

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	9 May 2013	B4	Finsbury Park

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: AFRIC CARIB, 1-3 STROUD GREEN ROAD, LONDON, N4 2DQ

1. Synopsis

- 1.1 This is an application by the Noise Team for a Review of the Premises Licence
A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of public nuisance.

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
 - f) the Committee also have the option to leave the licence in its existing state;
 - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

- 3.1 The premises currently holds a licence allowing:
- i) The sale by retail of alcohol, Monday to Wednesday from 10:00 until midnight, Thursday from 10:00 until 02:00, Friday and Saturday from 10:00 until 04:00, and Sunday from midday until 02:00.
 - i) The performance of live music, on Friday and Saturday from 21:00 until 04:00.
 - ii) The playing of recorded music Monday to Sunday for 24 hours a day until 04:00.
 - iii) The provision of late night refreshment, on Monday to Wednesday from 23:00 until 00:30, Thursday from 23:00 until 02:00, Friday and Saturday from 23:00 until 04:00, and Sunday from 23:00 until 02:00.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form, current premises licence,
 - Appendix 2: representations from the Licensing Authority and Health and Safety
 - Appendix 3: suggested conditions and map of premise location.
- 3.3 The Review application requests that the six additional conditions, listed in appendix 3, are attached to the premises licence to prevent public nuisance. The licence holder has not agreed to these conditions or nor has he undertaken any works at the premises.
- 3.4 The Licensing Authority's recommendations can also be found in Appendix 3.

4. Planning Implications

- 4.1 There are no planning implications in respect of the premises review application.

5. Conclusion and reasons for recommendations

- 5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by



Service Director – Public Protection

Date

30/4/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020 7527 3227

Fax: 020 7527 3430

E-mail: niall.forde@islington.gov.uk



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I **Anne Brothers**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Afric-Carib (AKA Cocos)

1-3 Stroud Green Road

Post town London

Post code (if known) N4 2DQ

Name of premises licence holder or club holding club premises certificate (if known)

Godwin Isebor

Number of premises licence or club premises certificate (if known)

92400

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Anne Brothers 3 rd Floor 222 Upper Street N1 1XR
Telephone number (if any) 020 7527 3047
E-mail address (optional) anne.brothers@islington.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)

To prevent public nuisance from the playing of amplified music.

Please provide as much information as possible to support the application (please read guidance note 2)

The history of the premises is as follows:

January 2011

AB visited local resident in connection with noise reported at 01:00 on 16/1/11 but due to volatile nature of customers seen outside decided not to approach on the night. In addition NP colleague claimed she could smell skunk being smoked directly outside the premises by the volatile group of customers there.

We visited again on the same night at 04:20 and noted the premises was closed.

A noise warning letter was sent dated 18 January 2011 (attached) arising from observations in the early hours of 16/1/11.

No response was received from the licensee to the letter sent.

February 2011

12/2/11 01:30

I recently sent a noise warning to this premises a while back after witnessing noise nuisance previously. Called NFO (LO) working tonight prior to visiting the premises. He told me the licensee had been in to see licensing about the use of the premises. He told me the works condition cleared but they had a flood which has probably rendered the premises unusable again.

Could clearly hear music noise and amplified voice of DJ from Cocos in nearby residential.. Could also hear it clearly in the bedroom with the hallway door open to the room. Slightly less so with the door closed but still an SN as was still clearly heard. Could also hear noise from customers standing outside quite clearly in the bedroom.

Visited premises and asked for the licensee. While one of the men outside went in to get him I asked the doorman how many people were inside the premises and he told me about 100 people were there.

John Eglolu, nephew of licensee was running the premises under (unwritten) delegated authority from the licensee. Explained noise nuisance from amplified music and voice from the premises and described the noise heard in the bedroom and they acknowledged from my description of the noise that it was their noise that was causing the disturbance. Went inside and had a look, nowhere near 100 people inside, more like 40 or so....

Got them to reduce the volume a bit and went back outside and had a discussion about the geography of the premises. It goes under next door and a bit under the further premises which is a restaurant, i.e. very close to the nearby residential reporting noise issues. Explained the transmission of the sound and they acknowledged the properties are old and not built for it. Discussed the need to keep the volume down and stop the DJ using the mic. They need substantial sound insulation if they want to continue having events there. They thought they may be able to get away with replastering the ceiling only. Told them not so and described the "room within a room" scenario of sound insulation to them. Told them any necessary works will be substantial and costly. Said I would send them contact details for AC's and they need to appoint someone to specify works. Told them we may be able to assist in the setting of maximum levels in the meantime and we will most probably need to specify maximum levels after any SI works are carried out.

