



Report of: **Service Director - Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17 May 2012	1	Bunhill

Delete as appropriate	Exempt	Non-exempt
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Subject: TEMPORARY EVENT NOTICE APPLICATIONS
RE: Indulgence, 2-5 Carthusian Street, London EC1M 6EB

1. Synopsis

- 1.1 This is a hearing to determine a temporary event notice (TEN) in respect of the above premises to effectively extend the terminal hour for licensable activities from 2am to 3am on Sunday morning, 27 August 2012. The temporary event notice is applied for under section 100, Part 5 of the licensing Act 2003.
- 1.2 This application is subject to a representation from the Council's Environmental Health Department on the grounds of public nuisance.
- 1.3 The Licensing Sub-Committee are asked to consider whether or not to authorise the notice, and if allowed whether to impose any of the current premises licence conditions.

2. Recommendations

- 2.1 To determine the temporary event notice under Part 5 of the Licensing Act 2003 as the Licensing Sub-Committee consider appropriate for the promotion of the Licensing Objectives.
- 2.2 The Committee can decide to:
 - i. allow the temporary event notice for the specified event,
 - ii. allow the temporary event, subject to one or more conditions of the existing premises licence;
 - iii. prohibit the temporary event notice by way of a counter notice.

3. Background

- 3.1 The premises holds a premises licence which allows regulated entertainment and sale of alcohol between 09:00 and 23:00, Mondays to Wednesdays, 09:00 to 00:00, Thursdays, 09:00 and 02:00 on Fridays and Saturdays, and 09:00 and 00:30 on Sundays.
- 3.2 The premises has been used under two other TENs this current calendar year: 29 April and 13 May, both 2am to 3am.
- 3.3 Licensing Officers visited the premises on 5 May 2012 at 00:50 to discuss details of complaint arising from disturbance on 29 April 2012. The officers report is as follows:

"Observed drunk customer with friends outside as approaching premises. They were not noisy. Entered premises after door staff had called licensee to the door (Ludmila Sychenko), went to the office in basement to look at CCTV records. After some discussion established that CCTV working but no cameras are set up outside and therefore no footage of previous disturbance. Delivered and discussed letter from Anne Brothers. Licensee and partner expressed their frustration that a bar across the road was allowing their patrons to make disturbance on the street which was being blamed on Indulgence. The premises across the road is within City of London boundary. We discussed the best way they could handle this and move forward. Re the incident last week, LS said that it was very heavy rain so the customers were standing around the doorway smoking and waiting for cabs. They allow only ten people at a time out to smoke and security keep an eye on them. Advised her to contact Anne Brothers re the objection to their TEN as they could negotiate conditions and it could be withdrawn, also to install cctv outside the premises, LS indicated this was too costly."

- 3.4 Papers are attached as follows:-
- Appendix 1: TEN application;
 - Appendix 2: EHO representation;
 - Appendix 2a: Supplementary evidence from EHO;
 - Appendix 3: current premises licence;
 - Appendix 4: map of premise location.

4. Conclusion and reasons for recommendations


- 4.1 The Council is required to consider this temporary event notice application and decide to grant or refuse the application only.

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 14/5/12

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Simon Gallacher

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TEMPORARY EVENT NOTICE

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

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

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)						
1. Your name						
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)					
Surname	SYRCHENKO					
Forenames	LUDMILA					
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)						
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)					
Surname						
Forenames						
3. Your date of birth			Day	Month	Year	
			15	6	1977	
4. Your place of birth			UKRAINE			
5. National Insurance Number						
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)						
Post town			LONDON			
Post code			E14 6UD			

ISLINGTON COUNCIL LICENSING			
Date	3/5/12	Fee Paid	21
Cash Cheque Number (please circle)	100177		
Receipt Number	53690		
Received By	W. G. J. J. J.		



