



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	27 th March 2013	52	St. Mary's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
RE: 10-16 THEBERTON STREET, LONDON, N1 0QX.

1. Synopsis

1.1 This is an application for a new premise licence under the Licensing Act 2003.

1.2 The new application is to allow:

- i) The sale by retail of alcohol, on supplies only, Mondays to Saturdays from 10:00 until 00:00 and Sundays from 12:00 until 23:30; and
- ii) The provision of late night refreshment Mondays to Saturdays from 23:00 until 00:30 the following day and Sundays from 23:00 until 00:00.

Please note that included in the application are the below staggered closing times:

- The restaurant area within numbers 14 and 16 Theberton Street will be closed and made vacant by 23:30 Mondays to Saturdays and 23:00 on Sundays;
- The restaurant area within 12 Theberton Street will be closed and made vacant by 00:00 Mondays to Saturdays and 23:30 on Sundays;
- The basement area will be closed and made vacant by 23:00 Sundays to Thursdays and 00:30 on Fridays and Saturdays;
- All other restaurant areas will be closed and made vacant by 00:30 Mondays to Saturdays and 00:00 on Sundays.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 To consider that this address is in the Angel and Upper Street Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications 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.
- 2.3 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 4);
 - ii. conditions recommended by responsible Authorities (see appendix 4);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licences;
- Appendix 3a: name & address details of those persons making representations;
- Appendix 3: representations;
- Appendix 4:
- i. Licensing Officer inspection notes;
 - ii. Section 19 Closure Notice served on 1st February 2013;
 - iii. Minutes from Licensing Panel meeting.
- Appendix 5: suggested conditions and map of premise location.

3.2 Brief licensing history at the premises:

8-14 Theberton Street:

- 24th November 2005, premises licence granted by way of conversion under the Licensing Act 2003 for number 8 Theberton Street;
- 23rd July 2008, new premises licence application submitted so as to allow the restaurant to encompass numbers 8 to 14 Theberton Street;
- 10th September 2008, application refused at Licensing Committee hearing;
- 26th September 2008, appeal received by Highbury Corner Magistrates;
- 18th November 2008, after discussions between all interested parties an amended application was granted by way of a Consent Order authorising the use of numbers 8-10 Theberton Street only;
- 10th May 2011, minor variation application approved to extend the licensable area into the rear extension of number 10 Theberton Street.

16 Theberton Street:

- 12th August 2009, new premises licence granted for ground floor of 16 Theberton Street;

- 21st April 2011, premises licence transfer approved, Mr Mehmet Kocakerim new licensee;
- 2nd January 2013, premises licence variation application received to extend the licensable area of 16 Theberton Street into the basement area;
- 15th January 2013, premises licence variation application withdrawn after premises inspection. The inspection showed that this application could not be deemed valid given that the new premises layout included access across all addresses encompassing the ground and basement levels of 10 to 16 Theberton Street.

10-16 Theberton Street:

- 22nd January 2013, new premises licence application received.

3.3 The Licensing Authority has received 20 letters of representation, none of which are from people who requested that they remain anonymous.

4. Planning Implications

4.1 See Planning Representation (Annex 2, Number 2) for details.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, 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

14/3/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

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APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We MEHMET KOCAKERIM

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 10-16 THEBERTON STREET ISLINGTON			
Post town	LONDON	Post code	N1 0QX

Telephone number at premises (if any)	0207 704 9089
Non-domestic rateable value of premises	£0.00- NOT RATED

54427
£100.00/100550
USE
03/01/13

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname KOCAKERIM			First names MEHMET		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town	LONDON			Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	2	0 1 2 0 1 3

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

-PREMISES IS AN EXISTING RESTAURANT ACROSS 4 SHOPS, ALL ADJOINED AT BASEMENT AND GROUND LEVELS AND BY A LARGE ATRIUM TO THE REAR.

-NEW LICENCE IS TO MATCH EXISTING LICENCE OF 8-10 THEBERTON STREET, REF: LN/5758-120511, TO FOLLOW CONDITIONS STATED IN ATTACHED ANNEX 1.

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

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

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to
the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>		
				Outdoors <input type="checkbox"/>		
				Both <input type="checkbox"/>		
			Please give a description of the facilities for dancing you will be providing			
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur						
Fri					Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	Please give further details here (please read guidance note 3) ARRANGEMENT AS EXISTING RESTAURANT -PLEASE SEE ANNEX 1 FOR CONDITIONS -TO MATCH EXISTING LICENCE OF 8-10 THEBERTON STREET, REF: LN/5758-120511		
Tue	23:00	00:30			
Wed	23:00	00:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:30	NO VARIATION		
Fri	23:00	00:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:30			
Sun	23:00	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) NOTE: AS EXISTING RESTAURANT	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NO VARIATION	
Mon	10:00	00:00		
Tue	10:00	00:00		
Wed	10:00	00:00		
Thur	10:00	00:00		
Fri	10:00	00:00		
Sat	10:00	00:00		
Sun	12:00	23:30		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) AS EXISTING RESTAURANT- NO VARIATION	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name MEHMET KOCAKERIM	
Address	
Postcode	N13 4QB
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NO SERVICES, ACTIVITIES OR OTHER ENTERTAINMENT THAT WILL RAISE CONCERN IN RESPECT OF CHILDREN WILL OCCUR ON PREMISES

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) AS EXISTING RESTAURANT- NO VARIATION
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NO VARIATION
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	12:00	00:00	

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

PLEASE SEE ATTACHED ANNEX 1 FOR CONDITIONS TO BE MET UNDER NEW LICENCE

b) The prevention of crime and disorder

PLEASE SEE ATTACHED ANNEX 1 FOR CONDITIONS TO BE MET UNDER NEW LICENCE

c) Public safety

PLEASE SEE ATTACHED ANNEX 1 FOR CONDITIONS TO BE MET UNDER NEW LICENCE

d) The prevention of public nuisance

PLEASE SEE ATTACHED ANNEX 1 FOR CONDITIONS TO BE MET UNDER NEW LICENCE

e) The protection of children from harm

PLEASE SEE ATTACHED ANNEX 1 FOR CONDITIONS TO BE MET UNDER NEW LICENCE

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Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. **FEE ALREADY PAID**
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	18/01/2013
Capacity	LIPTON PLANT ARCHITECTS - AGENT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

EDWARD LIPTON
LIPTON PLANT ARCHITECTS
ISLINGTON GREEN STUDIOS
81-83 ESSEX ROAD

Post town

LONDON

Post code

N1 2SF

Telephone number (if any)

02072881333

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Annex 1 • Conditions consistent with the Operating Schedule

1. Suitable beverages other than alcohol, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises. ✓
2. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there. ✓
3. There shall be a member of staff at the door employed to show people to their seats,
4. monitor noise, ensure noise is kept to a minimum, deal with any noise complaints and who shall report any incidents of crime to the police.
5. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
6. No new customers shall be accepted in the premises after 23.30.
7. The premises shall make a dedicated licensed taxi/mini cab service available for customers.
8. No children under the age of 18 shall be allowed in the premises without adults after 18.00.
9. The licensee shall meet with local residents on a regular basis to discuss issues of mutual concern.
10. Regular staff training shall be carried out. All training shall be documented.
11. Polite notices shall be displayed to discourage noise from patrons arriving at, queuing outside or departing from the premises.
12. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age. E.g. National Passport or Photo Drivers licence before selling alcohol to them.
13. The premises shall be constructed and maintained in accordance with the Technical Standards for Places of Entertainment.
14. No deliveries or collections of goods will take place on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
15. No rubbish will be placed outside the premises on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
16. Notices will be prominently placed at the premises exits requesting the public to respect the needs of local residents and to leave quietly.
17. Members of the public shall not use the outside seating area after 23:00 and notices shall be displayed on the premises to that effect.
18. Tables and chairs outside the premises shall be made unusable after 23:00.
19. The premises kitchen extraction plant and ductwork shall not cause nuisance to neighbouring residential occupiers.

PROPOSED STAGGERED CLOSING TIMES

- a. The restaurant area within numbers 14 and 16 Theberton Street will be closed and made vacant by 23:30 Mondays to Saturdays and 23:00 on Sundays;
- b. The restaurant area within 12 Theberton Street will be closed and made vacant by 00:00 Mondays to Saturdays and 23:30 on Sundays;
- c. The basement area will be closed and made vacant by 23:00 Sundays to Thursdays and 00:30 on Fridays and Saturdays;
- d. All other restaurant areas will be closed and made vacant by 00:30 Mondays to Saturdays and 00:00 on Sundays.



PART A

Consent of individual to being specified as premises supervisor

I MEHMET KOCAKERIM
[full name of prospective premises supervisor]

Of

[Empty box for home address of prospective premises supervisor]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

THE PROVISION OF LATE NIGHT REFRESHMENT, SALE OF ALCOHOL,
[type of application]

by MEHMET KOCAKERIM
[name of applicant]

Relating to a premises licence

[number of existing licence, if any]

for

MEM & LAZ BRASSERIE
10-16 TREBERTON STREET
LONDON
N1 0QX

[name and address of premises to which the application relates]

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/5758-120511		
Postal address of premises, or if none, ordnance survey map reference or description			
MEM & LAZ 8-10 THEBERTON STREET			
Post town	London	Post code	N1 0QX
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground & First Floor of 8 Theberton Street and Ground Floor only of 10 Theberton Street
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
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ISLINGTON

• 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	00:00
Friday	10:00	to	00:00
Saturday	10:00	to	00:00
Sunday	12:00	to	23:30

Except on:

Good Friday: 12:00 to 23:30

Christmas Day: 12:00 to 23:30

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

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

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

The opening hours of the premises:

Not specified

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

On and off supplies

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

Mr Mehmet Kocakerim

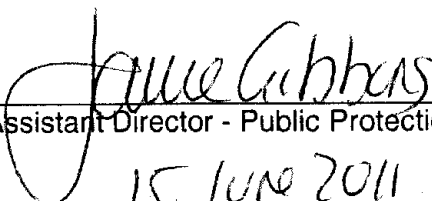
Registered number of holder, for example company number, charity number (where applicable)

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

Mehmet Kocakerim

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

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


Assistant Director - Public Protection
15 June 2011
Date of Issue



ISLINGTON

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

In this condition, an "irresponsible promotion" means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
 - Children and Young Persons Act 1933
 - Cinematograph (Safety) Regulations 1955
 - Sporting Events (Control of Alcohol Etc) Act 1985
3. The times that the licence authorises the supply of alcohol does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.
4. Suitable beverages other than alcohol, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
5. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises.
6. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there.