Need to send another letter to the licensee re: noise nuisance and advise SI necessary and details of AC's for them to appoint one.

November 2011

NP report 25/11/11, 23:15

"Music very intrusive in bedroom.

Located source to CoCo. Birthday party with DJ. Licence to 4am. Asked owner (Mr Godwin Isebal [REDACTED]) to reduce level. Warned that the building is unsuitable for DJs with powerful equipment. Music lowered."

February/March 2013

On 23/24 February this year I was called to the premises while undertaking a proactive noise and licensing shift as part of the Noise Patrol Service by some local residents who were suffering noise nuisance caused by amplified music being played out at the premises I know as Coco's. A summary of my notes of the three visits carried out in the early hours of 24 February and another visit carried out on 2 March by Noise Patrol are attached.

Summary

A Section 80 noise abatement notice was served after the third visit on 24 February when noise nuisance had continued despite previous interventions that night. Further noise nuisance was witnessed on 2 March.

There has been some e mail correspondence with the licensee since the service of Notice and the licensee has now appointed an acoustic consultant. I attach a copy of the e mail correspondence with the licensee.

The reason for the gaps in the reporting of noise nuisance is due to the fact that the residential accommodation affected by the noise has been occupied by three different tenancies since January 2011.

The residents there in January 2011 moved out in August 2011 and another resident moved in. She only called in once regarding noise from licensed premises in the vicinity. That resident moved out in August 2012 and the current residents moved in at the address at that time. The current residents informed me during my visit of 24 February that they did not realise they could report noise nuisance from the premises as they are licensed.

Noise Team seeks an amendment to the premises licence to include the following noise conditions:

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
2. A noise limiting device shall be installed and the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council are not exceeded.
3. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
4. When regulated entertainment is provided by way of music and dancing and continues past midnight, an SIA registered door supervisor shall be employed at the premises to patrol outside to supervise customers outside who may wish to smoke.
5. A dispersal policy shall be implemented at the premises in agreement with the Noise Team.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Godwin Isebor
Licensee
Cocos Restaurant
1-3 Stroud Green Road
London N4 2DQ

This matter is being dealt with by:
Anne Brothers

Noise Patrol Team
222 Upper Street
London N1 1XR

T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/CocosS.80

Your ref:

Date: 24 February 2013

Dear Mr Isebor

SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990, COCOS 1-3 STROUD GREEN ROAD, LONDON N4 2DQ

Please find enclosed a noise abatement notice in respect of noise nuisance from amplified music served on you today. The notice is self-explanatory. As discussed with you, I strongly urge you to cease the use of the premises for events until we can come to an agreement with regard to maximum music levels. In order to adequately control music you will need a noise limiter at the premises.

I advise you to contact an acoustic consultant in order to get advice about limiter and a suitable sound system for your premises. As discussed with you I recommend you get a suitable sound system and that you do not permit DJ's to bring their own equipment to your premises, if you have a suitable sound system they should use your equipment that would be connected to a limiter that would be set to levels that would be less likely to cause a noise nuisance to your neighbours.

An acoustic consultant can be sourced from one of the following organisations:

Institute of Acoustics

77A St Peter's Street

St Albans

Herts

AL1 3BN

Tel: 01727 848 195

Fax: 01727 850553

www.ioa.org.uk

email : ioa@ioa.org.uk

The Association of Noise Consultants

105 St Peter's Street

St Albans

Herts

AL1 3EJ

Tel: 01727 896 092
Fax: 01727 896 026
Email: maikl@anc
www.association-of-noise-consultants.co.uk

Please contact me at the above office to discuss your intentions with regard to this matter.

Yours sincerely,



Anne Brothers
Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to the Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises,
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -
 - (a) an appeal is brought against an abatement notice served under section 80 or 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,
- (3) where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

E mail correspondence with Mr Isebor

-----Original Message-----

From: Godwin Peter Isebor [mailto:██]

Sent: 27 February 2013 14:54

To: Brothers, Anne

Subject: abr/Cocos.80

Dear Anne,

Thank you for your letter of 24th Feb. 2013.

