee would produce an action plan but this had never materialised. The Sub-Committee noted that the Engin Aken's uncle was the designated premises supervisor.

Baykal Suruk and Suna Hazar, solicitors, supporting the licensee Engin Akin, spoke against the review. They informed the Sub-Committee that they had recently taken over the matter and had hoped that the issue could be resolved without coming to Committee. Agreement had been reached with the noise team on all issues except the time of closure of the rear garden, which they required to be 23:00 hours. Mr Suruk stated that as soon as his client knew that the garden needed to be cleared it had been, within five minutes. He was willing to take the TV screens and amplified system away, and had confirmed that 50% of the structure would be removed. Once the TV screens had been removed, this would significantly reduce the noise in the rear garden. The event that had caused the major problems was a one off champion's league event. Similar events occurred in the area, in the parks or at the Arsenal stadium. A petition had been signed by local residents who were happy for the garden to be used until 23:30 hours.

In response to questions, the legal officer advised that questions should not be asked about the petition as it had not been seen by the applicant to the review. Mr Akin advised that there had been no limit to the hours in the garden previously and the noise officer had advised previously that the garden could be used until 23:00 hours. The noise officer informed the Sub-Committee that at a previous visit she had informed Mr Akin that she had needed to check the timings and informed him subsequently in a letter dated 31 August and again in a letter dated 20 September, that the garden should only be used until 21:00 hours. Mr Suruk advised that an acoustic report had not been sent as the previous solicitor had been dealing with this matter. The solicitor had received the report but had not passed the recommendations onto Mr Akin. The licensing officer advised that a condition of the licence was to provide an acoustic report. This had only just been provided. It was noted that the garden was not part of the licensed area. All alcohol had now been removed from the bar area. Mr Akin was willing to appoint a member of staff for the garden area. The noise officer advised that the noise from patrons could not be limited so the only solution would be to place a time limit to 21:00 hours to limit the noise. There were front terraces that could still be used at the front of the premises.

In summarising, the licensing authority reported that officers had been negotiating with the licensee since September and progress had only been made following submission of the review. The garden had still been used with TV screens despite the licensee knowing that this was a problem for residents. Mr Suruk reported that they had not received the acoustic report from the previous solicitor. If this had been received it would have been complied with. The hours in the garden were only an issue due to the noise from the TV screens. If these were removed it would not be necessary to limit the closure of the rear garden to 21:00 hours.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

Licensing Sub-Committee C– 18 April 2013

RESOLVED:

That the premises licence in respect of The Whitehouse, 313 Highbury New Park, N5 be modified as follows:-

- a) That the Designated Premises Supervisor be removed from the licence.
- b) That the following conditions shall be applied to the licence.
 - i) The conditions of the current licence subject to the deletion of conditions 16 and 17 of Annex 2.
 - ii) The following additional conditions.
 - Television screens and speakers shall not be permitted in the garden at any time.
 - There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is in use.
 - The rear garden shall not be used by patrons after 21:00.
 - No alcohol to be sold or consumed in the rear garden.
 - A revised layout of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of the review application.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee were particularly concerned with the evidence presented of poor levels of management that had been demonstrated by the licensee for a considerable time. The Sub-Committee noted the evidence of the licensing authority that the licensee had consistently failed to engage with the authority in relation to condition 16 and 17 of the licence. The Sub-Committee also took into consideration the levels of noise nuisance emanating from the rear garden especially when football matches were screened. An abatement notice had been served on the licensee recently which had been appealed and the appeal had been dismissed by the magistrate court.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 030 and decided against revoking the licence. The Sub-Committee was of the opinion that the licensing objectives could be achieved by the removal of the designated premises supervisor and the imposition of additional conditions.

195. MOONLIGHT SUPERMARKET, 131-133 HOLLOWAY ROAD, N7 8LX APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The police officer reported on their representation regarding alcohol related crime in the area. He raised concerns regarding the transfer of the licence from a smaller to larger premises. He considered that this would result in greater footfall in the premises and lead to an increase in alcohol sales.

The health authority highlighted a number of issues in their submission including the high level of ambulance call outs in the area. Hospital admissions in the area were lower in the ward compared to the borough whilst ambulance call-outs were higher. Additional availability would result in an increase in alcohol related harm.