7. There shall be a member of staff at the door employed to show people to their seats, monitor noise, ensure noise is kept to a minimum, deal with any noise complaints and who shall report any incidents of crime to the police.
8. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
9. The maximum number of persons accommodated at any one time outside the premises shall not exceed the following: 18
10. Recorded music shall be limited to background music only.
11. No new customers shall be accepted in the premises after 23.30
12. The premises shall make a dedicated licensed taxi/mini cab service available for customers.
13. No children under the age of 18 shall be allowed in the premises without adults after 18.00.
14. The licence shall extend to the curtilage areas of No.10 and part of No.12 Theberton Street with the written permission of the relevant freeholder, or occupier as necessary, though not including the curtilage of No.10a Theberton Street which must be kept clear of activities relating to the Premises.
15. The licensee shall meet with local residents on a regular basis to discuss issues of mutual concern.
16. Regular staff training shall be carried out, all training shall be documented.
17. Polite notices shall be displayed to discourage noise from patrons arriving at, queuing outside or departing from the premises.
18. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age. E.g. National Passport or Photo Drivers Licence before selling alcohol to them.
19. The premises shall be constructed and maintained in accordance with the Technical Standards for Places of Entertainment.
20. The maximum numbers of persons accommodated at any one time in the premises shall not exceed:
 - Number 8 Theberton Street:
 - Ground & 1st floors – 60
 - Number 10 Theberton Street:
 - Ground floor only – 35.
21. The Licensee shall:
 - a) appoint an acoustic consultant registered with the Institution of Acoustics or the Association of Noise Consultants to undertake a noise impact assessment for the premises for proposed operating hours;
 - b) provide a report of the noise impact assessment which will address both amplified noise breakout from the premises and disturbance arising from the use of the outside areas; and

- c) the report to be submitted to and approved in writing by the Council's Noise Team before the variation shall have effect.
22. Should the upper parts of any of the premises be converted to residential use then the premises shall not be used for regulated entertainment until the Council has confirmed in writing that a scheme of measures, capable of preventing nuisance from amplified music, have been implemented to their satisfaction.
23. No deliveries or collections of goods will take place on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
24. No rubbish will be placed outside the premises on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
25. Notices will be prominently placed at the premises exits requesting the public to respect the needs of local residents and to leave quietly.
26. Members of the public shall not use the outside seating area after 23:00 and notices shall be displayed on the premises to that effect.
27. Tables and chairs shall be made unusable after 23:00.
28. The premises kitchen extraction plant and ductwork shall not cause nuisance to neighbouring residential occupiers.

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

None

Annex 4 – Plans

Reference Number: Ground Floor: 159.(2)1.002 - 30Oct2009
1st Floor: 159.(2)1.003 - 26Jun2009

Premises Licence Summary Licensing Act 2003

Premises licence number	LN/5758-120511		
Postal address of premises, or if none, ordnance survey map reference or description			
MEM & LAZ 8-10 THEBERTON STREET			
Post town	London	Post code	N1 0QX
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground & First Floor of 8 Theberton Street and Ground Floor only of 10 Theberton Street
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the playing of recorded music: <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">12:00</td> <td style="width: 5%;">to</td> <td style="width: 15%;">00:30</td> <td style="width: 55%;">the following day</td> </tr> <tr> <td>Tuesday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>12:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> </table> • The provision of late night refreshment: <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">23:00</td> <td style="width: 5%;">to</td> <td style="width: 15%;">00:30</td> <td style="width: 55%;">the following day</td> </tr> <tr> <td>Tuesday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>23:00</td> <td>to</td> <td>00:30</td> <td>the following day</td> </tr> </table> 	Monday	12:00	to	00:30	the following day	Tuesday	12:00	to	00:30	the following day	Wednesday	12:00	to	00:30	the following day	Thursday	12:00	to	00:30	the following day	Friday	12:00	to	00:30	the following day	Saturday	12:00	to	00:30	the following day	Sunday	12:00	to	00:30	the following day	Monday	23:00	to	00:30	the following day	Tuesday	23:00	to	00:30	the following day	Wednesday	23:00	to	00:30	the following day	Thursday	23:00	to	00:30	the following day	Friday	23:00	to	00:30	the following day	Saturday	23:00	to	00:30	the following day	Sunday	23:00	to	00:30	the following day
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ISLINGTON

• 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	00:00
Friday	10:00	to	00:00
Saturday	10:00	to	00:00
Sunday	12:00	to	23:30

Except on:

Good Friday: 12:00 to 23:30

Christmas Day: 12:00 to 23:30

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

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

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

The opening hours of the premises:

Not specified

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

On and off supplies

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

Mr Mehmet Kocakerim

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

Mehmet Kocakerim

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

No Restrictions

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



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/11615-210411		
Postal address of premises, or if none, ordnance survey map reference or description LE SACRE COEUR 16 THEBERTON STREET			
Post town	London	Post code	N1 0QX
Telephone number	020 7704 9089		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence [
Ground floor

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	10:00	to	23:30
Tuesday	10:00	to	23:30
Wednesday	10:00	to	23:30
Thursday	10:00	to	23:30
Friday	10:00	to	23:30
Saturday	10:00	to	23:30
Sunday	10:00	to	23:00

The opening hours of the premises:

Monday	10:00	to	23:30
Tuesday	10:00	to	23:30
Wednesday	10:00	to	23:30
Thursday	10:00	to	23:30
Friday	10:00	to	23:30
Saturday	10:00	to	23:30
Sunday	10:00	to	23:00

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

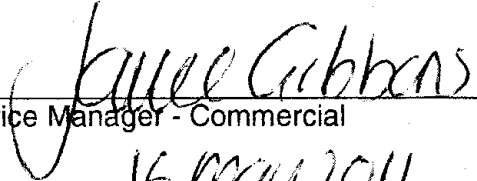
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Mr Mehmet Kocakerim

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

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

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


Service Manager - Commercial

16 May 2011
Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

In this condition, an "irresponsible promotion" means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
 - Children and Young Persons Act 1933
 - Cinematograph (Safety) Regulations 1955
 - Sporting Events (Control of Alcohol Etc) Act 1985
3. The times that the licence authorises the supply of alcohol does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.
4. Suitable beverages other than alcohol, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
5. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises.
6. 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 meal.

7. There shall be a member of staff at the door employed to show people to their seats, monitor noise, ensure noise is kept to a minimum, deal with any noise complaints and who shall report any incidents of crime to the police.
8. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age e.g. Portman Proof of Age card, National Passport or Photo Drivers Licence before selling alcohol to them.
9. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
10. The maximum number of persons accommodated at any one time outside the premises shall not exceed 18.
11. The outside seating arrangement shall allow legally required access on the pathway. The tables and chairs outside shall not extend beyond the cartilage areas of No.16 and No.18 Theberton Street.
12. No new customers shall be accepted in the premises after 23:00.
13. The premises shall make a dedicated licensed taxi/mini cab service available for customers.
14. No children under the age of 18 shall be allowed in the premises without adults after 18:00.
15. The maximum number of persons accommodated at any one time shall not exceed the following:
 - Ground Floor - 30
16. Members of the public shall not use the outside seating area after 23:00 and notices shall be displayed on the premises to that effect.
17. Tables and chairs outside shall be cleared by 22:30 and shall be made unusable after 23:00.
18. The licensee shall meet with local residents on a regular basis to discuss issues of mutual concern.
19. The licensee shall ensure the premises is fitted with a fire alarm system that meets

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

Annex 4 – Plans

Reference Number: 4061.02.100 – RevA – June 2009 & 4061.02.105 – RevB – June 2009

Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/11615-210411		
Postal address of premises, or if none, ordnance survey map reference or description LE SACRE COEUR 16 THEBERTON STREET			
Post town	London	Post code	N1 0QX
Telephone number	020 7704 9089		

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence [Ground floor <ul style="list-style-type: none">• The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities <ul style="list-style-type: none">• The sale by retail of alcohol:<table><tr><td>Monday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Tuesday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Wednesday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Thursday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Friday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Saturday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Sunday</td><td>10:00</td><td>to</td><td>23:00</td></tr></table>	Monday	10:00	to	23:30	Tuesday	10:00	to	23:30	Wednesday	10:00	to	23:30	Thursday	10:00	to	23:30	Friday	10:00	to	23:30	Saturday	10:00	to	23:30	Sunday	10:00	to	23:00
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Sunday	10:00	to	23:00																									

The opening hours of the premises: <table><tr><td>Monday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Tuesday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Wednesday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Thursday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Friday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Saturday</td><td>10:00</td><td>to</td><td>23:30</td></tr><tr><td>Sunday</td><td>10:00</td><td>to</td><td>23:00</td></tr></table>	Monday	10:00	to	23:30	Tuesday	10:00	to	23:30	Wednesday	10:00	to	23:30	Thursday	10:00	to	23:30	Friday	10:00	to	23:30	Saturday	10:00	to	23:30	Sunday	10:00	to	23:00
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Saturday	10:00	to	23:30																									
Sunday	10:00	to	23:00																									

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 Mr Mehmet Kocakerim
--

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

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 Act 2003- Representation from the Licensing Authority**Application: 10-16 Theberton St London N1**

I am submitting a representation on behalf of the Licensing Authority against the new application for a Premises Licence for the above premises.

The grounds for the representation are:

- Public nuisance
- Crime and disorder
- Public Safety

The premises is located in the Angel and Upper St Cumulative Impact area 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 as extent that the licensing objectives are undermined.