I am sorry for any confusion last Saturday, please accept my appoilogy.

as mentioned in your letter, I have noted comments and have started taking actions as follows

I have made contact with the company as in your letter

I have got the noise limiter

I have employed a DJ with music under my control, the equipment will be fixed in our premises because I agreed with you the age of the property is not helpfull.

Inlight of this I will be able to control and keep the noise down, I will solicit that you allow me continue with the weekend events since that is the only way I get some business at present, Monday to Thursday is quite. More over the events have been booked in advance.

please pardon me, I assure you it will not happen again.

Regards

G.Isebor

-----Original Message-----

From: Brothers, Anne

Sent: 04 March 2013 18:56

To: 'Godwin Peter Isebor'

Cc: Norris, Louise

Subject: RE: abr/Cocos.80

Importance: High

Dear Mr Isebor

Thank you for your e mail but I regret to inform you that we received another call in relation to music noise from your premises on 2 March and Noise Patrol Officers visited you at 01:48 after they had witnessed a contravention of the Section 80 noise abatement notice served from the resident's home nearby. They informed you that they had witnessed a contravention of the Notice while they were talking to you that night.

In addition, the officers also stated that the premises was possibly overcrowded. The Door Supervisor gave an estimate of the people present downstairs as approximately 70-80 persons present. Your premises licence has a restriction on the numbers permitted to 40 persons.

I strongly urge you to ensure that all music played out at the premises is restricted to background levels of sound so as not to contravene the Section 80 again. You have informed me you have contacted an acoustic consultant appointed from contacting the organisations listed in the letter I sent you with the Section 80 Notice, please inform me who you have appointed or ask him/her to contact me. You also stated you have acquired a limiter, please inform me how, if you have set the limiter and you have the sound system under your control as you state in your e mail, another noise nuisance was witnessed.

I have to warn you that contravention of the Notice is a criminal offence for which you could be heavily fined - the current rates are up to £20,000 per offence.

I also regret to inform you that I am now instructed by my manager to make an application for a review of your premises licence on grounds of public nuisance. I will send you a copy of the application once I have drafted it as required by the Licensing Act 2003.

Again, I strongly urge you to restrict sound levels at the premises to background levels of sound to reduce the likelihood of further contraventions of the premises licence being witnessed.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059
Alternative contact: Noise Support Team: 020 7527 3258

-----Original Message-----

From: Microsoft Outlook

Sent: 04 March 2013 18:56

To: Brothers, Anne

Subject: Relayed: RE: abr/Cocos.80

Importance: High

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'Godwin Peter Isebor' [REDACTED]

Subject: RE: abr/Cocos.80

-----Original Message-----

From: Godwin Peter Isebor [mailto:[REDACTED]]

Sent: 07 March 2013 07:04

To: Brothers, Anne

Subject: Spam: RE: abr/Cocos.80

Dear Anne,

Thank you for your email, I have contacted the company below to look into the noise issue Acoustic Consultants Ltd, 1 Clissold Road, N16 contact Shaun Murkett. I will keep you inform for appointment date after his first visit.

Thank you for your co-operation.

Regards

G.Isebor

Premises Licence Summary
Licensing Act 2003

Premises licence number 92400

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

AFRI - CARIB
1 - 3 STROUD GREEN ROAD

Post town London	Post code N4 2DQ
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Telephone number 0207 263 7440

Where the licence is time limited the dates
--

Not Applicable

Licensable activities authorised by the licence
--

Lower Ground Floor & Ground floor

- The provision of regulated entertainment by way of:
The performance of live music
The playing of recorded music
- The provision of entertainment facilities for:
Making music
- The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The provision of regulated entertainment for the performance of live music:

Friday	21:00	to	04:00	the following day
Saturday	21:00	to	04:00	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



ISLINGTON

- The provision of entertainment facilities for making music:

Monday	19:00	to	00:00	the following day
Tuesday	19:00	to	00:00	the following day
Wednesday	19:00	to	00:00	the following day
Thursday	19:00	to	00:00	the following day
Sunday	19:00	to	00:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	00:30	
Tuesday	23:00	to	00:30	
Wednesday	23:00	to	00:30	
Thursday	23:00	to	02:00	the following day
Friday	23:00	to	04:00	the following day
Saturday	23:00	to	04:00	the following day
Sunday	23:00	to	02:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00	
Tuesday	10:00	to	00:00	
Wednesday	10:00	to	00:00	
Thursday	10:00	to	02:00	the following day
Friday	10:00	to	04:00	the following day
Saturday	10:00	to	04:00	the following day
Sunday	12:00	to	02:00	the following day