Licensing Sub-Committee C– 18 April 2013

The licensing authority reported that this premises was in a cumulative impact area and in the application this did not seem to be an exceptional case or have mitigating factors and was therefore recommended for refusal.

Jun Simon, agent, representing the applicant Cihangir Eren, reported that the applicant had been running the premises next door since 1997. This had been a 24 hour premises since 2005. He reported that the space allocated to alcohol in number 135 Holloway Road was smaller than in 131/133 Holloway Road. He had prepared a notice of surrender and following the appeal period would surrender the licence for the next door premises. Taking over the premises at 131/133 was a commercial decision and the premises at 135 would be used for storage whilst the front of the premises could be rented out. He considered that this would not be an additional impact as the alcohol area would be smaller.

In response to questions, he reported that No 131/133 was a larger premises but the number of alcohol items and the area was much smaller. If they wished to change the floor area they would need to make an application. He considered he was reducing the number of alcohol items and would therefore reduce the amount of crime and disorder. Mr Eren was aware of the clientele in the area and would not serve alcohol to customers when drunk.

In summarising, the police reported that the premises were in an area of cumulative impact. The premises was a larger shop with a greater diversity of product which was designed to increase the amount of footfall and was more attractive for people to enter and buy alcohol. The health authority raised concerns regarding the 24 hour licence and reported that the number of premises selling alcohol needed to be reduced and not increased. Mr Simon reported that the applicant was not expecting to have increased sales of alcohol. His client had 16 years' experience in the area and had a very good relationship with his neighbours.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

That the premises licence in respect of Moonlight Supermarket, 131-133 Holloway Road, N7 be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Holloway and Finsbury Park cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences are likely to add to the existing cumulative impact and will accordingly normally be refused unless an applicant can demonstrate why the operation of the premises involved will not impact adversely on the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The Sub-Committee was concerned of the potential that the granting of the new licence would add to the crime and disorder, public nuisance and public safety in the area concerned. The applicant did not rebut the presumption and did not show any exceptional circumstances as to why the Sub-Committee should deviate from the norm in refusing such an application.

Licensing Sub-Committee C– 18 April 2013

196. DA HAI CHINESE SUPERMARKET, 334-336 CALEDONIAN ROAD, N1 1BB - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

RESOLVED:

That, as the applicant was not in attendance, this item be deferred to a future meeting.

197. ROHAT'S FRUIT BASKET, 93A STROUD GREEN ROAD, N4 3PX - APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B4)

The trading standards officer reported on papers tabled at the meeting which would be interleaved with the agenda. The licensee received a visit from trading standards officers following a complaint from a local resident. Illicit tobacco and alcohol were found in the premises. The owner and licensee, Bulent Dogan, had confirmed that he had read the guidance previously sent to the business. At the time of the seizure it was noted that several of the licence conditions had not been complied with. The manager of the shop had been instructed by Mr Dogan not to buy from people calling at the shop but there was no written instruction to this effect. The owner and licensee, Mr Dogan, stated he did not realise that illicit tobacco and alcohol was being sold in his shop. When the caller to the shop returned to sell more alcohol, Mr Dogan did not call the trading standards team with any details. Mr Cengiz, who bought the illicit alcohol, remains as manager in the shop. There were no CCTV recordings available of the wine seller. The officer considered that revocation of the licence was the only appropriate action in this case.

In response to questions, the trading standards officer reported that due to the low cost of the alcohol he would have good reason to believe that no duty had been paid on the wine – the amount paid (£1.33 per bottle) was much less than the duty payable on each bottle (£1.90). The Sub-Committee noted that Mehmet, an employee, had been sacked but Sinan Cengiz, whose responsibility was to obtain wine and tobacco for the shop, remained. At a visit by licensing officers as late as the 28 March it was noted that there were still breaches of conditions in the premises.