In assessing this application the Licensing Authority has considered the following evidence:

The Islington Alcohol Crime Profile Jan to Dec 2012

- Indicates an alcohol crime hotspot centred on Upper St
- Peak levels of alcohol related crime is occurring between 8pm and 4am- this is particularly noticeable at weekends
- 30% calls to the police are classified as rowdy behaviour

Annual Public Health Report 2012

- The premises is located on the edge of a hotspot area for alcohol related ambulance callouts
- In Islington as the density of licenced premises increases the number of ambulance callouts and alcohol related crime increases

Licensed premises in St Marys

The premises is located in Upper St, which although it is a busy night time area, the impact of the late night activities are already having an adverse impact on residents living in the wards of St Marys and St Peters.

The premise is located in St Marys Ward on the boundary with St Peters Wards. There are 169 premises licensed to sell alcohol in St Mary's ward and 70 in St Peters Ward.

The Angel area is already saturated with late night venues and the operation of 10-16 Theberton St will be detrimental to the local residents in terms of noise and disturbance in the early hours of the morning.

Whilst there are a significant number of residential properties in the immediate area in which the premises is located the council also regularly receives feedback focusing on the impact of the late night economy from residents who live slightly further field in the densely residential parts of St Peters and St Marys ward. Many of the issues that they bring to our attention concern the impact of late night visitors leaving the area as they make their way home or on to other licenced premises. They highlight various issues such as noise, nuisance and antisocial behaviour.

The Licensing Authority has been working with the Police, Islington NHS and other key partners, through the Safer Islington Partnership, to reduce the level of alcohol related violence within the borough.

The Licensing Authority is concerned that if this application is granted it will increase the availability of alcohol for consumption in the area which could lead to an increase in public nuisance, crime and disorder and impact adversely on health.

The area already has sufficient licensed premises to cater for the demands of local residents and visitors and any additional outlets supplying alcohol into the early hours of the morning will be detrimental to the local residents in terms of noise and disturbance and increase the potential for increasing alcohol related crime and disorder.

Standards of Management

Standards of management at the premises have been brought into question, specifically in connection to the provision of unauthorised licensable activities at the proposed premises during this application process. As a result, a Section 19 Closure Notice was served on the 1st February 2013.

In determining this application the Licensing Committee should be mindful of:

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 Bunhill

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 8- licensing hours

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Restaurants and Cafes

11pm Sunday to Thursdays

Midnight Friday and Saturday

Licensing Policy 13

The Licensing Authority seeks to encourage the highest standards of management in licensed premises....

Janice Gibbons
Service Manager
Islington Council
Public Protection Division
222 Upper St
London N1 1XR

13 February 2013

**ISLINGTON COUNCIL PLANNING & DEVELOPMENT
RESPONSE TO LICENSING APPLICATION L001/19
SITE: 10-16 THEBERTON STREET**

The Planning & Development section have the following comments to make regarding the above licensing application.

1. Planning Use Issues

The lawful use of each property, in planning terms, is as follows:

- **10 Theberton Street**
Planning permission exists (Ref: P090273) for the change of use of the basement and ground floor to A3 (restaurant). There is a condition restricting opening hours to between 10.00-23.00 Mon-Sat, and 10.00-22.30 on Sundays and Bank Holidays.
- **12-14 Theberton Street**
The lawful use of these properties are A2 (financial and professional services) or A1 (retail). They were previously in operation as a solicitor's office.
- **16 Theberton Street**
Planning permission was granted on appeal (Ref: P081361) for change of use to A3 (restaurant). However, none of the conditions imposed by the Planning Inspectorate have been discharged, and the use is therefore unauthorised.

A site visit was made on 12 February 2013 by representatives from the Planning Enforcement and Conservation & Design Teams. On this visit, the situation was as follows:

- **10 Theberton Street**
The basement was fully furnished and contained a restaurant seating area. The ground floor was in use as a restaurant serving Turkish food.
- **12 Theberton Street**
The basement was not in use, and appeared to still be in the process of being refurbished. The ground floor was not in use, but contained a large table laid with wine glasses and cutlery.
- **14 Theberton Street**
The basement was full of stacked chairs. The ground floor had a small counter and a couple of tables, and the applicant stated that this, in conjunction with No. 12, was going to be a 'patisserie' falling within Class A1. The layout, when taking Nos. 12 and 14 together, was clearly not something one would associate with a retail use.
- **16 Theberton Street**
The ground floor was in use as a restaurant serving Italian food, and the basement was in use as a kitchen.

At the rear of these properties was a large basement extension. Planning permission does exist for basement extensions at the rear of Nos. 10, 12, 14 and 16. However, these were submitted as three separate planning applications: one for 10, one for 12-14, and one for 16. It is clear from the submitted drawings that these extensions were to be used in connection with the property for which the application was submitted - the lawful use of those basements would have been the same as their 'host' site.

The plans for these applications show the following:

- In respect of No. 10, toilets in the basement and a wall on the boundary with No. 12 (the approved plans show double doors within the wall allowing access into No.12 at basement level);
- In respect of No. 12-14, walls on both the boundary with No. 16 and No. 10;

- In respect of No. 16, a wall on the boundary with No. 14.

This is not the situation on site. The basement extension is now one single space, which stretches across the rear of Nos. 10-16 and contains a very large banqueting table in addition to other seating. There are no partition walls at all at basement level to the rear. The original basements beneath the actual buildings (except No.16, which is a kitchen) now all have very wide (four double-door width size openings) between them. All parts of the premises are now connected via the basement, the balcony, staircases and a series of doors. The applicant advised us that people seated in the basement can order food from either the 'Italian' kitchen at No. 16, or the 'Turkish' one at No.8 (the food is passed through an opening in the wall). All things considered, it is clear that these are now a single undertaking.

It is established planning law that where two or more uses on adjacent sites are amalgamated into one, and the resultant combined activity is materially different to that which formerly took place on the land, a change of use requiring planning permission is likely to have occurred. This might not be the case if the uses to be combined are very similar, but in this instance we are not talking about the amalgamation of four lawful, identical uses (as 12 and 14 were never restaurants).

In any event, even if they did all have a lawful A3 use, the cumulative impact of such a large seating space is likely to be far greater than four basements used in connection with individual properties. The basement 'atrium' appears to have a rather substantial carrying capacity. It is not much of a stretch to imagine this space holding a very large number of people late into the evening, with consequent impacts for residential amenity.

To conclude, it appears that the applicant does not have planning permission to operate the premises in the manner indicated on the plans submitted with the licensing application (drawing nos. 309 (1) K.001 and 309 (1) K.002.

2. Listed Building Issues

In addition to the change of use of the site, there are also several physical alterations which have been made without the necessary Listed Building Consent. These include (but are not limited to) cladding to the walls, floors and ceilings, the insertion of large openings in the original basement walls, the new balcony at the rear, wrought iron work on the stall risers and other accretions on the shop fronts.

In addition, Condition 8 of listed building consent P090274 and several conditions attached to P090257 and P090258 (relating to the basement extensions at Nos. 10, 12 and 14) have not been discharged.

3. Conclusion

The properties 10, 12, 14 and 16 Theberton Street are now a single planning unit, as shown on drawing nos. 309 (1) K.001 and 309 (1) K.002. The use of this property, which probably falls within the A3 use class or constitutes a mixed use as a restaurant/bar, does not benefit from planning permission. The lack of a valid planning permission means that we have not been able to attach planning conditions to mitigate public nuisance (for example, conditions requiring the installation of sound insulation or controlling the hours of operation).

In addition, several alterations have been made to the listed building without the benefit of listed building consent.

Licensing Policy 6 (Development Planning) states that the Licensing Authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. The Licensing Authority will only grant licences for premises without planning consent in exceptional circumstances.

The Planning Enforcement team has spoken with the owner's agent about this, and will prepare a formal letter outlining what needs to be done to make the premises compliant with listed building and planning legislation.

3



Lipton Plant Architects
Islington Green Studios
81 – 83 Essex Road
London
N1 2SF

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: 309

Date: 13 February 2013

Dear Sirs

Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Multi Restaurant / Café 10 – 16 Theberton Street N1 0QX

With reference to the recent application for a 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 6 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.

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 the attention of the licensee 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	Multi Restaurant / Café 10 – 16 Theberton Street N1 0QX
Public Safety	The arrangements at the premises are insufficient for health and public safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	<p>(1) The premises shall not be used under the licence until the requirements specified in the schedule dated 13 February 2013 have been completed and approved in writing by the responsible authority for health and public safety.</p> <p>(2) The maximum number of persons accommodated at any one time in the premises shall not exceed 120.</p>

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 13 February 2013 for
Multi Restaurant / Café 10 – 16 Theberton Street N1 0QX**

(1) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the parts of the premises specified below:

- Toilets
- Basement kitchen
- Three inner basement dining rooms
- Double height rear area
- Ground floor restaurants 12 and 16 Theberton Street

Note: Non-maintained emergency lighting 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.

(2) Existing emergency lighting luminaires within the premises should be inspected and tested to ensure that each luminaire is 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) Internally illuminated maintained exit signs in compliance with the Health and Safety (Safety Signs and Signals) Regulations, with lighting and emergency lighting supplies, should be provided in the locations specified below:

- Over the exit door into the rear external corridor
- Over the final exit door from the rear external corridor

(4) The fire alarm and fire detection system should be in accordance with BS 5839 – 1. Smoke detectors should be provided in the following locations:

- Ground floor restaurant 10 Theberton Street
- Rear bar in double height area

(5) Continuous handrails should be provided to all stairs at a height of not less than 900mm and not more than 1000mm above the pitch line or floor.

(6) Conspicuous slip-resistant nosings should be provided to all stairs and change of floor level steps. Stair nosings should be a contrasting colour 50mm wide on both the tread and riser.

(7) The storage void in the rear external corridor should be fitted with a 30 minute fire door.

(8) The kitchen door should be made effectively self closing on to the door stops.

(9) Conspicuous **Mind your head** signs should be fixed both side of the opening between the rear bar and ground floor restaurant 10 Theberton Street.

(10) Graphic symbol exit signs in compliance with the Health and Safety (Safety Signs and Signals) Regulations should be provided in the following locations:

- Over the final exit doors in ground floor restaurants 12, 14 and 16 Theberton Street.
- Over opening to rear external exit adjacent to pizza oven.
- Over opening into ground floor restaurants 10 and 16 Theberton Street.
- Over opening from inner basement dining room 12 Theberton Street.
- Over exit door from inner basement dining room 14 Theberton Street.