Except on:

New Year's Eve, until the time authorised on the following day

The opening hours of the premises:

Monday	10:00	to	00:20	the following day
Tuesday	10:00	to	00:20	the following day
Wednesday	10:00	to	00:20	the following day
Thursday	10:00	to	02:30	the following day
Friday	10:00	to	04:30	the following day
Saturday	10:00	to	04:30	the following day
Sunday	12:00	to	02:30	the following day

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

On supplies

Name, (registered) address of holder of premises licence

Mr Godwin Isebor
1 - 3 Stroud Green Road
London
N4 2DQ

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

**Name of designated premises supervisor where the premises licence authorises
the supply of alcohol**
Mr Godwin Isebor

State whether access to the premises by children is restricted or prohibited
No unaccompanied persons under the age of 16 allowed on the premises at any time.
It is an offence to allow persons under the age of 16 years to be on the premises whilst
it is open exclusively or primarily for the supply of alcohol for consumption on the
premises unless they are accompanied by a person aged 18 or over. No
unaccompanied person under the age of 16 years shall be permitted on the premises
between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

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

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No unaccompanied persons under the age of 16 allowed on the premises at any time.
- 2 Alcohol shall not be sold to anyone knowingly intoxicated.
- 3 The premises shall not be used for live music, the provision of entertainment for facilities for making music, for the sale of alcohol after 00:00, nor for late night refreshment after 00:30 under this licence until the requirements in the schedule dated 21 October 2005 have been completed and approved in writing by the responsible authority for health and safety.
- 4 The maximum number of persons accommodated at any one time in the premises shall not exceed the following : Basement - 40
- 5 CCTV will be installed and maintained to a good standard acceptable to the Islington Police Crime Prevention Officers. Back up copies will be kept for a minimum of one calendar month.
- 6 When public entertainment is provided by way of music and dancing and continues past 2am, the SIA registered door supervisors will be employed from 9pm until the closing time at the rate of one door supervisor every one hundred customers.

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

Annex 4 – Plans

Reference Number: 26.01.2005

Licensing Act 2003- Representation from the Licensing Authority
Review Application: AFRIC CARIB, 1-3 STROUD GREEN ROAD, LONDON, N4 2DQ

I am submitting this initial representation on behalf of the Licensing Authority in support of the Review application by the responsible authority for noise and pollution.

The recommendation of the licensing authority is that the Licensing Committee removing the basement area from the licence, and reducing the hours and activities of the premises licence in order to promote the licensing objectives and the Council's licensing policy.

The premises is located in the Holloway and Finsbury Park Cumulative Impact area (HFPCIA) which means that the council has determined that the area is already saturated with licenced premises and any licence applications need to be carefully examined to ensure that the proposed activities, opening hours, style of operation and management arrangements contained in the operating schedule will not add to the cumulative impact to such an extent that the licensing objectives are undermined.

Licensed premises

The HFPCI area has 219 licensed premises equating to a density of 181 licensed premises per km², more than 10 times higher than the London average of 18 per km². Sixteen of these premises have 24hr licenses.

Alcohol related crime and disorder

There were 194 recorded alcohol related crimes in the HFPCIA in 2012 equating to an average density of 161 crimes per 2 km², this was more than 9 times higher than the London average. The amount of alcohol related crime in the area has risen by 14% during the last 7 years.

There were 284 alcohol related 999 calls in the HFPCIA in 2012 equating to 235 per km², substantially higher than the Islington average of 148. Sixteen per cent of these calls occurred between midnight and 4 am.

Ambulance Call Outs

There were 319 alcohol related ambulance call outs in the HFPCIA in 2012 equating to a density 264 callouts per km², more than 7 times the London average of 35.5 per km².

Antisocial behaviour hotline calls

There were 147 alcohol related calls made to the ASB hotline in the HFPCIA equating to 122 per km², almost double the Islington average of 74 per km². Twenty per cent of these calls occurred between midnight and 4 am

Operating Schedule

The Licensing Authority expects applicants to describe how they will achieve high standards of management, so as to promote the licensing objectives, in the operating schedule. The operating schedule submitted with this variation application does not provide sufficient detail to enable the Licensing Authority to satisfy itself that the extension of hours will not add to the cumulative impact..