Mr Loughlin, counsel, spoke in support of the licensee, Mr Dogan. He reported that Mr Dogan had previously worked in licence premises in Southgate. He considered that the identification of the sellers in the shop were not clear from the descriptions in the tabled emails. There was nothing to suggest that Mr Dogan was aware that illegal cigarettes were being sold in the premises. Regarding the alcohol, the Glens had labels that appeared to be genuine, there were two bottles only of the Zoladhowa vodka and there was no evidence to suggest that the wine had been non duty paid. Mr Loughlin accepted there was evidence of poor practice and there had been lapses but concerns were now being addressed. There had been no suggestion that any underage sales had been made. There had been no further breaches over the past five months and he considered that a suspension of the licence would be more appropriate than a revocation when you only considered the small bag of illicit tobacco and the two bottles of Zoladhowa vodka in the shop that Mr Dogan would not have been aware of.

In response to questions Mr Loughlin reported that Mr Dogan believed the Glens vodka to be genuine and the wine was sold by a caller but he believed it to be duty paid. Mr Dogan only became aware of the tobacco when found by trading standards officers. He accepted that the standard of management had lapsed and was not robust enough. Mr Cengiz had made breaches in conditions and yet he was still employed. The Sub-Committee noted that Mr Cengiz was Mr Dogan's brother in law. Mr Loughlin informed the Sub-Committee that a new manager could be appointed if required. The CCTV was not checked daily. He had no knowledge of Challenge 25. This had now been rectified. The Sub-Committee considered that Mr Dogan had not taken any measures to mitigate staff stealing from him.

Licensing Sub-Committee C– 18 April 2013

In summary, the trading standards officer reported that illicit tobacco and alcohol had been found on the premises. If guidance had been followed, some of the Glens vodka would have been spotted as the labels on the 70cl bottles did not fluoresce. The invoice provided for the wine had an incorrect date, incorrect registered office and the telephone number did not work. Two months after the seizure there were still found to be breaches in the conditions in the licence. Trading standards were not contacted when the wine salesman returned. The refusals book only started in March after consultants had been employed. The trading standards officer recommended revocation of the licence.

Mr Loughlin reported that the evidence supplied by the unknown party was not admissible. The breaches of the licence were relatively minor and concerns were regarding the manager. He was still employed through misguided loyalty. There was no evidence that the wine was non duty paid and there had been one isolated incident. He did not consider that revocation was proportionate and he proposed suspension with additional conditions and/or the removal of Mr Cengiz as manager.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

a) That the premises licence in respect of Rohat's Fruit Basket, 93A Stroud Green Road, N4 3PX be revoked.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

There was undisputed evidence of the sale of illicit goods in the premises. The respondent blamed his manager and an employee for the illegal activity and submitted via his barrister that he was unaware of the illegal business taking place at the shop. The implication of this being that the manager and staff member had been concealing the illicit goods from him and had been selling the illicit goods when he was not present in the business. The further implication was that CCTV footage in the shop had either not recorded the transactions or was not examined as it should have been by the licensee. The licensee further submitted that measures had now been put in place at the business so as to prevent a recurrence of the illegal activity. Under questioning by the Sub-Committee it emerged that the manager, who the licensee submitted had been involved in the illicit sale of goods had not been dismissed and that he was still the manager of the premises.

The licensing authority supported the application brought by Trading Standards under section 51 of the Licensing Act 2003. There had been a history of breaches in relation to this licence albeit by a different licensee. The Sub-Committee found that the licensee failed to demonstrate a comprehensive knowledge of best practice and was not able to run his business lawfully in accordance with good business practice. The licensee failed to take adequate measures against the offending manager at the appropriate time. He did offer to substitute his manager through his barrister in a late submission to the Sub-Committee. This offer was only made after it was elicited by questioning by the Sub-Committee that the manager was still in post. If this information had not been forthcoming through questioning by the Sub-Committee it was clear that the intention of the licensee was for his manager, who had committed an illegal offence, to continue in post managing the business. This indicates that his motive for making such a late offer had more to do with his desire to protect his licence than a willingness and comprehension of sound management standards.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 010 regarding high standards of management and licensing policy 026 regarding the sale of illicit

Licensing Sub-Committee C– 18 April 2013

goods.

The meeting finished at 11:15pm.

CHAIR

APPENDIX D




NORTH

Scale: 1:1250 at A4



Ref:
15 June 2020

Page 315
 Produced by: Unspecified
 email:

please specify copyright statement

This page is intentionally left blank