(11) Exit signs into basement rooms 12 and 14 Theberton Street should be removed.

(12) 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
- Gas boilers, gas installations and 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.

Gas boilers, gas installations and appliances should be inspected and tested by a Gas Safe registered engineer.

- (13) 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.
- (14) 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.

Moon Street and Studd Street Residents' Association

4

Chairperson
Liz McMeikan

London

14th February, 2013

Dear Mr Whitton,

RE: Application for a premises licence re 10 - 16 Theberton Street, Islington, London, N1 0QX

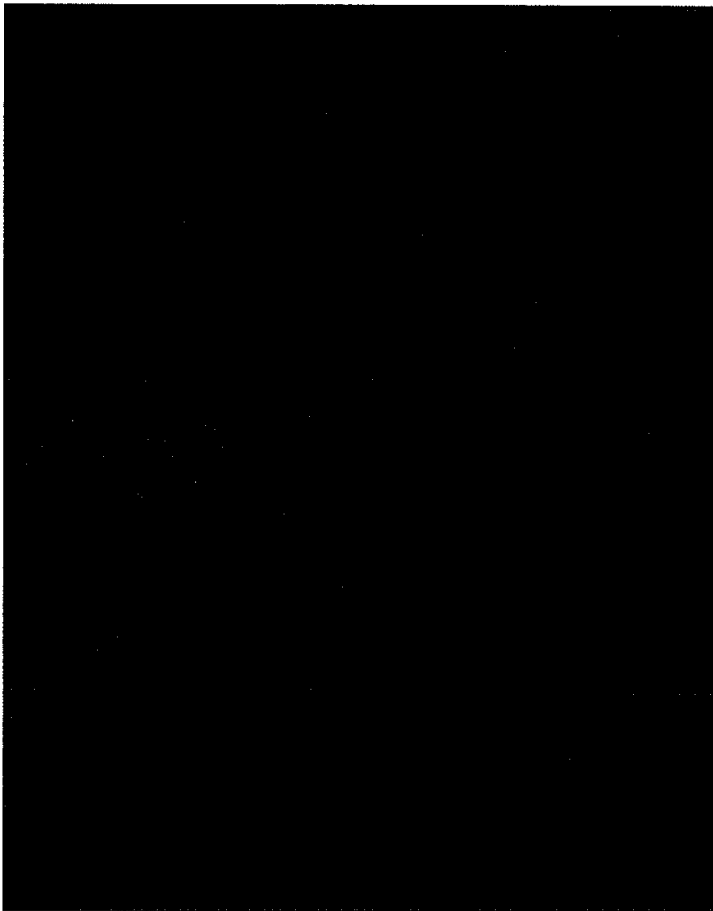
1. We are writing to object to the proposed application to the premises licence at 10 - 16 Theberton Street, Islington, London N1 0QX.
2. Before detailing the substance of our objection, we should like to draw your attention to the ambiguity of this application, whether by accident or design: see points 3 – 6 below. The application needs to be crystal clear if residents are to know what is proposed and in order for the Council to be able to take enforcement action, if required.
3. The application is said to be about numbers 10 – 16 Theberton Street, yet there is no reference to 10, unless it is meant to be covered by the catch all phrase in 'd' of all other restaurant areas. It is also noteworthy that Mem and Laz trade out of number 8 Theberton Street, yet this restaurant premises is not included in this licence application, which risks further confusion and potential obfuscation.
4. The application is made for one set of hours, yet it simultaneously suggests conditions at variance with these requested hours.
5. It will be tricky to monitor:

Restaurant areas of	Closing on Mon-Sat	Closing on Sunday
No 10	?	?
Nos 14-16	23.30	23.00
No 12	00.00	23.30
All other restaurant areas	00.30	00.00
Basement areas drinks	23.00 Sun – Thursday 00.30 Fri -Sat	23.00
Basement areas Refreshment	00.30	00.00

6. We request that the application be redrafted to go through each property in turn, stating what hours each restaurant wants. The fact that the licence covers all properties would suggest that the basement will be operated as one drinking space (in contravention of planning and listed building consent as we understand). All day drinking is a potential problem, unassuaged by late night provision of refreshment.
7. This application requests an extension of existing licence hours in numbers 10 and 16 and new licence provision in numbers 12 and 14 and the basement areas covering 10 -16 in an area of licenced premises saturation, in close proximity to residents in Theberton, Studd and Moon Streets.
8. Part of the application covers the basement to these properties that has been converted into one large space in contravention of planning and listed building consent, with local residents unable to register any concerns they may have over this work via the channels of due planning process. This issue would need to be resolved before consideration can be given to any licence application.
9. Were this application to be successful, the result would inevitably be that there will be a significant increase in customers accommodated in the premises at any given time. We know from our experience of all the restaurant premises along this north eastern corner of Theberton Street that the departure of guests from licenced premises is almost invariably noisy and often anti- social (arguments, vomiting, urine and faeces outside doors and in doorways along Studd Street and neighbouring houses in Theberton Street are all regular occurrences) and to increase the number of people who would be leaving licensed premises at the end of an evening, and to extend that hour of departure until even later at night, is to impose an unacceptable burden and nuisance on the residents of Studd Street, Moon Street and Theberton Street.
10. The increase in personnel required to staff the basement area and the extension of hours requested is likely to lead to increased use of Studd Street as a staff smoking area, which is already an anti-social nuisance to residents in the street, causing additional littering of the pavements.
11. The rear of these premises is in close proximity to the rear of the houses on the eastern side of Studd Street which, were this application to be granted, would be highly likely to be subject to an additional noise nuisance for these residents. There are no indications of any proposed noise insulation.
12. We have serious misgivings as to the true nature of the intentions of the applicant in making the application. We are concerned that the intention is to run the premises as one significant restaurant unit at ground floor level with one significant bar, and perhaps subsequently a night club, in the basement, in contravention of the planning and listed building consents given, changing the nature of the street and highly likely to cause increased nuisance to residents.
13. The extension of the current hours for those properties already licensed is unexplained. We understand it to be standard 23.00 closing Mon – Saturday and 22.00 on Sunday for restaurants in this area, and the later hour proposed will cause additional nuisance to those residents in the vicinity.
14. The owners' current disregard for planning and licensing conditions of which we have been advised renders it doubtful that the proposed conditions will be adhered to.
15. Given that this area is already saturated with licensed premises, that it falls within a Cumulative Impact Area, that there is no perceived need for an increase in licensed provision in this location and that the Authority is not minded to expand the licensed net square footage in this area, we request that you give our objections serious consideration and urge you to decline this application.

Yours sincerely,

Liz McMeikan
Chairperson,
Moon St and Studd St Resident's Association,

Dan Whitton
Licensing Officer
Licensing Team
Public Protection Division
Environment & Regeneration
Islington Council
3rd Floor, 222 Upper Street, London, N1 1XR
dan.whitton@islington.gov.uk

Whitton, Daniel

From: [REDACTED]
Sent: 18 February 2013 19:42
To: [REDACTED] Neil, Rebecca; Whitton, Daniel
Subject: Spam: Noise and Anti-Social Behaviour in Studd St
Attachments: Noise and Anti-Social Behaviour in Studd St.pdf

Please find attached a number of photographs relating to noise and anti-social behaviour related to the restaurants on the north side of Theberton Street.

The first two photographs show a refuse collection lorry reversing into Studd St in the early hours of the morning after collecting rubbish from the restaurants. This is a regular occurrence and the noise of the engine and the reversing warning bleep regularly wakes residents sleeping in the front bedrooms.

The second group of photographs show three areas where people have urinated in Studd St. These all occurred after the TEN at 10-16 Theberton St when a large group of young men were gathered outside the restaurants for some time.

The third group show a man vomiting outside the front window of 4 Studd St and vomit, still there in the morning, directly outside the front door of 5 Studd St.

Clearly we cannot prove that this behaviour was by participants at the event for which the TEN was granted. However, it does seem remarkable that these incidents should occur on the two consecutive days of the TEN.

I hope that this information will be of assistance to you in considering current and future applications for TEN or extended licensing hours and areas.

Kind regards,

[REDACTED]

[REDACTED]









Whitton, Daniel

5

From: [REDACTED]
Sent: 18 February 2013 10:37
To: Whitton, Daniel
Subject: 10 to 16 Theberton Street - Application ref WK/2013 01847

Dear Mr Whitton

I wrote to you on 30 January to object to the then proposed licence application for number 16 Theberton Street which has since been withdrawn. I referred in that letter to the present application. For convenience that letter is copied below. Since that letter was written a great deal of further information has come to light, most of which increases our present concerns and demonstrates that those previously expressed were fully justified.

We think it is helpful to see the historical context to the present application.

Background to the objections

In June 2008 a planning application (P081222) was made for 10 to 14 Theberton Street for "Erection of a single storey rear extension. Change of use of ground floor and basement of no's 10, 12 and 14 to restaurant/bar use (A3 and A4 use) to form one unit in association with No.8 alterations to shopfront. (Listed Building Application P081231 also submitted)". The Theberton Street Residents' Association wrote objecting to the creation of one of the largest restaurants in Islington in a residential street. That application was withdrawn on 12 September 2008.

At about the same time a planning application (P081568) was made, again for 10 to 14 Theberton Street for "Basement extensions to nos 10, 12 and 14 Theberton Street, ground floor extension to no 10 and rebuilding of existing ground floor extension to no 10. Lateral conversion and partial demolition to form an increased opening in wall between no 12 and 14 at ground floor for use as class A2 (financial & professional services) (Listed building application reference P081571 also submitted)". That application was refused on 11 November 2008.

Meanwhile, on 10 September 2008 the Council's Licensing Committee had rejected an application for a premises licence for 8 - 14 Theberton Street.

In 2009 a Premises Licence (LN/5758-120511) was granted for the ground and first floors of number 8 Theberton Street and the ground floor only of 10 Theberton Street. Condition number 14 was "The licence shall extend to the curtilage areas of No 10 and part of No 12 Theberton Street with the written permission of the relevant freeholder, or occupier as necessary, though not including the curtilage of No 10a Theberton Street which must be kept clear of activities relating to the Premises." Condition number 20 required that the maximum number of persons accommodated at any one time was not to exceed 60 in the ground and first floors of number 8 and 35 in the ground floor only of number 10.