Licensing Policy Considerations

Licensing Policy 2 – ‘... the type of premises and their cumulative impact upon the area

The Licensing Authority has adopted a special policy relating to cumulative impact in relation to Holloway and Finsbury Park.

This special policy creates a rebuttable presumption that applications for new premises licences, that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

Licensing Policy 7- Licensing Hours

The Licensing Authority supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application however it is mindful that Islington has become saturated with late night premises selling alcohol and it is concerned about the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

Where representations are received from responsible authorities or other persons the Licensing Authority may seek to restrict hours of opening where it is appropriate to promote the licensing objectives.

Licensing Policy 10 –

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- can demonstrate comprehensive knowledge of best practice*
- has sought advice from the responsible authorities*
- has implemented any advice that been given by the responsible authorities*
- is able to understand verbal and written advice and legal requirements*
- can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003*
- is able to run their businesses lawfully and in accordance with good business practices*
- is able to demonstrate a track record of compliance with legal requirements*

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards

NOISE

Licensing Policy 18

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Complaints about noise in Islington have risen substantially over the last ten years and the considerable expansion of the night-time economy has increased noise within urban settings above the national average. It is in the context of these trends that noise disturbance from licensed premises will be considered by the Licensing Authority. The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

The Licensing Authority expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled and engineered to a degree whereby the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music above the volume level of acoustic musical instruments adjoining residential properties may not be appropriate.

The Live Music Act now exempts live music from being a licensable activity in some circumstances. These activities may still give rise to nuisance and it is expected that licensees will act promptly if this happens to avoid the need for action by the Licensing Authority.

REVIEW OF LICENCES

Licensing Policy 30

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

The Licensing Authority believes that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

Reviews of licences may be triggered at any stage by responsible authorities or other persons because of a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority.

Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

Where a licence is revoked, any new application for the premises will be considered against the policy – there will be a full consideration of the applicant and the operating schedule with no assumption that a licensed premises can continue in that location.

Licensing history

The premise holds a licence which permits the sale of alcohol between 10:00 and 00:00, Mondays to Wednesday, 10:00 to 02:00 on Thursday, between 10:00 to 04:00 on Fridays and Saturdays, 10:00 to 02:00 on Sundays. In addition the premises can be used for recorded music 24 hours a day seven days a week, late night refreshment from 23:00 until 00:30 Mondays to Wednesday, 23:00 to 02:00 on Thursday, between 23:00 to 04:00 on Fridays and Saturdays, 23:00 to 02:00 on Sundays, and is permitted to have live music on Friday and Saturday from 21:00 until 04:00.

This licence was issued on 22 October 2005. This licence is subject to a works condition from the responsible Authority for Health and Safety. These works are still outstanding.

The licensing officers visited the premises on 25 February 2011 as part of a multi agency visit with the Police, and Fire Brigade. At the time of the visit the Fire Alarm was not working, there was no designated premise supervisor on the premises, the premises had no alternative means of escape, and the premises were generally in a state of poor repair. No current electrical safety or fire safety certificates on the premises.

In addition the manager did not know licence conditions; there was no licence on premises or summary displayed. The result of this visit was the Fire Brigade agreed to take action in respect of the Fire Safety issues and the premises, and the licence holder was invited into an Licensing Officers Panel to discuss other issues.

This panel meeting was held on 21 March 2011, a copy of the result of this panel meeting is attached as JG01.

Licensing Officers then visited the premises on 2 November 2012 to discuss the arrangements for a temporary event notice application to be held on the 11 November 2012. Officers noticed that the Fire

Alarm panel wasn't working. Mr Godwin Isebor the licence holder was on the premises; and said that the alarm panel would be fixed prior to the event taking place on 11 November 2012.

The applicant Mr. Godwin Isebor submitted a second temporary event on 30 November 2012. Licensing Officers visited the premises to find that the fire alarm was still out of order. Mr Isebor was informed that the Environmental Health had made a representation on the grounds of public safety to his application, and he advised that the alarm would be fixed on 7 December 2012.

Licensing Officers visited on 7 December to check fire panel at 22:40. Officers spoke to licensee Mr Isebor told officers that the fire alarm was definitely working had been checked by the fire brigade. He said he did not know why faults showing and engineer was scheduled to attend following Monday.