7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (optional)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
<p>2-5 CARTHUSIAN STREET INDULGENCE BAR AND GRILL</p>			
Post town	LONDON	Post code	EC1M 6EB
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (optional)			

2. The premises
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)
<p>2-5 CARTHUSIAN STREET LONDON EC1M 6EB INDULGENCE BAR AND GRILL</p>
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)
BAR AND GRILL
Please describe the nature of the event below. (Please read note 5)
BIRTHDAY PARTY

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)		
SAT 26 MAY - SUN 27 MAY		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)		
SUN 27 MAY 2:00AM - 3:00AM		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	200	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	WESTMINSTER COUNCIL	
Licence number	09/05718/LIPERS	
Date of issue		
Date of expiry	22-07-19	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) To knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) To permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature



Date

1.05.12

Name of Person signing

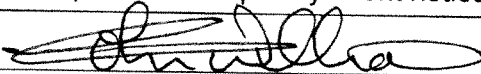
LUDMILA SYPCHENKO

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)

I acknowledge receipt of this temporary event notice.

Signature



On behalf of the Licensing Authority

Date

3.5.12

Name of Officer signing

J. WILLIAMS



Noise Patrol
Public Protection Division
222 Upper Street
London N1 1XR

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F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/121348179

Your ref:

Date: 4 May, 2012

Ludmila Sypchenko
Indulgence Bar and Grill
2-5 Carthusian Street
London
EC1M 6EB
BY HAND - URGENT

This matter is being dealt with by:
Anne Brothers

Dear Ms Sypchenko

APPLICATION FOR TEMPORARY EVENT NOTICE, 27 MAY 2012. ALLEGED NOISE NUISANCE FROM PEOPLE OUTSIDE INDULGENCE, 2-5 CARTHUSIAN STREET, LONDON EC1M 6EB. LICENSING ACT 2003, ENVIRONMENTAL PROTECTION ACT 1990

I regret to inform you that I have to give you notice of an objection to the application for a TEN on May 27 until 03:00 on grounds of Public Nuisance.

We received two e mails from residents in relation to the previous TEN and we are most concerned that no response was received to a letter sent to the Licensees last year in connection with calls from residents in connection with noise outside the premises at that time. It would appear that advice given in that letter in relation to a closing down plan to reduce noise from your customers at closing time was not implemented.

I am in receipt of a letter dated 3 May delivered this afternoon from you in reply to my letter of earlier this week and your account of dispersal of your customers varies considerably from the accounts I have received from the neighbours.

I pasted some comments from one resident in my previous letter to you earlier this week and in your reply you state any noise was caused by another bar up the road. I have received another e mail from another resident who states:

"I was kept up to 4 in the morning from noise coming from the Indulgence Bar and Grill on Carthusian Street. It got so bad at one point that I had to ring the City police, who, despite turning up, were unfortunately ineffective in dispersing the crowd. The noise from people milling around outside the bar was compounded by what sounded like a brawl that seemed to go on forever. I was surprised to look out of the window to see the Bar still open at 3am, and even more surprised to see that they had security staff who did nothing to move their patrons either back into the premises or to move them along."

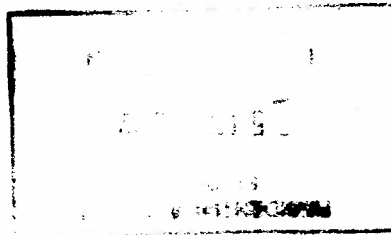
I am interested in your statement about the CCTV for that night and wonder if you could please supply a copy. I have tried calling you tonight at just gone 18:00 but there is no answer on the number given in your letter. Should you provide evidence in the form of a copy of the CCTV coverage that you state exonerates you from any responsibility for the disturbance claimed by the residents we will withdraw the objection to the TEN. However if you cannot provide us with the evidence in the light of another complaint alleging serious noise disturbance we have to object to future TENs at the premises.

I am informed by a Licensing Officer that you should provide a copy of the CCTV coverage by Wednesday next week at the latest in order to stall an objection to future TENS.

I am leaving this letter to be hand delivered to the premises tonight by Licensing Officers while they are undertaking some night time visits.

Yours sincerely

Anne Brothers
Principal Technical Officer
cc. Louise Norris, Noise Patrol Manager
Licensing



3rd May 2012

Dear Anne

I am replying to your correspondence dated 30th April regarding the alleged noise nuisance on the 29th April.

We are very sorry that the resident felt that he had to make a complaint regarding the noise. On the above date we had a 1 hour extended licence till 3am as you know.

To the best of our knowledge we do not know anything about violence outside of our bar because nothing happened in here or out in the street.