At about the same time a Premises Licence (LN/11615-210411) was granted to Le Sacre Coeur, in which the holder of the licence was Mr Mehmet Kocakerim, the present applicant. It appeared from this licence that it was intended to operate number 16 as an extension to number 18, Le Sacre Coeur.

Clearly the applicant was well aware, as long ago as 2009, of the need for both planning and premises licence applications.

During the next three years extensive building works were carried out. Number 10 began operating as an extension of Mem & Laz at number 8. Customers are now being served in the atrium behind number 10 apparently in breach of the maximum numbers to be accommodated at any one time.

Number 12 was named "The Daphne Room" and did not commence business until about December 2012, seemingly either under a Temporary Event Notice in lieu of a premises licence or without any authorization. Food and drinks served in number 12 must have been provided from one of the other buildings.

Number 14 is described as the Biskuvi Cafe and has not yet commenced business, despite the rebuilding works apparently having been completed in 2012. There is a suggestion from the awning that it may operate as a patisserie and bakery and a delicatessen and juice bar. But there is a cold cabinet clearly visible through the front window which is being used to store wine, perhaps giving an insight into the intended use of this building.

Number 16 has been operating for some time as an Italian restaurant, apparently quite unconnected to Le Sacre Coeur.

Despite previously voiced fears that there was an intention to operate these premises effectively as one very large unit, it nevertheless came as a considerable surprise to residents to read in the current application that the four buildings are now interconnected, both at the basement level and by the atrium that now spans the whole of the rear of numbers 10 to 16. There are enlarged doorways from numbers 10, 12 and 16 to the atrium area. We fail to understand how it was that during the extensive and protracted building works this unauthorized conversion of the relevant area did not come to light. It is now clear from the application that all four buildings are to be covered by one licence and perhaps to operate as one business. No details are provided of the numbers of persons expected to be accommodated in the various parts of this complex.

Of great concern is the lack of information as to the intended use of the interconnecting basements. Apparently the building workers thought they were creating a nightclub.

Over the last four years Mem & Laz has benefitted considerably from using the pavement outside numbers 8 to 16. The curtilage outside these buildings is wide enough for tables seating two but not four. Nevertheless, on most days tables have been set up in the morning to seat four people, taking up twice the permitted area. Complaints to Mem & Laz have gone unheeded. Complaints to your department appear to have had no effect, despite the photographic evidence we have provided. The conditions previously imposed for the use of the pavement area were plainly essential and we assume would be re-imposed, and effectively enforced, were any new licence now to be granted.

Summary of Objections

We object to the expansion of these businesses into the basement area, whether for use as a restaurant, or, worse, as a nightclub.

The current proposals, even without the use of the basements, would dramatically increase the restaurant capacity.

The increased number of customers (which is obviously the objective of the development) is bound to result in increased nuisance to local residents.

These premises are close to the centre of the Angel and Upper St Cumulative Impact Area. The Council's Licensing Policy 2013-2017 document acknowledges that:

"Despite recent reductions in overall crime and disorder the area still features as a late night alcohol related crime and disorder hotspot. Feedback from residents is mixed with many reporting that the area has reached saturation point in terms of noise, nuisance and general disturbances by late night visitors to the area. The Licensing Authority believes that the area has reached saturation and any further expansion in the night time economy should not adversely affect the quality of life for residents."

We reiterate these concerns and would draw attention to the applicant's conduct and compliance history over the last four years.

The Licensing Policy referred to above (esp. see § 8) creates a presumption of refusal unless the applicant can demonstrate why the operation of the premises will not add to the cumulative impact or otherwise adversely impact the overall licensing objectives.

We suggest that in all the circumstances here the evidential burden on the applicant in this respect must be an exceptionally heavy one.

At a joint meeting between the Studd Street and Moon Street residents and representatives of the Planning and Licensing Departments on 1 February 2013 the view was expressed that no licence should be granted unless and until the many outstanding planning (and possibly building control) issues are resolved. We fully endorse that view. This should result in the refusal of the current application or, at the very least, in an adjournment of the hearing pending such resolution.

In this context we suggest that the apparently unauthorized conversion of the basement and atrium areas is such that the existing planning permission is now obsolete. It is also of great importance here that no application appears ever to have been made in respect of numbers 12 – 14 for change to A3 use.

The first step should therefore be a properly presented planning application. Meanwhile, the existing licences for numbers 10 and 16 should be clarified to ensure that the use of the rear extensions is banned unless and until the planning position has been rectified. In keeping with The Council's Licensing Policy 2013-2017, the hours of use should in the meantime be limited to 11pm from Sunday to Thursday and midnight Friday and Saturday.

In the light of the factors set out above the Committee may wish to consider whether in any event the applicant has shown himself to be a fit and responsible licensee.

Richard Coleman

The Theberton Street Residents' Association

London

Telephone

Begin forwarded message:

From:

Subject: 16 Theberton Street - Application ref WK/2013 00081 and WK/2013 01847

Date: 30 January 2013 19:54:59 GMT

To: Daniel Whitton <Daniel.Whitton@islington.gov.uk>

Dear Mr Whitton

I write on behalf of The Theberton Street Association to object to the applications for a variation of the premises licence for La Vita e Bella, 16 Theberton Street. I am now aware of two applications, WK/2013 00081 which has a deadline today for representations and another, WK/2013 01847 which has a deadline of 19 February and which relates to numbers 10 to 14 Theberton Street as well as number 16.

Our objections relate to the following licensing objectives: the prevention of crime and disorder; public safety; and, most importantly, the prevention of public nuisance.

It is becoming evident from the limited information available at the time of writing that a huge restaurant is in the process of being created out of the four shops 10 to 16 and Mem & Laz at number 8. As well as the shop premises it is now clear that the basements of the properties interconnect and that there is a shared atrium.

A restaurant of this size is clearly out of keeping with the character of Theberton Street, which is a mainly residential street comprising some 70 properties, most of which are family houses. The houses are listed and most do not have double glazing and so are particularly vulnerable to the noise that such a restaurant would undoubtedly generate. There are also residential flats above the commercial premises at the Upper Street end of the road. The people living in those flats are clearly the most vulnerable, both to noise from the restaurants and from those dining on the pavements outside and from departing customers from those restaurants. It has been our experience of departing customers from the restaurants, clubs and pubs in Upper Street that some make their way home (or possibly to their cars) in the early hours of the morning by weaving drunkenly and noisily along Theberton Street, waking up all but the heaviest sleepers from end to end of the street. We fear that this nuisance will only become worse if these applications are granted.

In the apparent absence of proper planning permission for these greatly enlarged premises we question whether there is also a public safety issue. It appears that that the buildings have been joined together at ground floor and basement level and also by an atrium at the back. These buildings are now likely to hold many more people than originally designed for, yet the exits from the buildings are still limited. Evacuation in an emergency could take too long. As the buildings are now adjoined at several levels there is considerable risk of fire spreading quickly through all four (or five) of the buildings. Indeed any removal of the walls may well breach building fire regulations as there seems to have been a lack of planning approvals for at least some of these changes. Customers in the basement area would be particularly vulnerable in this scenario.

In considering these applications we ask that the Licensing Committee takes into account the past conduct of the applicant.

In 2006 Mem & Laz, then only at number 8, sought a licence to serve drinks until 1:30 pm. We objected to that application and also asked for clarification of the positioning of tables outside. The Council ordered that the restaurant continued with its existing trading hours; the licensees were also permitted to sell food and alcohol outside their own premises and neighbouring premises with the consent of the landlord, on condition that the tables and chairs were cleared

away by 11pm each night. They were to ensure that tables and chairs were placed on the curtilage of the buildings and not on the public pavement and not in such a way as to block the pathway. Residents have complained to Mem & Laz and to the Council about the tables on the pavement blocking the pathway on numerous occasions over the last six years, including sending photographs to the Council, to no avail.

There appears to be a licence in the name of Sacre Coeur for number 16 but La Vita e Bella has been operating from these premises for several months, apparently without obtaining a licence of its own. Also, before Christmas the premises at number 12, the Daphne Room, were being used apparently for Christmas parties, apparently without a licence.

The Council's document "Licensing Policy 2011-2014" at [http://www.islington.gov.uk/publicrecords/library/Leisure-and-culture/Business-planning/Policies/2011-2012/\(2012-03-03\)-Licensing-Policy-2011-14.pdf](http://www.islington.gov.uk/publicrecords/library/Leisure-and-culture/Business-planning/Policies/2011-2012/(2012-03-03)-Licensing-Policy-2011-14.pdf) sets out several licensing policies. Policy 8 states that "The Licensing Authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. The Licensing Authority will only grant licences for premises without planning consent in exceptional circumstances." There appears to be no planning permission for numbers 12 and 14 to be used as restaurants, let alone for the use of the adjoining basements and the large atrium to the rear of numbers 10 to 16.

We ask that both of these applications are rejected.

Richard Coleman
The Theberton Street Association
[REDACTED]
London [REDACTED]
Telephone [REDACTED]

Whitton, Daniel

6

From: Poole, Gary
Sent: 27 January 2013 15:24
To: Licensing
Subject: RE: Premises Licence Application: Multi Restaurant/Cafe

Yesim

I would like to object to this application as I believe it contravenes our new policy in respect of restaurant closing hours.

I would also object to the extension of the licence to the large basement area as this will add to the cumulative impact and therefore should be rebutted.

Regards
Cllr Gary Poole

Councillor Gary Poole
St.Marys Ward

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

From: Senler, Yesim
Sent: Thursday, January 24, 2013 03:23 PM GMT Standard Time
To: Poole, Gary; Davis, Rhiannon; Buchanan, Susan
Cc: Lane, Terrie; Whitton, Daniel
Subject: Premises Licence Application: Multi Restaurant/Cafe

<<App.form.pdf>> <<PROPOSED STAGGERED CLOSING TIMES.docx>>

Dear Sir/Madam,

We have received the following attached application for a Premises Licence (New):

Proposed licence holder: Mehmet Kocakerim

Premises name: Multi Restaurant/Cafe

Address: 10-16 Theberton Street, London N1 0QX

Application received: 22 January 2013

Last date for representations: 19 February 2013

Licensable activities and timings applied for:

The sale by retail of alcohol, on supplies only: Monday to Saturdays from 10.00 until 00.00 and Sundays from 12.00 until 23.30.