Licensing Officer contacted the Fire Brigade on 10 December 2012 who advised that there records do not confirm a recent visit from any of our fire safety officers, and that any case it is not common practice to witness a fire alarm sounding.

Licensing Officers visited the premises on 11 December 2012 at 14:30 and the Fire Alarm panel was still showing a fault. In addition Geoff Weaver the Health and Safety Officer confirmed that the premises still has a list of outstanding works and outstanding Health Safety conditions from the 5 April 2011.

On the 12 December an electrical engineer finally confirmed to officers that the fire alarm was now working and therefore the temporary event was permitted to go ahead.

Licensing Officers then visited the premises again on 22 February 2013 at 2155 as the licence holder had over 5 years of licence fees payments outstanding. Mr Isebor was working at the premises, but he said he had not received a copy of the letter regarding the suspension.

The premises were holding an 18th birthday party that evening, and licensing officer observed that the clientele looked very young. The premises had no registered door security working at the premises at the time of the visit. The premises licence condition Annex 2 Condition 6 requires that when the premises is providing music and dancing past 2am then an SIA registered door supervisor is employed from 9am until closing.

The premises licence in force at the premises also cover the ground floor restaurant, this restaurant is sushi restaurant call Dotori. It should be noted that this premises has separate entrance and exits and has an excellent records for food hygiene.

On the 22 February Licensing Officers also visited Dotori upstairs to advise them that they would have to not selling alcohol because the fees were outstanding. The management of Dotori then offered to pay all the outstanding fees. Officers re-visited at 23:15 to collect a cheque from Dotori for full payment, officers noted lots of young person's hanging about outside Afro – Carib, entrance. Not door supervisor was visible from street level.

On 2 April 2013 the Council Health and Safety responsible authority confirmed that the outstanding Health and Safety works had not been compiled with.

Additional background information will be supplied prior to the hearing.

Summary and recommendations

The Licensing Authority is concerned that the premises has a history of non-compliance and in order to promote the licensing objectives to prevent public nuisance.

The licensing Authority believes that all the issues relating to the premises occur as a result of the late night entertainment venue in the basement and that by amending the licence to remove the basement and restricting the ground floor of the premises to a restaurant licence that the Council Licensing Policy, the Licensing Objectives, and the protection of the amenity of the local residents would be promoted.

The Licensing Authority is also concerned that the current designated premises supervisor has a history of non-compliance and believes that should they be replaced with a more responsible person, and the

premises could be operated as a restaurant with reduced hours and still promote the Council's licensing Policy.

Therefore it is recommended that the Licensing Committee adopts the following recommendations.

1. Remove all licensable activities from the basement of the premises.
2. Remove the exemption for the deregulation of live music from the licence, so that any conditions relating to the provision of live music would be in force.
3. Remove the designated premises supervisor Mr Isobor.
4. The sale of alcohol shall be ancillary to a table meal.
5. No vertical drinking shall be permitted.
6. Amended the permitted hours for the supply of alcohol to
 - a. 10am to 23:00 Mondays to Saturdays
 - b. 12noon to 10.30pm Sundays
7. The licensee shall take all practical steps to prevent alcohol from being consumed on the premises 30 minutes after the permitted hour for the sale of alcohol.
8. Amended the permitted hours for late night refreshment to:
 - a. 23:30 Mondays to Saturdays
 - b. 23:30pm on Sundays

Janice Gibbons
Service Manager (Commercial)
Public Protection Division
222 Upper Street
London N1 1XR
T: 020 7527 3212
E: janice.gibbons@islington.gov.uk

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Mr Godwin Isebor
1-3 Stroud Green Road
London N4 2DQ

T 020 7527 3882
F 020 7527 3057
E katie.tomashevski@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Katie Tomashevski

Our ref: WK/201020425
Your ref:

Date: 21 March 2011

Dear Sir,

WARNING LETTER

Thank you for attending the Licensing Officer Panel today. You were asked to attend the panel concerning about fire safety and licensing issues after a multi agency visit to the above premises on 25th February 2011.