Having said that we do take on board that there was a bit of noise when leaving the bar due to the weather conditions and people waiting for cabs because there was a shortage of them.

The police did turn up and asked the remaining people to leave the area quietly using their tannoy but the police did not stop and did not make any arrests as far as we know.

We did ask the police van if everything was ok and they said yes and they left. I am looking forward to see a copy of the police report.

On the night we had 3 security and we made sure that the crowd was leaving slowly and peacefully advising everyone to leave the area and make their way home.

You can clearly see it at our CCTV that the security stayed till 4am so that there was no trouble outside and I was personally in the street asking everyone to keep the noise down when leaving. And at no time we ran for cover as the resident mentions in the letter.

As far as the noise at 5am we were already shut by then and it has nothing to do with us. But as I have mentioned to you before in our previous conversations one of the premises in the same street doesn't have a late licence but still stays open till 2-3 in the morning especially on a Friday or Saturday.

We do our best to avoid noise so it doesn't disturb the residents and have taken measures to do so. Some of them are the same measures that you have advised us to take and we try to improve every time. We have put signs in the windows and when open late we let them out in groups of 8 to avoid noise. The doormen are advised to tell everyone to keep the noise down when leaving and majority do leave quietly except the occasional trouble maker which is only given one warning and barred from INDULGENCE if doesn't comply.

I want to apologise on behalf of INDULGENCE if we have caused any noise and we will do whatever it takes to avoid it.

If you have any matters that need clarification please do not hesitate to contact me.

Yours Faithfully

Ludmila Sypchenko

General Manager, DPS



ISLINGTON

Noise Patrol
Public Protection Division
222 Upper Street
London N1 1XR

Mikel Pepi
457 Upper Elmers End Road
Bromley
Kent
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T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/201021946

Your ref:

Date: 30 April, 2012

This matter is being dealt with by:
Anne Brothers

Dear Mr Pepi

ALLEGED NOISE NUISANCE FROM PEOPLE OUTSIDE INDULGENCE, 2-5 CARTHUSIAN STREET, LONDON EC1M 6EB. LICENSING ACT 2003, ENVIRONMENTAL PROTECTION ACT 1990

I am in receipt of an e mail from a local resident in connection with fighting outside indulgence in the early hours of 29 April. I am also in receipt of a Police report in connection with the incident timed at 03:41 that morning. The resident states:

"Last night/this morning was very bad in this street. I believe there was some special event at Indulgence but by 3 am noise had turned into street violence.

I am sure I am not the only one to have decided to call the police and I did call the City police at 3-25am today, 30 April. As I called, three MET Police vehicles appeared and the situation was calm but later flared into more noise and argument. The City police were already aware of the problem. There were staff on the door but even they seemed to run for cover. I think it was nearly 5 am before the street was quiet. This morning it was just filthy. My husband actually moved some of the debris himself."

I wrote to you in May last year about alleged noise outside the premises at closing time, I attach a copy of the letter sent for your ease of reference.

I have to inform you that until now the Noise Team have not been able to object to Temporary Event Notices. After April 25 this year all TENs applications are now passed to the Noise Team for approval and the Noise Team can now object to applications.

I note you have another TEN planned for May 12-13. I have to warn you that in the event of further noise or rowdy behaviour from customers at your premises being reported Noise Team will object to future TENs at the premises on grounds of Public Nuisance. This could lead to future applications being refused. In addition, if there is any mess outside on the street from your premises, you are obliged to clean it up as part of your closing down procedures.

I must urge that you bring your customers under control at the end of trading periods as recommended in the previous letter sent and enclosed.

If you want to discuss this matter, please contact me at the above office.

Yours sincerely

Anne Brothers

Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

Simon Gallacher, Licensing Officer

Marsel Ismaili,

Ludmila Sypchencko, DPS, F



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This matter is being dealt with by:
Anne Brothers

Our ref: abr/201021946
Your ref:
Date: 16 May, 2011

Dear Mr Ismaili

**ALLEGED NOISE NUISANCE FROM CUSTOMERS LEAVING, INDULGENCE, 2-5
CARTHUSIAN STREET, LONDON EC1M 6EB. LICENSING ACT 2003, ENVIRONMENTAL
PROTECTION ACT 1990**

We are in receipt of calls from local residents alleging noise nuisance from your customers gathering in the street outside after closing time and slow dispersal of customers.