The provision of late night refreshment: Mondays to Saturdays from 23.00 until 00.30 (following day) and Sundays from 23.00 until 00.00 (please note, closing time has been adjusted by the applicant).

As a member of the council you are able to make a representation. The representation must be received in writing by the Licensing Team before the last date for representation, be premises specific and relate to one or more of the licensing objectives, i.e:

- the prevention of crime and disorder
- the protection of children from harm
- public safety
- the prevention of public nuisance.

If you submit a representation you will be invited to attend the Licensing Committee hearing the application.

Regards,

Yesim Senler

LicensingSupportOfficer
Licensing Team

PublicProtectionDivision
Islington Council

222 Upper Street,

London,

N1 1XR
Tel: 020 7527 3031

Email: licensing@islington.gov.uk
Website: www.islington.gov.uk <file://www.islington.gov.uk>

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7

Whitton, Daniel

From: [REDACTED]
Sent: 26 January 2013 20:31
To: Licensing
Subject: application for a premises licence 10 -16 Theberton street, London N1 0QY

Dear Mr Whitton,

I understand from one of my neighbours that there is an application (WK/2013 01847) for an extension of the licence to make closing time later. I strongly object to this on grounds of nuisance. The current closing hours, combined with the late night rubbish collection, are very disturbing. People frequently walk down the street talking, shouting and singing loudly.

This is a residential street with a mixture of families, some with very young children and older people who are already often unable to get to sleep until very late.

I would be grateful if you would take into account these views.

Yours sincerely,

[REDACTED]

[REDACTED]

London [REDACTED]

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 15:57
To: Licensing
Cc: Poole, Gary
Subject: FW: 16 Theberton Street

Dear Mr Whitton,

Re: La Vita E Bella, 16 Theberton Street, London, N1 0QX
Your ref. WK/2013 00081

I am writing to oppose very strongly the application for variance of licence on the above property on the basis on nuisance. I also believe it breaches the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Theberton Street is predominately a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There are a mixture of residents but many are families with young children and there are some very old people.

Over the last 7 to 8 years the commercial properties on Theberton Street between Studd Street and Upper Street have gone from being a mixture of commercial enterprises (offices, shops and restaurants) to being solely restaurants. We believe that this has already reached saturation point and is now causing considerable nuisance to residents. In particular when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants.

Increasing the licensed capacity of this property will increase the volume of customers and the nuisance experienced by residents. I am also concerned that the extension of the licence into the basement area could open the opportunity for the space to become a de facto nightclub.

Yours sincerely,

[REDACTED]

[REDACTED]

London

[REDACTED]

8

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 19:31
To: Licensing
Cc: Poole, Gary; [REDACTED]
Subject: WK/2013 00081

Re: La Vita E Bella, 16 Theberton Street, London, N1 0QX

Dear Mr Whitton,

I am writing to oppose the application for variance of licence on the above property. The granting of such a licence would cause noise nuisance. In addition, to do so would appear to breach the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Theberton Street is predominately a residential street and most homes have singled glazed windows due to Listed Building Regulation restrictions, i.e. there is poor noise insulation from the street which is particularly concerning given the noise at street level on thursday, friday and Saturday nights caused by drunken passers-by shouting, car doors slamming, singing etc. to say nothing about the trash and occassional womit on the street. This certainly doesn't support the "residential" aspect of street.

An extension of the above license would certainly worsen the problem and does not seem to be in line with recent statements by the council on tackling nuisances caused by late drinking.

Best regards

[REDACTED]
London
[REDACTED]

[REDACTED]

9

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 17:36
To: Licensing; Poole, Gary
Subject: 10-16 Theberton Street N1: WK/2013 00081 Case Officer Dan Whitton

Dear Mr Whitton

I am writing to register my objection to the application for a variation of a licence. As a resident of Theberton Street I have a right to quiet enjoyment which this variation would breach, and I am not at all satisfied that the application in fact complies with the criteria set out in the Council's own licensing policy.

I am happy to elaborate on these objections if as necessary

Kind Regards

[REDACTED]

Whitton, Daniel

From: [REDACTED]
Sent: 14 February 2013 22:25
To: Whitton, Daniel
Subject: RE: 10-16 Theberton Street N1: WK/2013 00081 Case Officer Dan Whitton

Dan

Thanks for this. In the past few days, I have been forwarded various e-mails which indicate that:

1. No A3 use was applied for or granted in relation to the relevant properties
2. No or no adequate planning or listed building consent was obtained
3. It is unclear whether or not a building notice was served and/or building control signed off the relevant works

The prevention of a public nuisance is one of the licensing objectives which the licensing authority is obliged to take into account in relation to licensing pursuant to the Licencing Act 2003 section 4(2)(c). A public nuisance is a criminal offence and is defined as follows: "A person is guilty of a public nuisance ... who (a) does an act not warranted by law, and (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property, morals or comfort of the public " (Archbold: Criminal Pleading, Evidence and Practice @ para 31-40).

In this instance, the act not warranted by law is the use of the premises which are the subject of a the application for A3 purposes and/or their use in the absence of planning or listed building consent. The effect of that omission is to endanger the comfort of the public, in that the level of noise and disturbance caused by the increased volume of both customers and staff adversely affects the comfort and convenience of occupiers within the sphere or neighbourhood of operation. No licence ought to be granted in the light of this as it would contravene a key objective of licensing policy and would encourage other potential restaurant owners to flout their legal obligations in the knowledge that this would not affect their ability to obtain a premises licence and hence to trade.

It seems to me important to note the following passage from the judgment of Cooke LJ in *Hunter v Canary Wharf Ltd* [1997] A.C 655 at 722F:

Staughton L.J. used those words in distinguishing the decision of Buckley J. in *Gillingham Borough Council v. Medway (Chatham) Dock Co. Ltd.* [1993] Q.B. 343, a case somewhat similar to the present case, in that it concerned the development of a new commercial port on the site of a F disused naval dockyard. Heavy vehicle traffic at night undoubtedly had a seriously deleterious effect on the comfort of local residents, but the judge held that, although a planning consent could not authorise a nuisance, it could change the character of the neighbourhood by which the standard of reasonable user fell to be judged. This principle appears to me to be sound and to apply to the present case as far at least as television Q reception is concerned. Although it did interfere with television reception the Canary Wharf Tower must, I think, be accepted as a reasonable development in all the circumstances. The effect of the tower on television reception was extensive enough to bring the concept of public nuisance into play, but I see no material difference on this point between public and private nuisance.

In this instance, there is no planning permission, and therefore no presumption that the development is reasonable in all the circumstances. In fact, the presumption should be reversed. However approval of this development, whether by planning or tacitly by licensing, raises the danger of altering the standard by which public nuisance in the Theberton Street/ Studd Street area is to be judged and therefore has the potential to detrimentally change the character of the neighbourhood. It is highly arguable that this breach endangers the property of the public, or at least property values in the vicinity, and is therefore linked to the offence of public nuisance and is therefore another matter which ought to be taken into account in relation to the application.

Kind Regards

> From: Daniel.Whitton@islington.gov.uk

> To: [REDACTED]

> CC: Gary.Poole@islington.gov.uk; Teresa.Lane@islington.gov.uk

> Subject: RE: 10-16 Theberton Street N1: WK/2013 00081 Case Officer Dan Whitton

> Date: Thu, 31 Jan 2013 14:40:06 +0000

>
> I am writing in regards to your below representation submitted in response to the premises licence variation application for 16 Theberton Street, Ref: WK/201300081.

>
> I wish to advise you that this application has now been withdrawn.

>
> A subsequent new premises licence application, ref: WK/2013 01847, is now being sought to encompass all units 10 to 16, ground floor & basement, as a site visit revealed that although some units may operate individually there is scope for all to operate as one. I am currently not aware of the planning authorisation for this proposed premises but will be corresponding with the Council's Planning team during the consultation period and any planning issues will be identified.

>
> Given the content of your representation I have made the assumption that you would like this to be carried over to this new application and will facilitate this unless advised otherwise by yourself.

>
> If you wish to lodge a new or amended representation in response to this new application please be aware that this must be received by 19th February 2013. I have attached a copy of the resident letter for your reference in case you have not received one.

>
> If you require any further information or clarification in regards to this please contact me.

>
>

> Dan Whitton

> Licensing Officer

> Licensing Team

> Public Protection Division

> Environment & Regeneration

> Islington Council

> 3rd Floor, 222 Upper Street, London, N1 1XR

> Tel: 020 7527 3841

> Alternative contact: Terrie Lane 020 7527 3233

> Email: dan.whitton@islington.gov.uk

> Website: www.islington.gov.uk

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>
>

> -----Original Message-----

> From: [REDACTED]
> Sent: 30 January 2013 17:36
> To: Licensing; Poole, Gary
> Subject: 10-16 Theberton Street N1: WK/2013 00081 Case Officer Dan Whitton

>
> Dear Mr Whitton

>
> I am writing to register my objection to the application for a variation of a licence. As a resident of Theberton Street I have a right to quiet enjoyment which this variation would breach, and I am not at all satisfied that the application in fact complies with the criteria set out in the Council's own licensing policy.

>
> I am happy to elaborate on these objections if as necessary

>
> Kind Regards

>
> [REDACTED]

>
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Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 20:49
To: Licensing
Cc: Poole, Gary; James Work
Subject: Application for a premises licence 10 -16 Theberton street / WK/2013 01847

Dear Mr Whitton,

I understand from one of my neighbours that there is an application (WK/2013 01847) for an extension of the licence to make closing time later. I strongly object to this on grounds of nuisance. The current closing hours, combined with the late night rubbish collection, are very disturbing. People frequently walk down the street talking, shouting and singing loudly. The litter situation is regularly very bad and there are all too often bottles, cans and food waste all over the street which stay littered all over the street until the street is swept the next Friday.

