

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 11/10/2018	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Tava Restaurant, 17 Stoke Newington Road, N16 8BH	Ward(s) affected Shacklewell	

1. SUMMARY

Applicant(s) Erol Uzum		In SPA Dalston
Date of Application 10 July 2018		Period of Application Permanent
Proposed variation: <ul style="list-style-type: none"> • To extend hours for sale of alcohol • To remove current condition 25 from Premises Licence 		
Proposed hours for licensable activity		
Supply of Alcohol INDOOR	Standard Hours: Mon 09:00-02:00 Tue 09:00-02:00 Wed 09:00-02:00 Thu 09:00-02:00 Fri 09:00-02:00 Sat 09:00-02:00 Sun 09:00-02:00	
The opening hours of the premises: INDOOR	Standard Hours: Mon 07:00-05:00 Tue 07:00-05:00 Wed 07:00-05:00 Thu 07:00-05:00 Fri 07:00-05:00 Sat 07:00-05:00 Sun 07:00-05:00	
Current activities/hours: See licence attached at Appendix D		
Capacity: 50		
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP5 (Planning Status), LP6 (External Areas and Outdoor Events), LP10 (Special Policy Areas – Dalston and Shoreditch)	

List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from ‘other persons’ D – Current Licence E - Location map
Relevant Representations	<ul style="list-style-type: none"> • Planning Authority • Police • Licensing Authority • Health Authority • Other Persons

2. APPLICATION

- 2.1 Erol Uzum has made an application vary the premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption on the premises
 - To remove current condition 25 from the licence.
- 2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. CURRENT STATUS / HISTORY

- 3.1 The current premises licence was granted in 2006. There has been no change of ownership since then. The current hours and conditions were approved by Licensing Sub-Committee on 19 July 2012, although at that meeting the sub-committee agreed to extend alcohol sales to midnight, rather than 02.00 which had been sought.
- 3.2 No TENs have been submitted in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority (Appendix B1)	Representation received on the grounds of the prevention of public nuisance & LP1 (Planning)

Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Special Policy Area.
Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance, and Special Policy Areas.
Health Authority	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance and Special Policy Areas

5. REPRESENTATIONS: OTHER PERSONS

Representation received from and on behalf of local residents. (Appendices C1-C4)	4 representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm, Special Policy Area.
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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), LP4 ('Off' Sales of Alcohol), LP5 (Planning Status), LP6 (External Areas and Outdoor Events), LP10 (Special Policy Areas – Dalston and Shoreditch) are relevant.

8. OFFICER OBSERVATIONS

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

25. No alcohol to be consumed on the premises after midnight.

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

Conditions derived from operating schedule

1. "Challenge 25" age verification policy to be applied with information to be displayed on the premises to prevent the supply of alcohol to under-age drinkers.
2. CCTV System installed to monitor entrances, exits, and other parts of the premises
3. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
4. Alcohol to be served with food only.
5. A log book or recording system shall be kept on the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be available at all times for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
6. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
7. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
8. Adequate waste receptacles for use by customers will be provided in the local vicinity
9. Training shall be provided to staff to meet the four licensing objectives with particular attention to:
 - a/ no selling of alcohol to underage people
 - b/ no drunk and disorderly behaviour on the premises area
 - c/ vigilance in preventing the use and sale of illegal drugs
 - d/ no violent and anti-social behaviour
 - e/ protection of children from harmAll training to be recorded in a Training Record Book available at all times for inspection at the premises

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Additional conditions 1 to 9 above derive from the applicant's operating schedule.

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.