There are conditions on the premises licence for Indulgence as follows:

- Three Door Supervisors, registered with Security Industry Agency, shall be employed on Fridays and Saturdays at the entrance to the premises to minimise the impact of customers arriving at and leaving the premises and remain on duty from 9.00 p.m. until 30 minutes after closing.

Please ensure your customers disperse promptly at the end of business and that your door supervisors are fully briefed about the need to get customers away from the area promptly so as not to cause a noise nuisance to local residents.

In addition, you may want to consider the following closing down procedure in order to smooth customers moods before they leave the premises:

Closing Down Procedure

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.
2. Slow the tempo of the music played out during the last half hour.
3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.

Indulgence, Carthusian Street, 02:35 (6 May 2012)

Visited to watch closing time after TEN. Notes as follows:

0235. Very noisy small group just came outside and walked away towards Smithfield. Man with crutches shouting and waving crutches around, very boisterous. Steady group of people outside talking

0240: Another small group of very noisy people came out and again walked away towards Smithfield. Again, very boisterous.

0250: Barriers outside have just been taken in. 2 X DS's on the door who have been there since our arrival.

Then stopped taking notes and took a series of short video clips of the street from the doorway of a building at the end of the terrace in Carthusian Street as follows:

0245: Car parked directly outside front of premises, engine running. Small group of people outside. Conversational noise heard. 3 people walking away. Ref: 1. (48 seconds)

0254: No-one outside, then 2-3 people come out and walk away. Can see a DS on the door. Ref: 2. (20 seconds)

0303: 2 men have come outside and are standing by the square near us. One of them having conversation on mobile phone – he has a loud voice, sounds like an Eastern European accent, clearly heard on audio fading as he is still talking as he walks back up the street. Handful of people outside. 2 men walk back towards premises, loud man still talking on his phone. Several people outside. Some conversational noise heard from group standing directly outside the premises. Ref: 3. (31 seconds)

0305: People still outside, some have moved to opposite side of Carthusian Street. Raised male voice captured. Man walking towards me down the pavement. Ref: 4. (10 seconds)

0305: (a few seconds later) Louder conversational noise and laughter from group outside. Addison Lee cab came and stopped blocking view. Ref: 5. (13 seconds)

0307: Larger group outside now. Some raised voices. DS talking (in semi-raised voice) to them about “disturbing people”. Group of people still on the other side of Carthusian Street. Saw 2 people coming out joining them, some people standing in the road. Ref: 6. (43 seconds)

0309: More people have come outside. Conversational noise with some peaks. 2 distinct groups on both sides of the street. Noisy cab goes past. Ref: 7. (30 seconds)

0310: People still hanging around directly outside the premises. Conversational noise with some peaks of raised voices. No-one moving away. Ref: 8. (23 seconds)

0310: (a few seconds later) people are still there, some raised voices in conversations outside. Still 2 groups of people on either side of the street. I coughed. Ref: 9. (17 seconds)

0310 (again) Woman outside sweeping up. Not relating to people still hanging around outside. Two cars go past. Some mingling between the two groups across the street. Some raised voices. 2 men with bags have come out and are walking away. Ref: 10 (59 seconds)

0314: Man shouting. 3 Pedestrians turning into Carthusian Street and walking past have to walk on the road as pavement full outside the premises. Still 2 distinct groups on both sides of the street. Car and cab go past. Couple of people come out of the premises and crossed street to join group opposite. No sign of DS – not there talking to them and telling them to go away. Ref: 11. (17 seconds)

0315: Car stopped directly outside with hazard lights on. Another car has parked on the corner on the other side facing us – headlights on. Car coming up the street from Smithfield has to manoeuvre through. Conversational noise. People outside are crossing the road. Commentary that staff are not moving people away and there is no sign of the DS anymore. Another car approaches. Ref: 12. (31 seconds)

0317: Cars outside have gone. 2 cars go past. People are still there, commentary/conversation between colleague and I described 10-15 directly outside with another 8-10 people across the road. Female voice called out something. Ref: 13. (13 seconds)

0318: Loud laughter. Still 2 groups on either side of the road. Ref: 14. (2 seconds)