At the officer panel meeting you were advised the following:

1. During the multi agency visit there were more than the 40 people allowed for the capacity in the premises,
2. The fire alarm and emergency lighting were not working and the smoke detector was for a residential premises and not appropriate for a commercial premises. It was also brought to your attention that condition 3 of Annex 2 limits the use of the licence:
"The premises shall not be used for live music, the provision of entertainment for facilities for making music, for the sale of alcohol after 00:00, nor for late night refreshment after 00:30 under this licence until the requirements in the schedule dated 21 October 2005 have been completed and approved in writing by the responsible authority for health and safety."
3. You were advised that a visit to the premises had been arranged with Geoff Weaver the responsible authority for Health & Safety so he could inspect the premises with a view to removing the condition preventing the use of the licence. His contact telephone number is: 020-7527-5986. The date of this visit is Wednesday 23 March 2011 at 11am.
4. You must make contact with Sandra Young from the Fire Brigade 0208 555-1200 extension 59504 to arrange a visit to inspect the finished work to your fire safety equipment.
5. Complaints have been received regarding noise nuisance from the premises. You advised the Panel that you would not be holding events that would create any further noise nuisance.
6. The premises licence was not available on the premises at the time of the inspection.

Further monitoring of the premises will take place and I must advise you that should there be further contraventions of the licences you could be liable to prosecution or the premises licence can be called in for a review. The possible result of the review includes: revocation of the premises licence, suspension for up to three months or more stringent conditions can be placed on the premises licence by the Licensing Sub Committee. You and/or the member

of staff involved may be prosecuted and, if convicted, you will have a criminal record and are likely to be fined.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact us.

Yours sincerely

Katie Tomashevski
Licensing Officer

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.



**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Cocos Club Bar 1 – 3 Stroud Green Road N4 2DQ
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 2 April 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 2 April 2013 for
Cocos Club Bar 1 – 3 Stroud Green Road N4 2DQ**

- (1) The two roped off basement stairways that lead direct to the ground floor kitchens should have signs fixed on the walls at the bottom of the stairways worded **Private No Access**.
- (2) The non-maintained emergency lighting within the entrance/exit stairway should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
- (3) The inward opening door at the top of the entrance/exit stairway should be secured in the fully open position when the basement is occupied. A notice should be fixed on the back of this door worded **Secure door open when premises are occupied**.
- (4) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.

Electrical installation condition report
Emergency lighting
Fire alarm
Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

For fire alarms any of the above, or

A member of the Loss Prevention Council 1014 Scheme, or a member of the British Approvals for Fire Equipment SP203 Scheme.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.

- (5) On inspection of the arrangements at the premises, any additional health and public safety requirements found to be necessary should be carried out without delay.



ISLINGTON

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 2 April 2013

Mr Godwin Isebor
Cocos Club Bar
1 – 3 Stroud Green Road
London
N4 2DQ

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Cocos Club Bar 1 – 3 Stroud Green Road N4 2DQ**

With reference to the recent application for the review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 5 April 2011 it was found that the requirements specified in the attached schedule were in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

As per current licence

As outlined in Appendix 2 on the current premises licence.

Suggested conditions recommended by Council's Noise Team

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, to include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise from the premises. The scheme shall be submitted for approval by the Council and the approved scheme fully implemented to the satisfaction of the Council within a 6 week time limit.
2. The licensee shall limit sound levels so as not to exceed maximum levels to be agreed with the Council's Noise team prior to the premises being used for regulated entertainment.
3. A noise limiting device shall be installed and the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council are not exceeded.
4. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
5. When regulated entertainment is provided by way of music and dancing and continues past midnight, an SIA registered door supervisor shall be employed at the premises to patrol outside to supervise customers outside who may wish to smoke.
6. A dispersal policy shall be implemented at the premises in agreement with the Noise Team.

Suggested conditions recommended by the responsible Authority for Health and Safety.

7. The premises shall not be used under the licence until the requirements specified in the schedule dated 2 April 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Amendments to the licence recommended by the Licensing Authority

8. Remove all licensable activities from the basement of the premises.
9. Remove the exemption for the deregulation of live music from the licence, so that any conditions relating to the provision of live music would be in force.
10. Remove the designated premises supervisor Mr Isobor.
11. The sale of alcohol shall be ancillary to a table meal.
12. No vertical drinking shall be permitted.
13. Amended the permitted hours for the supply of alcohol to 10am to 23:00 Mondays to Saturdays, 12noon to 10.30pm Sundays
14. The licensee shall take all practical steps to prevent alcohol from being consumed on the premises 30 minutes after the permitted hour for the sale of alcohol.
15. Amended the permitted hours for late night refreshment to:23:30 Mondays to Saturdays, 23:30pm on Sundays.