Group Director, Neighbourhoods and Housing	Kim Wright
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
Tava Restaurant 17 Stoke Newington Road, N16 8BH	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

↳ Hackney LA07	Application to vary a premises licence under the Licensing Act 2003
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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 Erol Uzum
(Insert name(s) of applicant)

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

Premises licence number 055707
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Tava Restaurant 17 STOKE NEWINGTON ROAD HACKNEY			
Post town	LONDON	Postcode	N16 8BH

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£30,000

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED] UK-England
Post	[REDACTED]
Postcode	[REDACTED]

town			
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Part 3 – Variation

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	Yes
If not, from what date do you want the variation to take effect?	
Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)	Yes
	<input checked="" type="checkbox"/> No

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

~~N/A~~

- EXTEND SALE OF ALCOHOL TO;
MONDAY TO ~~FR~~ SUNDAY FROM 09:00 TO 02:00
- CHANGE OPENING HOURS;
07:00 TO 05:00 (MONDAY TO SUNDAY)
- REMOVE CONDITION 25 - NO ALCOHOL ON THE PREMISES AFTER MIDNIGHT TO BE SERVED.

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

50

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	09:00	02:00			
Tue	09:00	02:00			
Wed	09:00	02:00			
Thur	09:00	02:00	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 7) Default.LicesableActivitiesJ_plays_non_s»		
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	02:00			

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) N/A
Day	Start	Finish	
Mon	07:00	05:00	
Tue	07:00	05:00	
Wed	07:00	05:00	
Thur	07:00	05:00	
Fri	07:00	05:00	
Sat	07:00	05:00	
Sun	07:00	05:00	

Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
N/A

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

CONDITION 25- NO ALCHOL ON PREMISES AFTER MIDNIGHT TO BE SERVED.

Please tick as appropriate

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

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

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

I will post license to licensing team

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

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

I have been premises licence holder of Tava Restaurant since 2006. Recently i have partnered with my sister in law and her husband who are both professionals. Since 2006 there has been great changes to Hackney. it is important for my self and Tava to be able to meet customer expectations.

we would like to modernise our menu and decorate the premises from being a kebab shop to a warm, welcoming family environment. We will be investing a lot of capital and due to the current competition within the area we would like to meet customer needs for 100% satisfaction and return. currently i am unable to sell a glass of wine with a dish after midnight which has reduced the numbers of my customers. Competition is great but it is only great if you are able to compete. We have many restaurants in the area who is able to serve alcohol beyond my current hours

My sister in law Eda Akis is a training legal executive and has been within the legal field for over 8 years, she will take majority of control over management and training to ensure all staff members are trained and further all relevant requirements are met to its best.

we have had the alcohol licence for many years and have been fortunate enough not to come across with any unreasonable behaviour or situation, this is purely due to my management skills.

With the refurbishment and and my sister in law this is only going to better itself, hence why we feel confident in wanting to extend the sale of the alcohol hours. please see below additional steps we intend yo take to promote the four licensing objectives. We are of course happy to consider any conditions required by the local authorities and residence.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the

requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behavior on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good

training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

- Roller metal exterior window shutter will be fixed to ensure that shop front is safe

and secure at all times

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Not selling of alcohol to drunk or intoxicated customers.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner.

- Alcohol to be served with food only.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the

premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the premises.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Erol Uzum
Date	7/7/2018

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

Signature	Eda Akis
Date	7/7/2018
Capacity	Business Partner

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[REDACTED]			
[REDACTED]			
UK-England			
Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

APPENDIX B1

Planning Authority Representation: Application under the Licensing Act 2003

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Merryn McGregor
Officer telephone number	020 8356 8076
Officer's email address	merryn.mcgregor@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Tava Restaurant 17 Stoke Newington Road London N16 8BH
Applicant name	Erol Uzum

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

The application proposes to vary the existing premises license. The following licensable activities are proposed:

Supply of alcohol: 09:00 - 02:00 Monday - Sunday; and
Hours of operation: 07:00 - 05:00 Monday - Sunday.

The application also proposes to remove Condition 25 of the license what states that *'No alcohol to be consumed on the premises after midnight.'*

Planning application 2001/0214 granted the use of ground floor as Take Away/Restaurant (A3) use, plus erection of a single storey rear extension and a flue.