This is a residential street with a mixture of families, some with very young children (we have ten month old son) and older people who are already often unable to get to sleep until very late.

I would be grateful if you would take into account these views.

Yours sincerely,

[REDACTED]

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 20:42
To: Licensing
Cc: Poole, Gary; James Work
Subject: La Vita E Bella, 16 Theberton Street, London, N1 0QX / WK/2013 00081

Dear Mr Whitton,

We are writing to oppose the application for variance of licence on the above property on the basis on nuisance. We also believe it breaches the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Firstly in terms of location, Theberton Street is predominately a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There are a mixture of residents but many are families with young children. We have a ten month old son.

We have lived on Theberton Street for almost two years and in that little time the mix of commercial enterprises (offices, shops and restaurants) has turned to being solely restaurants. We believe that this has already reached saturation point and is now causing considerable nuisance to residents. In particular when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. The litter on the street is very bad after the weekend and there are often discarded glasses, bottle and cans, as well as food waste all over the street. There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants. Some of this noise is so significant at times that it wakes our family and those staying with us.

Increasing the licensed capacity of this property will increase the volume of customers and the nuisance experienced by residents. We are also concerned that the extension of the licence into the basement area could open the opportunity for the space to become a de facto nightclub.

The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. We would like to point out that the operators of La Vita E Bella also operate Mem & Laz and have persistently flouted the regulations on outside tables, despite complaints to the Council. We also understand that they may have developed the adjoining properties into restaurants without the appropriate change of use permissions. We are following up with Mr Finlayson on the current planning status of the adjoining properties but we have seen no retrospective change of use application and the current planning status appears to be unclear. Therefore we assume that these are currently operating as restaurants without the appropriate permissions.

We look forward to your feedback regarding all the above matters.

Kind regards
[REDACTED]

11

Whitton, Daniel

From: [REDACTED]
Sent: 18 February 2013 11:12
To: Whitton, Daniel
Subject: Fwd: Licence Application for 10 -16 Theberton Street - Letter of Objection
Attachments: ATT00001.txt; ATT00002.txt

Dear Mr Whitton,
I should like to register my objection to any planning application for the above property that will extend / expand its use as a restaurant or licensed premises.

We live at [REDACTED] and over the year have noticed a marked change of character on the street.

We now have to avoid walking on the North pavement of Theberton St because it is always blocked by tables/chairs/bags/prams etc from the restaurants. Although this has not been too inconvenient for us ([REDACTED]), it cannot be right for other people wanting to walk on the pavement.

The traffic and noise pollution is also marked in the evening and late at night. We have also noticed increasing litter being deposited along the street.

I should like to object to extending the licence for 10-16 Theberton St as the problems listed are likely to be exacerbated.

Many thanks for your consideration.

Best wishes
[REDACTED]

----- Forwarded message from [REDACTED] -----
Date: Fri, 15 Feb 2013 19:14:36 +0000
From: [REDACTED]
Reply-To: [REDACTED]
Subject: Fwd: Licence Application for 10 -16 Theberton Street - Letter of Objection
To: Rebecca.Neil@islington.gov.uk

Dear Ms Neil,
I suspect you have received quite a few objections to the licence application for 10-16 Theberton St.
I should add mine to the pile.

We live at [REDACTED] and over the year have noticed a marked change of character on the street.

We now have to avoid walking on the North pavement of Theberton St

because it is always blocked by tables/chairs/bags/prams etc from the restaurants. Although this has not been too inconvenient for us [REDACTED], it cannot be right for other people wanting to walk on the pavement.

The traffic and noise pollution is also marked in the evening and late at night. We have also noticed increasing litter being deposited along the street.

I should like to object to extending the licence for 10-16 Theberton St as the problems listed are likely to be exacerbated.

Many thanks for your consideration.

Best wishes
[REDACTED]

----- End forwarded message -----

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 15:08
To: Licensing
Subject: planning application: WK/2013 00081

Dear Mr Whitton,

I should like to register my objection to the proposed planning application (WK/2013 00081).

We live at [REDACTED] and we are anxious that granting the application will have a negative impact on the residents living in the vicinity.

Expanding the number and the hours of opening of restaurants on this residential area will directly increase noise and litter. This is particularly the case if the restaurant in question is predominantly geared towards selling alcohol.

The cumulative impact on the area by the conversion of more and more properties to the restaurant trade is particularly concerning.

Thank you for taking our concerns into account.

Yours sincerely,

[REDACTED]

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 15:22
To: Licensing
Cc: Poole, Gary; 'richard_e_coleman@hotmail.com'
Subject: WK/2013 01847

Dear Mr Whitton,

Re: Licence application for 10-16 Theberton Street, London, N1 0QX

I am writing to oppose the application for variance of licence on the above property. The granting of such a licence would cause noise nuisance. In addition, to do so would appear to breach the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Theberton Street is predominately a residential street and most homes have singled glazed windows due to Listed Building Regulation restrictions, i.e. there is poor noise insulation from the street.

Considerable noise nuisance occurs at times when customers leave the existing restaurants on Theberton Street at their current closing times – for example shouting, loud talking, singing, slamming of car doors, loud music from cars, revving of car engines and from taxis collecting these customers.

Increasing the licensed hours of this property is likely to extend further into the night the noise nuisance experienced by residents.

The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. The operators of the restaurants at this address appear to have breached frequently regulations on outside tables, despite complaints to the Council. I understand the development of their adjoining properties into restaurants was not carried out in line with the appropriate change of use permissions.

Yours sincerely,

[REDACTED]
[REDACTED]

London



Whitton, Daniel

From: [REDACTED]
Sent: 19 February 2013 11:30
To: Whitton, Daniel
Subject: RE: 10-16 Theberton Street N1 0QX - WK/2013 01847

Our address is [REDACTED] Islington, London N1 0QX

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

From: Whitton, Daniel [<mailto:Daniel.Whitton@islington.gov.uk>]
Sent: 19 February 2013 11:17
To: 'Jane and Glenn'
Subject: RE: 10-16 Theberton Street N1 0QX - WK/2013 01847

Many thanks for your additional representation however, I am still awaiting confirmation of your residential address. Unless your residential address is provided the representation cannot be deemed as valid.

If you require any further information or clarification please let me know.

Best regards,

Dan Whitton
Licensing Officer
Licensing Team
Public Protection Division
Environment & Regeneration
Islington Council
3rd Floor, 222 Upper Street, London, N1 1XR
Tel: 020 7527 3841
Alternative contact: Terrie Lane 020 7527 3233
Email: dan.whitton@islington.gov.uk
Website: www.islington.gov.uk

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

From: [REDACTED]
Sent: 18 February 2013 16:58
To: Whitton, Daniel
Cc: Neil, Rebecca; West, Catherine; 'Richard Coleman'
Subject: 10-16 Theberton Street N1 0QX - WK/2013 01847

With the applications for a liquor licence, extensions(?) - and planning permission for a massive renovation that has already been completed(?)...

There is now an opportunity for Islington Council to take a good think about the pedestrian traffic flow on the northeast section of Theberton Street (from Upper Street to Studd Street). This has been a considerable problem for well over 15 years. The council has failed to face the problem and balance the needs of pedestrians and restaurants.

There are now ten restaurant units here. La Farola is about to open at one end stretching to Sacre Coeur at the opposite end. Mehmet Kocakerim


owns six of these units. The pavement here is very narrow compared to Upper Street. The curtilage rights take up about one-third of the pavement, sufficient for one table and two chairs, or twice that per unit. We understand that the council gave permission for 8-12 Theberton Street to have 18 seats. We assume 'permission' replaces a license, as the pavement is not legally wide enough to allow all this seating. Pedestrians are left with only a third of the pavement width. This width is also used by the waiters, clientele, smokers, street furniture, the parking meter machine, and a tree. Also, the restaurants regularly allow chairs at the end of the table to accommodate parties of 5/6. Buggies and trollies can also be parked at the end of the tables. The ubiquitous A-boards (two per unit) creep into the pedestrian strip. (For the record, Kili's Kitchen has three large A-boards and one free-standing menu unit to accompany two boxed plants.

Needless to say, the waiters assume they have complete right of passage and many customers get irritated when asked to move their chairs and stretched legs for pedestrians.

All in all, it is quite a gauntlet for pedestrians with young children, buggies, wheelchairs, crutches, etc. This is all a public nuisance. And with all the units now in operation, an increasing obstacle course.

Importantly, access to these units would be very difficult and dangerous in an emergency situation.

We strongly object to the above application.


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Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 19:07
To: Licensing
Cc: West, Catherine
Subject: WK/2013 00081 and WK/2013 01847

Yet once again, it has to be pointed out to Mehmet Kocakerim and the licensing department that Theberton Street is 90% residential. This means working families, children, pensioners, etc. Also add in Studd Street and Moon Street.

We already have late night noise and disruption from the existing restaurants on Theberton Street as well as from the late night clubs and bars on Upper Street. Enough is enough.

Further, we are both concerned that proper consultation with the local residents has not occurred. Considering the impact of these applications on the street, we deserve better communication and openness.

[REDACTED]

Sent from my iPad

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 16:59
To: Licensing
Subject: WK/2013 01847

Dear Mr Whitton,

Re: Licence application for 10-16 Theberton Street, London, N1 0QX

I am writing to oppose the application for variance of licence on the above property. The granting of such a licence would cause noise nuisance. In addition, to do so would appear to breach the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Theberton Street is predominately a residential street and most homes have singled glazed windows (many with thinner crown glass) due to Listed Building Regulation Restrictions. Therefore there is poor noise insulation from the street for most residences.

There is already considerable noise nuisance at times when customers leave the existing restaurants on Theberton Street at their current closing times – for example drunken behaviour, arguments, swearing, shouting, loud talking, singing, slamming of car doors, loud music from cars, revving of car engines and from taxis collecting these customers. On occasions where we have asked individuals or groups not to make so much noise we have been met by a hostile response and been shouted at.

Increasing the licensed hours of this property is likely to extend further into the night the noise nuisance and anti social behaviour experienced by residents.

