



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	27 th March 2013	B3	Mildmay

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
RE:01-YENI ADANA RESTAURANT, 25 – 27 GREEN LANES, LONDON, N16 9BS**

1. Synopsis

- 1.1 This is an application by Mr Davis a local resident for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) 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 hold a licence for the sale of alcohol for consumption on the premises Sunday to Thursday 11:00 to 01:00 the following day and Friday and Saturday 11:00 to 02:00 the following day. Late night refreshment Monday to Sunday 23:00 to 05:00 the following day. This licence was granted on 16th December 2009 by the Licensing Sub Committee.

3.2 A warning letter was hand delivered to the premises on the morning of 1st February 2013 and given to Serhat Bulbul. The letter specified that all licensable activities were to cease with immediate effect until the outstanding acoustic conditions on the premises licence were met. This was explained to Mr. Bulbul.

A follow up visit took place on the evening of 1st February at 23.15, when it was noted that licensable activities were taking place.

On the 9th February at 01:02 officers observed 3 customers walk into premises and order shish kebabs.

3.3 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: licence;
- Appendix 3: representations
- Appendix 4: suggested conditions and map of premise location.

3.4 The Licensing Authority has received a representation from Health & Safety and the Noise Team.

4 Planning Implications

Council records show the planning use of the premises is A5 with the hours restricted to 08:00 to 23:00 on any day.

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 18/3/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Anthony Baptiste

Tel: 020 7527 3014

Fax: 020 7527 3057

E-mail: licensing@islington.gov.uk

Suggested conditions of approval

As per current licence

W7/201302701

HAPPENDIX 1

AB

OK?

31/1/13



ISLINGTON

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 PHILIP DAVIS
(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 01 YENI ADANA RESTAURANT, 25-27 GREEN LANES NEWINGTON GREEN	
Post town LONDON	Post code (if known) N16 9BS

Name of premises licence holder or club holding club premises certificate (if known) MRS BURCAK ASLAN, (FORMALY KAPADOKYA) NOW NAMED 01 YENI ADANA
--

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

COMMUNITY LICENSING
31 JAN 2013
PUBLIC PROTECTION DIVISION
2003 SUPPLY SERVICES UNIT

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

DAVIS

PHILIP

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

FLAT 35 NEWINGTON GREEN MANSIONS
GREEN LANES
LONDON

Post town

LONDON

Post Code

N16 9BS

Daytime contact telephone number

07740578024

E-mail address (optional)

PHILDAVIS81@GOOGLEMAIL.COM

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

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Please ~~to~~ refer to attached summary document & supporting evidence.

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

Please refer to attach summary document.

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"/>

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

3) the prevention of public nuisance

We live in the residential property directly above the restaurant and have been unable to sleep for months due to excessive noise levels. The noise is from the restaurant and includes food preparation (loud banging, chopping), voices and occasional music. This noise is intermittent but continues almost 24 hours every day due to their opening hours (7am to 4am the next day, 7 days a week). This is a clear public nuisance and is having a major impact on our quality of life. The noise started in November 2012 and is ongoing. There has also been a party with a loud p.a. system until 1am on 2nd January 2013.

We have spoken to the restaurant staff on several occasions (currently 10) to explain the issues and ask if the noise levels can be reduced late at night, however they ignore our requests and continue to make substantial levels of noise continually.

We are now awaiting the end our tenancy to move but this will be a continued problem for any resident and the licence should never have been granted.

We cannot understand how this licence was ever granted considering the adjacent residential properties (bedrooms directly above the restaurant area) and numerous complaints to its original application. From a business perspective, if your model is based upon trade during the night you should not rent a property within a residential block.

The licence was also granted with conditions to provide noise surveys and insulation, we do not believe this has been done considering the issues we are having and would urge the Council to inspect the restaurant to check this immediately (I will follow this up direct with the Council as well).

It is also worth noting the restaurant is unwilling to co-operate with it's neighbours and has no consideration towards the licensing objectives set out in it's application. Homes for Islington are currently taking enforcement action against the restaurant for the continued damage and mess to the residential communal gardens at the rear of the property which is attracting vermin.

Given the issues above and the restaurants unwilling approach we wish the licence to be reviewed and reduced to allow opening hours between 7:00am to 12:00am Monday to Sunday.

I will follow this application up with local councillors and action groups as there is overwhelming evidence to show this licence was incorrectly granted and is in direct conflict not only with the licensing objectives but wider sustainable community.