Condition 3 of the planning permission states that *'The use hereby permitted may only be carried out between 7h00 and 23h00 Mondays to Saturdays and between 8h00 and 22h00 on Sunday.'*

Planning application 2004/1470 refused the extension of approved opening hours to 5:00am Monday to Sunday inclusive. The reasons for refusal were given as follows:

1. *The proposal to vary condition no. 3 to extend the opening hours at the restaurant cannot be approved because conditions attached to the original planning permission 2001/0214 have not been discharged.*

Planning application 2006/0417 refused to vary condition 3 of planning permission (ref: 2001/0214) to allow the restaurant to be opened for 09:00 to 06:00 Mondays to Sundays. The reasons for refusal were given as follows:

1. *The proposed extension of hours would result in an unacceptable increase in noise, which would be detrimental to the living conditions of the neighbouring occupiers contrary to Policies ST1 (Strategic Policy - Appropriate Development, ST2 (Strategic Policy - Local Character), EQ40 (Noise Control) and R10 (Cafes, restaurants and 'Take-away').*

Planning application 2006/2070 granted variation of condition 3 (hours of use) attached to planning permission 2001/0214 to allow the restaurant to be opened from 0900 until 02.30 hours daily.

Planning application 2007/0700 granted the change of use of the first floor from storage to kitchen, toilet facilities/storage for the existing ground floor restaurant (Class A3).

Condition 3 of the planning permission limits the hours of operation to between 09:00 hours and 02:30 hours on any day.

The use of the premises is considered to be permitted. The proposed hours of operation exceed those permitted under the planning permission. The proposed hours have been considered by the the planning service previously and permission was refused. Therefore the planning service therefore objects to the proposed hours of operation.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
Permitted use	A3 (Restaurant)
Permitted hours	N/A
Specific/restrictive conditions	N/A
Recent applications	N/A
Decisions	N/A
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

Objection.

The use of the premises is considered to be permitted. The proposed hours of operation exceed those permitted under the planning permission. The proposed hours have been considered by the the planning service previously and permission was refused. Therefore the planning service therefore objects to the proposed hours of operation.

The applicant is advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

Signed	
Name	Adele Castle
Date	9 August 2018

**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 691GD Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Tava Restaurant 17 Stoke Newington Road London N16 8BH
NAME OF PREMISES USER	Erol UZUM

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 to vary the Premises Licence at TAVA RESTAURANT, 17 STOKE NEWINGTON ROAD, LONDON, N16 8BH for the following reason(s):

This premises is situated in the middle of the Dalston Special Policy Area. The policy is directed at the concentration of persons in the area and particularly those who have been drinking alcohol. A table has been set out, within the policy, detailing the activities and timings that are acceptable. The proposed timings within this application exceed those set out in the table

The policy clearly states that any application shall be refused which seeks to permit any activity/use not identified or allowed for in the table and where there is a genuine concern that the proposal will have a negative impact in the area. The area is saturated with licensed premises, which empty on to the streets in the early hours of the morning. These people are most often drunk, loud, boisterous and more likely to get involved in a confrontation, urinate, vomit and cause problems, including disorder on the street. After midnight, the streets in Dalston are incredibly busy and complaints are very often made by local residents who regularly contend with people urinating, vomiting, defecating or taking drugs on their doorsteps. The extra hours requested will mean that more alcohol has been consumed and these problems will just be increased once the patrons leave the venue.

Police feel that the current authorised hours are late enough and any increase would have a negative impact on the surrounding area.

Police cannot support this application at this time.

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

Application submitted.

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

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

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	0208 356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Tava Restaurant 17 Stoke Newington Road London N16 8BH
NAME OF APPLICANT	Erol Uzun

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

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

I make a representation in relation to this application as the premises is located within the Dalston Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. The premises is currently authorised for the provision of late night refreshment to 05:00 daily with alcohol sales restricted to midnight. The proposed additional hours for the supply of alcohol would therefore amount to an additional two hours per day.

It should be noted that **LP10** (Special Policy Areas – Dalston and Shoreditch) of the Council's Statement of Licensing Policy states:

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.