0318: (a few seconds later) Still conversational noise with some peaks of sound. Car has come into the street and stopped outside. He parks up mounting the kerb opposite, engine revs briefly. We saw him walking away before, he has come back to join the group outside. He got out of the car to join them again. Ref: 15. (40 seconds)

0319: (I said its 0315 [from colleagues watch] on commentary and that staff are not moving people on) Conversational noise with some peaks of brief shouting. Some voices in conversation are loud. 2 cars go past – some shouting out from the group. People are still mingling across the street. Blinds have come down on windows of premises. 1 man walked away into Aldersgate Street. Ref: 16. (51 seconds)

0324: Moved positions to premises side of the street. Some loud calling from somewhere. Conversational noise from people on other side of the street. Group of people directly outside has gone now. Ref: 17. (13 seconds)

0325: Group of about 10 people are still hanging around on other side of the street. Commentary says it's about 03:20 [from colleagues watch]. Some peaks of noise still. Man on phone walking up from Smithfield joins the group. Car goes past. Saw a woman ring a doorbell of a property directly opposite and the door was opened by someone. Ref: 18. (24 seconds)

0326: We walked away and filmed from a different position by the Square. Voices can still be heard from there. Conversational noise with some peaks from group still in the street in vicinity of premises. Car parked directly outside and car parked earlier still on kerb. Two men both carrying bags walking down the street towards us so we returned to the car. Ref: 19. (15 seconds)

At approx 0325 we had left our position in the doorway and walked up past the premises to the junction of Aldersgate Street. Saw a DS still standing in the porch by the door. Still some people hanging around at the junction of Aldersgate Street.

0330: Returned to car after watching people leaving Indulgence. From car by the square I could see a group of 4 men still standing at the junction of Aldersgate Street.

To summarise for almost the entire duration of monitoring there were two groups of people outside associated with the premises. There were no other people outside associated with other premises. I saw some passers-by who just walked past and did not engage with the groups outside at all. There was almost constant traffic on Aldersgate Street and some traffic passing through Carthusian Street intermittently. There were intermittent loud voices from the groups outside with some shouting. I did not notice any intervention or direction from the DS's in order to disperse people outside the premises apart from once when a DS was heard asking them to be mindful about disturbing people at 03:07. During the noisiest periods there were approx 15 people directly outside the premises with another 10 on the opposite side of the road.

I would consider that the noise witnessed from people outside tonight could be sufficient to wake a person from sleep depending on the orientation of their sleeping rooms. The group of people outside were quite good natured but the noise from their conversations continued for nearly half an hour after the premises closed and the full 50 minutes of our observations outside.

The TEN stated there were 150 people expected at the event. Could have missed the majority leaving or it was not as well attended as anticipated. Can presume it would have been a lot noisier had there been 150 people leaving at 03:00. Would estimate we saw about 40-50 people in total come out.

We left the area at approx 03:30. Still a few people outside in the street when we left.

PREMISES LICENCE LICENSING ACT 2003

Premises licence number		LN/3735-260111	
Postal address of premises, or if none, ordnance survey map reference or description			
INDULGENCE BAR AND RESTAURANT 2-5 CARTHUSIAN STREET			
Post town	London	Post code	EC1M 6EB
Telephone number	020 7253 6009		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor and Basement
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The performance of live music The playing of recorded music The 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																																			
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of live music: <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">09:00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">23:00</td> <td style="width: 45%;"></td> </tr> <tr> <td>Tuesday</td> <td>09:00</td> <td>to</td> <td>23:00</td> <td></td> </tr> <tr> <td>Wednesday</td> <td>09:00</td> <td>to</td> <td>23:00</td> <td></td> </tr> <tr> <td>Thursday</td> <td>09:00</td> <td>to</td> <td>00:00</td> <td></td> </tr> <tr> <td>Friday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>09:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> </table>	Monday	09:00	to	23:00		Tuesday	09:00	to	23:00		Wednesday	09:00	to	23:00		Thursday	09:00	to	00:00		Friday	09:00	to	02:00	the following day	Saturday	09:00	to	02:00	the following day	Sunday	09:00	to	00:30	the following day
Monday	09:00	to	23:00																																
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Thursday	09:00	to	00:00																																
Friday	09:00	to	02:00	the following day																															
Saturday	09:00	to	02:00	the following day																															
Sunday	09:00	to	00:30	the following day																															