I have also logged anti-social noise complaints to the hotline (references FI738567 and FI739555) however due to the intermittent nature of the noise I have yet to ask anyone to visit the property. Apparently I cannot arrange a time for someone to attend the property which does not help address the issues.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature
 Date 29/01/2013
 Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



ISLINGTON

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	11968-130911		
Postal address of premises, or if none, ordnance survey map reference or description			
KAPADOKYA 25 - 27 GREEN LANES			
Post town	London	Post code	N16 9BS
Telephone number	0207 359 0141		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor only
<ul style="list-style-type: none"> • 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 late night refreshment: <table border="0" style="width: 100%;"> <tr> <td>Monday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>23:00</td> <td>to</td> <td>05:00</td> <td>the following day</td> </tr> </table> • The sale by retail of alcohol: <table border="0" style="width: 100%;"> <tr> <td>Monday</td> <td>11:00</td> <td>to</td> <td>01:00</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>11:00</td> <td>to</td> <td>01:00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>11:00</td> <td>to</td> <td>01:00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>11:00</td> <td>to</td> <td>01:00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>11:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>11:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>11:00</td> <td>to</td> <td>01:00</td> <td>the following day</td> </tr> </table> 	Monday	23:00	to	05:00	the following day	Tuesday	23:00	to	05:00	the following day	Wednesday	23:00	to	05:00	the following day	Thursday	23:00	to	05:00	the following day	Friday	23:00	to	05:00	the following day	Saturday	23:00	to	05:00	the following day	Sunday	23:00	to	05:00	the following day	Monday	11:00	to	01:00	the following day	Tuesday	11:00	to	01:00	the following day	Wednesday	11:00	to	01:00	the following day	Thursday	11:00	to	01:00	the following day	Friday	11:00	to	02:00	the following day	Saturday	11:00	to	02:00	the following day	Sunday	11:00	to	01:00	the following day
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The opening hours of the premises:

Monday	00:00	to	24:00	the following day
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

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

Mrs Burcak Aslan
25-27 Green Lanes
London
N16 9BS

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

Mrs Burcak Aslan
237 Devonshire Road
London
SE23 3NJ

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

105425 – Islington Council

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
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.

Annex 2 - Conditions consistent with the Operating Schedule

None applicable

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

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 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 and the licensee notified in writing accordingly, prior to the premises being used for licensable activities.
2. Provide an acoustic survey, carried out by an acoustic consultant registered with either the Institute of Acoustics or the Association of Noise Consultants on the existing or any new fixed plant and machinery. The existing or installation of new items of fixed plant shall be such that, when operating, the noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The reference time interval Tr shall be 1 hour during the day (07.00 to 23.00 hours) and 5 minutes during the night (23.00 to 07.00 hours). The measurement and/or prediction of the noise should be carried out in line with BS 4142: 1997 and as such, may make use of measurements over a shorter period if appropriate. For the background noise measurement, the reference time interval Tbg shall not be less than 15 minutes and the measurements made in accordance with BS 4142: 1997 at a time representative of the hours of operation of the plant. The "Fast" time weighting should be used. The measurements should be reported as façade noise levels. If it is not possible to measure at 1m from a façade, the measurement can be made at an equivalent free-field position with a +3dB correction added to calculate the equivalent façade level. The report shall be submitted to the Council's Noise Team for approval and any works identified to prevent the likelihood of noise nuisance shall be carried out prior to the business being open for licensable activities.
3. No noise shall be generated which shall exceed Noise Rating Curve NR25 within bedrooms of adjoining buildings during night time hours (23.00 to 07.00) and NR35 during daytime hours (07.00 to 23.00). (Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).
4. Doors and windows to the premises will be kept closed, except for entry and exit, at all times when the premises are in use.
5. Notices will be prominently displayed at exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

6. No drinks of any kind shall be taken outside between 22:00 and 08:00 hours and notices shall be prominently displayed at exits to that effect
7. Any outside tables and chairs shall be cleared away or rendered usable by 22:30 hours.
8. Premises to adopt BII Challenge 25, the National Proof Of Age Standards Scheme.
9. Incident/Refusals book to be completed
10. Alcohol shall not be sold or supplied on the premises otherwise than to - persons taking table meals there and for consumption by such a person as an ancillary to his/her meal
11. No vertical drinking

Annex 4 – Plans

Reference Number: ISL 11968

Premises Licence Summary
Licensing Act 2003

Premises licence number	11968-130911
--------------------------------	---------------------

Premises details

Postal address of premises, or if none, ordnance survey map reference or description KAPADOKYA 25 - 27 GREEN LANES			
Post town	London	Post code	N16 9BS
Telephone number	0207 359 0141		

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Ground floor only

- 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 late night refreshment:

Monday	23:00	to	05:00	the following day
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- The sale by retail of alcohol:

Monday	11:00	to	01:00	the following day
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The opening hours of the premises:

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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

Mrs Burcak Aslan
25-27 Green Lanes
London
N16 9BS

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**

Burcak Aslan

State whether access to the premises by children is restricted or prohibited

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
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk



Licensing Section
222 Upper Street
London N1 1YA

This matter is being dealt with by:
Lee H Casey

Noise Team
Public Protection Division
222 Upper Street
London N1 1XR
T 020 7527 2014
F 020 7527 3057
E lee.casey@islington.gov.uk
W www.islington.gov.uk

Our ref: WK/201302771
Your ref:

Date: 27th February 2013

Dear Licensing Colleagues

Re: Licensing Review – 01-Yeni Adana Restaurant, 25-27 Green Lanes, Islington, London, N16 9BS

This review application has been made by Mr Philip Davis, a resident of 35 Newington Green Mansions, Green Lanes, Islington N16 9BT, and relates to the following Licensing Objective:

1. The Prevention of Public Nuisance.

This representation is made by the Environmental Health Noise Team in support of the review application, and focuses on the Public Nuisance issues related to the premises.