Evidential research used to inform the Policy made a number of notable findings, including:

- Most crime in Dalston (51%) occurred between the hours of 2200 and 0359 hours peaking between 0100 to 0259 hours over a period of 5 years.
- Friday's to Sunday's experienced the most crime overall (67%) of the total, particularly between Friday PM to Saturday AM, and Saturday PM to Sunday Morning between 2200 hours and 0459 hours (42%).
- A 'Behaviour Study' undertaken between May and November 2016 made a series of findings, including Dalston being a noisy location late at night, with many noise 'incidents', as well as a generally high ambient noise level creating potential conflicts of between local residents and ENTE businesses and patrons.

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.

Discussion with the applicant/agent to obtain further information in relation to the proposed operation of the premises bearing in mind the nature of the area and how the licensing objectives would be promoted.

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

Date: 07/08/2018

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

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	City and Hackney Public Health directorate
ADDRESS OF AUTHORITY	City and Hackney Public Health 1 Hillman St London E8 1DY
CONTACT NAME	Jerry Hill
TELEPHONE NUMBER	020 8356 1807
E-MAIL ADDRESS	Jerry.Hill@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Tava 17 Stoke Newington Rd N16 8BH
NAME OF APPLICANT/PREMISES USER	Erol Uzum

COMMENTS

I make the following relevant representations in relation to the above application.

- | | | |
|----|--------------------------------------|---|
| 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 | |

7 Aug 2018

RE: Representation against Tava

As Director of Public Health (a responsible authority under the Licensing Act 2004), I wish to make a representation against the application to vary the current license for **Tava, 17 Stoke Newington Rd N16 8BH**

The City and Hackney Public Health function recognises the role that licensed premises play in contributing to the local economy, but the dense availability of alcohol has a significant impact on the health and wellbeing of many of the borough's residents.

Tackling alcohol misuse is key to achieving the aspirations of Hackney's Health and Wellbeing Strategy. We want to establish an environment that recognises the role of alcohol in our society, whilst minimising the significant health damage caused by alcohol misuse. Licensing is an important component in the wider efforts to reduce this harm.


This representation is made under the **prevention of crime and disorder and the prevention of public nuisance** licensing objectives.

The application is for a venue within the Dalston Special Policy Area (SPA). As laid out in the Council's Licensing Policy, and under **LP10**, where a relevant representation is made to any application within the area of the Dalston SPA, the application should 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.

Dalston has been defined as a cumulative impact area. I am concerned that if this application is granted it will increase the availability of alcohol for consumption off premises. There is increasing recognition of the impact that high density availability has¹, which could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those consuming the alcohol but also of others who come into contact with them.

The area already has sufficient premises to meet demand and additional outlets supplying alcohol will be detrimental to the local residents in terms of noise and

¹ Livingstone M. et al. Changing the density of alcohol outlets to reduce alcohol related harm. Drug and Alcohol Review 2007; 26: 557-566
<http://onlinelibrary.wiley.com/doi/10.1080/09595230701499191/abstract>

Decorative graphic element consisting of several overlapping, curved lines in shades of green and black, sweeping across the bottom right corner of the page.

disturbance, anti-social behaviour and crime. This includes extra hours of alcohol provision to existing premises.

The area within which this premise is located has high incidences of crime and violence, including those that are alcohol related. The information below is drawn from SafeStats, a service within the Greater London Authority that hosts data from emergency services and other agencies, covering the period year to December 2017. This data shows that, within a 500m of the premises:

- There were **150** alcohol related incidents
- **42** alcohol related incidents involved those aged under 26 years
- **103** assaults were recorded by the London Ambulance Service

According to the council's Licensing database of premises allowed to sell alcohol, there are **8 on licence premises** and **14 off licence premises** within 500m of the application venue, with a further **6 having a licence for on and off sales**.

Based on the information provided and the conditions outlined in LP10, **the Public Health function recommends that the application for a licence to supply alcohol be refused.**

Yours sincerely



Dr Penny Bevan
Director of Public Health
London Borough of Hackney and City of London Corporation



From: [REDACTED]
Sent: 24 July 2018 13:06
To: Licensing
Cc: Richard Lufkin (Cllr); Michelle Gregory (Cllr); Wardens; Guy.Hicks@met.pnn.police.uk
Subject: Tava Restaurant, 17 Stoke Newington Road

Dear Hackney Licensing,

I am writing on behalf of the Rio Cross Residents Association to OBJECT to the application from Tava Restaurant for 'variation of premises licence to extend supply of alcohol till 02:00am Mon to Sun and to remove condition "No alcohol to be consumed on the premises after midnight".