- The provision of regulated entertainment for the playing of recorded music:

Monday	00:00	to	24:00
Tuesday	00:00	to	24:00
Wednesday	00:00	to	24:00
Thursday	00:00	to	24:00
Friday	00:00	to	24:00
Saturday	00:00	to	24:00
Sunday	00:00	to	24:00

- The provision of regulated entertainment for the performance of dance:

Monday	09:00	to	23:00	
Tuesday	09:00	to	23:00	
Wednesday	09:00	to	23:00	
Thursday	09:00	to	00:00	
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	00:30	the following day

- The provision of entertainment facilities for making music:

Monday	09:00	to	23:00	
Tuesday	09:00	to	23:00	
Wednesday	09:00	to	23:00	
Thursday	09:00	to	00:00	
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	00:30	the following day

- The provision of entertainment facilities for dancing:

Monday	09:00	to	23:00	
Tuesday	09:00	to	23:00	
Wednesday	09:00	to	23:00	
Thursday	09:00	to	00:00	
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	00:30	the following day

- The provision of late night refreshment:

Monday	23:00	to	23:30	
Tuesday	23:00	to	23:30	
Wednesday	23:00	to	23:30	
Thursday	23:00	to	00:30	
Friday	23:00	to	02:30	the following day
Saturday	23:00	to	02:30	the following day
Sunday	23:00	to	01:00	the following day

• The sale by retail of alcohol:

Monday	09:00	to	23:00	the following day
Tuesday	09:00	to	23:00	the following day
Wednesday	09:00	to	23:00	the following day
Thursday	09:00	to	00:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	00:30	the following day

Except on:

New Year's Eve, except on a Sunday, 10.00 until the time authorised on the following day

New Year's Eve on a Sunday, 12.00 to until the time authorised on the following day

If there are no permitted hours on the following day, midnight on 31st December.

On the Sundays preceding Bank Holiday Mondays the sale of alcohol is authorised until 02:00 the following day.

The morning on which summer time begins the sale of alcohol is authorised until 03.00 hours

Sundays immediately before a bank holiday, other than Easter Sunday, the sale of alcohol is authorised to 02.00 hours

The opening hours of the premises: Not Specified

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

On and off supplies

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

Marsel Ismaili	and	Mikel Pepi
4 Stansbury Square		457 Upper Elmers End Road
London		Bromley
W10 4UX		Kent
020 7581 4870		BR3 3DD
		07507 830548

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Ludmila Sypchenko

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

09/05718/LIPERS Westminster C C

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

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

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.

- 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. The licence shall be subject to the Council's standard conditions for Places of Entertainment
- 6. The licence shall be subject to the Council's technical standards for Places of Entertainment
- 7. The sale of alcohol is not authorised after midnight on any day on which music and dancing is not provided after midnight.

On any day that music and dancing ends between midnight and two o'clock in the morning the sale of alcohol shall cease when the music and dancing end.

The sale of alcohol shall cease at midnight on any Sunday on which music and dancing is not provided after midnight;

Where music and dancing end between midnight on any Sunday and 00.30hours, sale of alcohol on that Sunday shall end when the music and dancing end.

Where music and dancing end between midnight and 02.00 hours on any Sundays immediately before a bank holidays the sale of alcohol on that Sunday shall cease when the music and dancing end.

The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

8. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
 - ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
 - ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
 - ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.
9. The following music noise levels shall be maintained at all times the premises is being used under the licence:
 - 90 dB(A) Leq (1 min)
 - 91 dB at 63 Hz octave band
 - 94 dB at 125 Hz octave band
10. The music noise limiter shall be tamper-proof and maintained by the licensee and calibration certificates shall be submitted to the Council by 31 July each year.
11. Each leaf of the two pairs of entrance/exit doors fronting Carthusian Street shall be unlocked when the premises are occupied.
12. There shall be no new admissions of the public after 11.00 p.m.
13. Three Door Supervisors, registered with Security Industry Agency, shall be employed on Fridays and Saturdays at the entrance to the premises to minimise the impact of customers arriving at and leaving the premises and remain on duty from 9.00 p.m. until 30 minutes after closing.
14. The name and contact telephone number of the persons in charge of the premises shall be displayed in a prominent position where it can be seen from outside the premises if residents wish to complain to the management.
15. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:

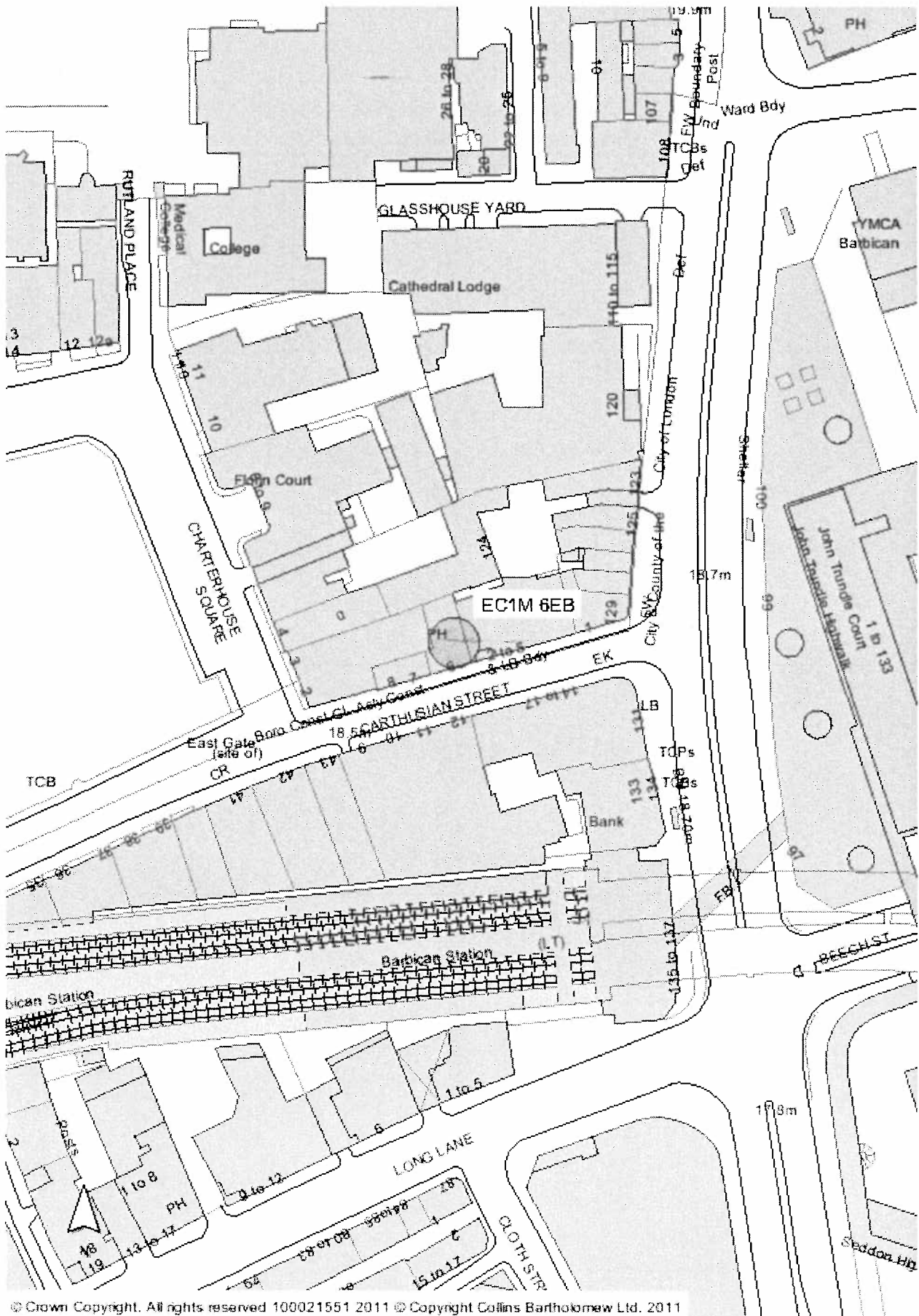
Basement:	100
Ground Floor:	200

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

None

Annex 4 – Plans

Reference Number: 9967/32 & 9967/31 Date: April 2000



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