Background Information

The information provided by the Licensing Authority shows the premises was formally known as Kapadokya before changing its name to 01-Yen Adana Restaurant in August 2011. The restaurant provides a take away service as well as covers for seat in.

Mr Resul Huseyin was the licensee and the Designated Premises Supervisor (DPS) from 27th October 2009 to 12th September 2011. On 13th July 2011, an officer from the Noise Team visited the restaurant, in connection with a complaint concerning noise from the plant /equipment at the restaurant. At the time of the officers visit, Mr Hasan Kalayci confirmed that is the new owner of the restaurant. Mr Kalayci advised the officer he did not receive any correspondence concerning noise complaint from the plant/equipment.

Miss Burcak Aslan took over as the new licensee on 13th September 2011, and Mrs Burcak Aslan is recorded as the DPS.

Islington Licensing Policy

Although 01 – Yen Adana Restaurant is not located in the Cumulative Impact Areas, however, the review of this application and the reasons given focuses on the need for existing premises to operate responsibly in line with the licensing objectives.

Summary of Complaints

The Noise Team received complaints on 26th March, 26th and 27th June 2011, and 7th and 8th January 2013, concerning noise from the operation of plant/equipment at the restaurant as well as operational activities at the restaurant.

Summary of Complaint Investigation and Action Taken

Officers of the Noise Team, visited the complainant on 26th June 2011, and confirmed noise and vibration coming from the restaurant extract system was excessive. The Noise Patrol Officer subsequently sent a letter to Mr Hasan Kalayci, the owner of the restaurant on 13th July 2011, informing him of the officer's visit and advising him of the licensing condition which required him to engage an Acoustic Consultant to carry out a survey of the plant/ machinery equipment serving the restaurant. On 26th August 2011, the Licensing Officer wrote to Mr Hasan Kalayci. To date, there is no record of receiving any communication from Mr Hasan Kalayci or indeed the current licensee of intentions to address the noise issues from the plant/equipment etc. Furthermore, although there have been complaints about noise from music within the premises and plant/equipment noise, no confirmation of Statutory Nuisance have been substantiated to date.

Public Nuisance Issues.

Whilst the complaint does not relate to public nuisance as defined in the licensing act 2003, such as anti-social behaviour and people noise in the street, there is element of the complaint that can be considered such as low level nuisance.

The Secretary of States Guidance for licensing confirms that Public Nuisance is not narrowly defined, and it states that:

2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

Therefore, the complaint that has been received by Environmental Health forms the basis for the application review which is low level nuisance affecting only a few people, rather than a major disturbance affecting the whole community.

Conditions

The current licence has conditions to deal with music and plant / machinery noise. As the complaints relate to noise from plant / machinery equipment, music, and operational activities which have not been specifically addressed, the existing conditions should be sufficient to focus on these issues.

It is important to remember that any conditions must be focused on measures within the direct control of the licence holder. It appears that the complaints are directly related to licensable activity at the premises. Therefore, no additional conditions can be recommended to resolve the current problems. In this respect, it is again useful to refer to the Guidance which states:

2.39 *"In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives."*

At the time of the license application in 2009, Noise Team Officers highlighted the fact that the commercial units adjoins residential dwelling and there were concerns for potential noise outbreak affecting residents as well as noise from the extract ventilation system. Their comments and condition were later accepted and formed part of the committee's decision to grant the license, namely:

5. 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 prevent persons in the neighbourhood from being unreasonably disturbed by regulated entertainment 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.
6. Provide an acoustic survey, carried out by an acoustic consultant registered with either the Institute of Acoustics or the Association of Noise Consultants on the existing or any new fixed plant and machinery. The existing or installation of new items of fixed plant shall be such that, when operating, the noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The reference time interval Tr shall be 1 hour during the day (07.00 to 23.00 hours) and 5 minutes during the night (23.00 to 07.00 hours). The measurement and/or prediction of the noise should be carried out in line with BS 4142: 1997 and as such, may make use of measurements over a shorter period if appropriate. For the background noise measurement, the reference time interval Tbg shall not be less than 15 minutes and the measurements made in accordance with BS 4142: 1997 at a time representative of the hours of operation of the plant. The "Fast" time weighting should be used. The measurements should be reported as façade noise levels. If it is not possible to measure at 1m from a façade, the measurement can be made at an equivalent free-field position with a +3dB correction added to calculate the equivalent façade level. The report shall be submitted to the Council's Noise Team for approval and any works identified to prevent the likelihood of noise nuisance shall be carried out prior to the business being open for licensable activities.
7. No noise shall be generated which shall exceed Noise Rating Curve NR25 within bedrooms of adjoining buildings during night time hours (23.00 to 07.00) and NR35 during daytime hours (07.00 to 23.00). (Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).
8. All amplified music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting

device which restricts the sound system output to below pre-set threshold levels. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence and the calibration certificate forwarded to the Licensing Team. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.

9. Doors and windows to the premises will be kept closed, except for entry and exit, at all times when noise generating regulated entertainment is taking place.
10. Notices will be prominently displayed at exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
11. No drinks shall be taken outside after 10.00pm and notices shall be prominently displayed at exits to that effect.
12. The outside tables and chairs shall be cleared away, or rendered unusable by 10.30pm

The current complaint that has triggered the review mentions noise from the restaurant such as food being chopped late at night as well as audible amplified music is audible within the residential units at Newington Green Mansions.

Planning

In July 1995, planning permission was granted to the premises for the change of use of the ground floor to a take-away restaurant including the installation of extract system at the rear of the restaurant.

The following conditions were attached to the planning consent:

Condition 2: "The use shall not operate except between the hours of 08: and 23:00hrs"

Reason: To ensure the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.

Condition 3: "Sound insulation to the specification shown on the approved plans shall be installed before commencement of the use hereby permitted, and permanently retained thereafter"

Reason: to protect the amenities of the occupiers of the residential accommodation.

Condition 4:

The ventilation system including any necessary ducting shall be installed before the use hereby approved is commenced.

Reason: To ensure that the amenity of the locality is not prejudiced.

As detailed in the planning condition, specific works was required to ensure that noise from the operational activities at the restaurant would not cause a disturbance to the neighbouring residents. The conditions specified in the planning consent appear not to have been implemented.

Conclusion

I have reviewed all of the information available and it shows that noise has been a problem as a result of the licensable activities at the restaurant. Therefore, the Noise Team supports the applicant in the request that the licence be reviewed and adequate measures are implemented to address the issues of noise affecting the adjoining residential units.

Table of Complaints

Ref No.	Complaint Date	Complainant ID	Complaint Category	Brief Detail
WK/2010 21992	26/03/2011	Resident 1	NN04	Licensing monitoring for noise
WK/1112 27646	26/06/2011	Resident 1	NN06	Machinery & Equipment Noise
WK/1112 27618	26/06/2011	Resident 1	NN06	Machinery & Equipment Noise
	07/01/2013	Resident 2	NB03	Loud chopping noise
WK/2013 00550	08/01/2013	Resident 2	NI05	Noise from food preparation area

Yours sincerely

Lee H Casey
Senior Environmental Health Officer
Noise Team
Public Protection

Yours sincerely,

Lee H Casey
Senior Environmental Health Officer
Noise Team
Public Protection Division

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: 26 February 2013

Mrs Burcak Aslan
01 Yeni Adana Restaurant
25 – 27 Green Lanes
London
N16 9BS

Dear Madam

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
01 Yeni Adana Restaurant 25 – 27 Green Lanes N16 9BS**

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 25 February 2013 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

Also contrary to the conditions of the Premises Licence and the regulations of the Licensing Act 2003, unauthorised alterations have been carried out without the consent of the council.

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)



**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	01 Yeni Adana Restaurant 25 – 27 Green Lanes N16 9BS
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule. Also contrary to the conditions of the Premises Licence and the regulations of the Licensing Act 2003, unauthorised alterations have been carried out without the consent of the council.
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 26 February 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 26 February 2013 for
01 Yeni Adana Restaurant 25 – 27 Green Lanes N16 9BS**

- (1) Plans to a scale of 1:100 of the premises as completed should be submitted to the responsible authority for health and public safety for record purposes.
- (2) The mechanical extract ventilation fans and in the toilets should be cleaned, overhauled and put into full working order.
- (3) The covering over the mechanical supply ventilation fan over the restaurant entrance/exit door should be removed and the fan cleaned, overhauled and put into full working order.
- (4) The external rear emergency exit routes should be kept clear of rubbish and obstructions.
- (5) When the premises are occupied the two entrance/exit doors and the two rear exit doors should be free from fastenings or secured with simple fastenings that can be readily operated without having to use two hands, keys, cards, codes or similar means.
- (6) The missing fire blanket for the front cooking area should be replaced.
- (7) 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 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.

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.

Suggested conditions of approval

As per current licence