There are a number of flats near these premises whose residents have a right to sleep. It is absolutely unacceptable that they should be kept awake until after 2 am seven nights a week by drunken customers emerging from this restaurant. It is our opinion that the restaurant should start winding down at 11.30 pm and be closed by midnight. There are already several all-night kebab shops and restaurants in the area as well as a large number of off-licenses. The supply is already sufficient.

If granted, the application would lead to an increase in anti-social behaviour and cumulative impact in the area.

On behalf of local residents, I urge you to reject this application.

Yours sincerely,

[REDACTED]

[REDACTED] Rio Cross Residents Association.

From: [REDACTED]
Sent: 24 July 2018 14:09
To: Licensing
Cc: [REDACTED]
Subject: Tava Restaurant, at 17 Stoke Newington Road

Dear Licensing team,

Regarding the application made by Tava restaurant to extend it's sale of alcohol to 2am, I would like to make an objection on the grounds that this will be very likely to increase the anti-social nature of the surrounding area at that time and into the following morning as there is already a bad problem with refuse along the adjoining Truman's road. As my family and I live [REDACTED], my young son often has to avoid dangerous refuse along the side of the premises as well as there already being a lot of urine and other remnants of the night time economy which pose a threat to his safety and other children during the day-time.

Regards,

[REDACTED]
[REDACTED] Pellerin Road, N16 [REDACTED]
[REDACTED]

Shan Uthayasangar

From: [REDACTED]
Sent: 24 July 2018 18:07
To: Licensing
Cc: Richard Lufkin (Cllr); Michelle Gregory (Cllr); Wardens; Guy.Hicks@met.pnn.police.uk; [REDACTED]
Subject: Re: Tava Restaurant, 17 Stoke Newington Road

Dear Licensing,

I am writing as a local resident and member of the Rio Cross Residents Association just to stress local residents' objection to extended licensed hours for these premises. It would break all four of the councils licensing objectives to grant this application. The area is beyond saturation point in terms of the number of late licenses already.

Yours,

[REDACTED]

Local resident

> On 24 Jul 2018, at 13:05, [REDACTED] wrote:
>
> Dear Hackney Licensing,
> I am writing on behalf of the Rio Cross Residents Association to OBJECT to the application from Tava Restaurant for 'variation of premises licence to extend supply of alcohol till 02:00am Mon to Sun and to remove condition "No alcohol to be consumed on the premises after midnight".
> There are a number of flats near these premises whose residents have a right to sleep. It is absolutely unacceptable that they should be kept awake until after 2 am seven nights a week by drunken customers emerging from this restaurant. It is our opinion that the restaurant should start winding down at 11.30 pm and be closed by midnight. There are already several all-night kebab shops and restaurants in the area as well as a large number of off-licenses. The supply is already sufficient.
> If granted, the application would lead to an increase in anti-social behaviour and cumulative impact in the area.
> On behalf of local residents, I urge you to reject this application.
> Yours sincerely,
> [REDACTED]
> [REDACTED], Rio Cross Residents Association.

Shan Uthayasangar

From: [REDACTED]
Sent: 07 August 2018 19:18
To: Licensing
Subject: 17 Stoke Newington Road London N16 8BH

Dear Licensing,

This premises has a poor track record of compliance.

This variation would cause nuisance particularly when customers leave the premises. The immediate vicinity is at the centre of the nuisance and crime in Dalston's Special Policy Area. The proposal would add to the cumulative impact.

This grill restaurant is a particularly notable polluter causing acute and other incidents of nuisance from concentrated acrid inadequately filtered smoke from a badly maintained extraction system to affect residential properties.

Regards,

[REDACTED]

17 Stoke Newington Road London N16 8BH
Shacklewell
Mr Uzum
Application for variation of premises licence to extend supply
of alcohol till 02:00am Mon to Sun and to remove condition
"No alcohol to be consumed on the premises after midnight".
07/08/2018

APPENDIX D



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0614

Part 1 – Premises details

Tava Restaurant
17 Stoke Newington Road
Hackney
London
N16 8BH
0207 249 3666

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Recorded Music
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Recorded Music Standard Hours:

Premises: Mon 09:00-23:00
 Tue 09:00-23:00
 Wed 09:00-23:00
 Thu 09:00-23:00
 Fri 09:00-23:00
 Sat 09:00-23:00
 Sun 09:00-23:00

Late Night Refreshment Standard Hours:

Mon 23:00-05:00

Indoors: Tue 23:00-05:00
Wed 23:00-05:00
Thu 23:00-05:00
Fri 23:00-05:00
Sat 23:00-05:00
Sun 23:00-05:00

Late Night Refreshment

Outdoors:

Standard Hours:

Mon 23:00-03:00
Tue 23:00-03:00
Wed 23:00-03:00
Thu 23:00-03:00
Fri 23:00-03:00
Sat 23:00-03:00
Sun 23:00-03:00

Supply of Alcohol

Premises:

Standard Hours:

Mon 09:00-00:00
Tue 09:00-00:00
Wed 09:00-00:00
Thu 09:00-00:00
Fri 09:00-00:00
Sat 09:00-00:00
Sun 09:00-00:00

The opening hours of the premises

Premises

Standard Hours:

Mon 09:00-05:00
Tue 09:00-05:00
Wed 09:00-05:00
Thu 09:00-05:00
Fri 09:00-05:00
Sat 09:00-05:00
Sun 09:00-05:00

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

On Premises

P

██████████
Name (and) address, telephone number and e-mail (where relevant) of
holder of premises licence

M

██████████ road
London
██████████

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 authorises the supply of alcohol

Mr Erol Uzum

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

Date of Grant: 13 September 2006

Signed:

David Tuitt
Team Leader - Licensing

Annex 1 - Mandatory Conditions

Supply of Alcohol

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 shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. 5.1. 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.

5.2. 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.

6. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(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 8.2(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.

Annex 2 – Conditions consistent with the Operating Schedule

8. CCTV installed on the premises shall be maintained and recordings shall be kept for 31 days and made available to the police on request.
9. All seating areas to remain in full view of the counter.
10. All incidents of a criminal nature that occur on the premises shall be reported to the police.
11. Customers shall be requested to leave the premises quietly. Signage indicating this shall be displayed on the premises.
12. The staff shall control the behaviour of the customers under the licensee's direction when on the premises or in the immediate vicinity of the premises as they seek entry or leave.
13. Fire extinguishers (Foam, H2O and CO2), Fire blanket, internally illuminated fire exit signs, smoke detectors and emergency lighting shall be maintained in good working condition.
14. In the absence of adequate daylight, suitable and sufficient lighting shall be provided and maintained in any area accessible to the public. Access for disabled people to enter and leave the premises shall be maintained.
15. Customers shall be discouraged from congregating outside the premises.
16. Ventilation systems shall be maintained so as to prevent noxious smells from leaving the premises.
17. Refuse receptacles shall be cleaned regularly with a disinfectant. All the waste generated by the premises shall be dealt with appropriately.
18. Staff shall undertake a regular litter pick up outside the premises.

19. Photographic proof of ID like a passport shall be requested from customers who seem underaged.

Conditions derived from Responsible Authority representations

20. No noise shall be audible within the nearest noise sensitive premises.
21. All recorded music played after 23:00 shall be at background levels only.
22. The lobby doors shall be kept closed when not in use.
23. The changing of bins with bottles and glass waste shall not occur after 23:00.
24. The specification for the new kitchen extract system shall be agreed with the Council's Pollution Team.

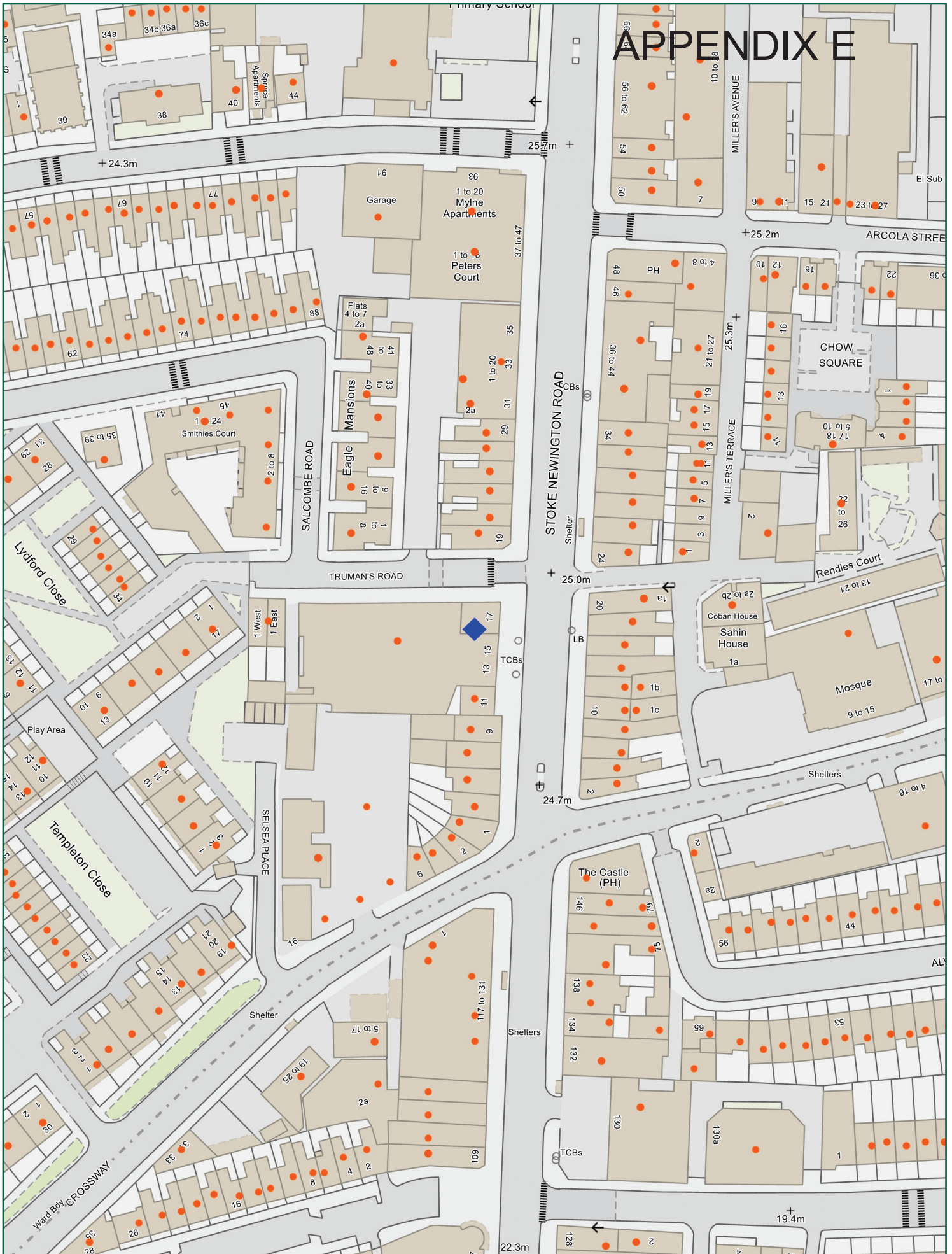
Annex 3 – Conditions attached after a hearing by the licensing authority

25. No alcohol to be consumed on the premises after midnight.
26. No more than 50 patrons on the premises at any one time.
27. No more than 5 smokers' outside the premises at anyone time.
28. No new admittance to the premises after 0400 day following.

Annex 4 – Plans

PLAN/LBH-PRE-T-0614/271005

APPENDIX E



Scale: 1:1250 at A4



Ref:
01 October 2018

Produced by: unspecified
email:

please specify copyright statement