The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. The operators of the restaurants at this address appear to have breached frequently regulations on outside tables, despite complaints to the Council. I also understand the development of their adjoining properties into restaurants was not carried out in line with the appropriate change of use permissions.

Yours sincerely,

[REDACTED]



London



Whitton, Daniel

From: [Redacted]
Sent: 30 January 2013 15:30
To: Licensing
Cc: Poole, Gary
Subject: Your ref. WK/2013 00081

Dear Mr Whitton,

Re: La Vita E Bella, 16 Theberton Street, London, N1 0QX
Your ref. WK/2013 00081

We are writing to oppose the application for variation of licence on the above property on the basis on nuisance. We also believe it breaches the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

Firstly in terms of location, Theberton Street is predominately a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There is a mixture of residents but many are families with young children.

Over the last 7 to 8 years the commercial properties on Theberton Street between Studd Street and Upper Street have gone from being a mixture of commercial enterprises (offices, shops and restaurants) to being solely restaurants. This has reached saturation point and is causing considerable nuisance to residents. In particular when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants. This noise, particularly at weekends is significantly disturbing – even though our house is not immediately adjacent to the businesses concerned, the noise of "revellers" and cars is an unwelcome disturbance at night-time.

Increasing the licensed capacity of this property will increase the volume of customers and the nuisance experienced by residents. We are also concerned that the extension of the licence into the basement area could open the opportunity for the space to become a de facto nightclub.

The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. We would like to point out that the operators of La Vita E Bella also operate Mem & Laz and have persistently flouted the regulations on outside tables, despite complaints to the Council. Whilst this may appear trivial, in practice at times the misuse of outside tables forces pedestrians (residents and visitors to the area) onto a busy street and into conflict with car traffic. We also understand that they may have developed the adjoining properties into restaurants without the appropriate change of use permissions.

We oppose any variation of licence on the above property.

Yours sincerely,

[Redacted Signature]



Whitton, Daniel

From: [REDACTED]
Sent: 11 February 2013 10:05
To: Licensing
Cc: Poole, Gary
Subject: Your ref: WK/2013 01847

Dear Mr Whitton,

Re. Application for a premises licence 10-16 Theberton Street, London, N1 0QY.

Your ref: WK/2013 01847.

We are writing to strongly object to the application for provision of late night refreshment (Monday to Saturday 23.00 to 00.30 and Sunday 23.00 to 00.00). The main basis of this objection is nuisance.

Theberton Street is predominantly a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There is a mixture of residents but many are families with young children.

There is an array of restaurants at one end of Theberton Street and when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. It has also particularly for us included people sitting smoking and chatting on our doorstep. There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants. Some of this noise is so significant at times that it wakes our family.

Allowing extended refreshment hours will extend the period over which residents have to suffer the noise of dispersal of customers and we do not believe that this is fair on residents or appropriate for a street such as Theberton Street.

Furthermore although there are conditions proposed over the closure and clearance of some of the premises involved, it should be noted that over a long period of time the operators of Mem & Laz have persistently ignored the restrictions set on outside tables, despite the issue being raised with the Council. So we do not necessarily believe that the applicants would abide by the conditions.

We are also exceptionally concerned that if a precedent is set for extended hours then other restaurants in the street will also apply for extended hours. In addition, if extended hours are set the licensees may well apply in future for the removal of the conditions.

We would also like to point out that the late night collection of rubbish

from the restaurants in Theberton Street occurs at around 23.30 at night. Later closing times would mean that rubbish left out at the end of trading would miss this collection. The rubbish will then sit in the street overnight, possibly for up to 24 hours, and will encourage vermin and potentially become a health hazard.

We accept that areas evolve and we do not object to the main application with the hours of 10.00 to 00.00 Monday to Saturday and 12.00 to 23.30 on Sunday. However we do believe that these hours are already sufficient for the profitable operation of the restaurants and that allowing later trading is inappropriate for this particular location.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Whitton, Daniel

From: [REDACTED]
Sent: 30 January 2013 17:16
To: Licensing; Poole, Gary
Cc: [REDACTED]
Subject: ref. WK/2013 00081

Dear Mr Whitton,

Re: La Vita E Bella, 16 Theberton Street, London, N1 0QX
Your ref. WK/2013 00081

We are writing to oppose the application for variance of licence on the above property on the basis on nuisance.

Theberton Street is apporoximately 80% residential with the other 20% being almost without exception pubs, bars and restaurants. There are many families with young children (we have a nine year old girl and 12 year old boy).

Although we moved into the street 12 years ago knowing it would be busy with late night drinkers and diners, the problem has become much worse over the last few years and is now causing considerable nuisance to residents. In particular when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. We live in a corner house so we have a the regular added inconvenience of people urinating up against our side wall and occasionally against out front door.

Increasing the licensed capacity of this property will only increase the volume of customers and the nuisance experienced by residents. We are also concerned that the extension of the licence into the basement area could open the opportunity for the space to become a nightclub.

The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. We would like to point out that the operators of La Vita E Bella also operate Mem & Laz and have persistently flouted the regulations on outside tables, despite complaints to the Council.

Yours sincerely,

[REDACTED]
[REDACTED]

Whitton, Daniel

From: [Redacted]
Sent: 15 February 2013 09:41
To: Whitton, Daniel
Cc: Poole, Gary; Lane, Terrie; richard coleman
Subject: RE: Application ref: WK/2013 01847

Dear Mr Whitton,

Thank you for your reply and attachment showing the revised application now being sought for 10-16 Theberton Street. The objections we raised in our email below with respect to the previous application (now withdrawn) apply equally to the application WK/2013 01847 and for the reasons outlined below, we trust you will see fit to reject the application.

We are also concerned with the suggestion from neighbours that the commercial operators of these premises have made significant changes to the listed properties without the necessary consents and would appreciate your views on this situation.

Kind regards

[Redacted signature block]

> From: Daniel.Whitton@islington.gov.uk
> To: [Redacted]
> CC: Gary.Poole@islington.gov.uk; Teresa.Lane@islington.gov.uk
> Subject: RE: La Vita E Bella, 16 Theberton Street, London, N1 0QX
> Date: Thu, 31 Jan 2013 15:07:35 +0000

> I am writing in regards to your representation submitted in response to the premises licence variation application for 16 Theberton Street, Ref: WK/201300081.

> I wish to advise you that this application has now been withdrawn.

> A subsequent new premises licence application, ref: WK/2013 01847, is now being sought to encompass all units 10 to 16, ground floor & basement, as a site visit revealed that although some units may operate individually there is scope for all to operate as one. I am currently not aware of the planning authorisation for this proposed premises but will be corresponding with the Council's Planning team during the consultation period and any planning issues will be identified.

> Given the content of your representation I have made the assumption that you would like this to be carried over to this new application and will facilitate this unless advised otherwise by yourself.

> If you wish to lodge a new or amended representation in response to this new application please be aware that this must be received by 19th February 2013. I have attached a copy of the resident letter for your reference in case you have not received one.

> If you require any further information or clarification in regards to this please contact me.

> Dan Whitton
> Licensing Officer

- > Licensing Team
- > Public Protection Division
- > Environment & Regeneration
- > Islington Council
- > 3rd Floor, 222 Upper Street, London, N1 1XR
- > Tel: 020 7527 3841
- > Alternative contact: Terrie Lane 020 7527 3233
- > Email: dan.whitton@islington.gov.uk
- > Website: www.islington.gov.uk

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>

> -----Original Message-----

- > From: [REDACTED]
- > Sent: 30 January 2013 16:40
- > To: Licensing
- > Cc: Poole, Gary
- > Subject: La Vita E Bella, 16 Theberton Street, London, N1 0QX

>

> Dear Mr Whitton,

- >
- > Re: La Vita E Bella, 16 Theberton Street, London, N1 0QX
- > Your ref. WK/2013 00081

>

> We are writing to oppose the application for variance of licence on the above property on the basis on nuisance. We also believe it breaches the Location, Cumulative Impact and Saturation guidelines set out in the Council's Licensing Policy 2011-2014.

>

> Firstly in terms of location, Theberton Street is predominately a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There are a mixture of residents but many are families with young children.

>

> Over the last 7 to 8 years the commercial properties on Theberton Street between Studd Street and Upper Street have gone from being a mixture of commercial enterprises (offices, shops and restaurants) to being solely restaurants. We believe that this has already reached saturation point and is now causing considerable nuisance to residents. In particular when customers leave these restaurants they create significant noise nuisance in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants. Some of this noise is so significant at times that it wakes our family. Furthermore, it is virtually impossible to walk along the pavement from Studd

street to Upper Street without stepping into the road due to the excessive number of tables positioned on the pavement by the restaurant operators.

>
> Increasing the licensed capacity of this property will increase the volume of customers and the nuisance experienced by residents. We are also concerned that the extension of the licence into the basement area could open the opportunity for the space to become a de facto nightclub.

>
> The Licensing Policy also states that when considering the cumulative impact that the compliance history of the applicant should be taken into consideration. We would like to point out that the operators of La Vita E Bella also operate Mem & Laz and seem to have persistently flouted the regulations on outside tables, despite complaints to the Council.

>
> We hope you will see fit to reject the application.

>
> Yours sincerely,

> [REDACTED]

> [REDACTED]

> London

> [REDACTED]

>
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Whitton, Daniel

From: [redacted]
Sent: 30 January 2013 15:22
To: Licensing
Cc: Poole, Gary; [redacted]
Subject: licensing applications for 16 Theberton Street (ref.WK/2013 00081) and for 10-16 Theberton Street (ref.WK/2013 01847)

Dear Mr. Whitton

LICENSING APPLICATIONS WK/2013 00081 and WK/2013 01847

10-16 Theberton Street

You will have received a reasoned objection to these applications from [redacted] of [redacted]

We agree fully with the points she has made and object to both applications on the same grounds, which for your convenience we shall not repeat here.

The correspondence with [redacted] was in respect of our objection to the planning application for 101 Upper Street

Last year (ref.P1200067). Most of the grounds of that objection which relate to nos.10-16 are still valid and, as she has said, the status of some of the properties in this block remains uncertain.

There has been an apparently planned escalation of commercial activity on this site which now seriously further threatens the peace and good order of the immediate area and, we understand, is in any event contrary to current policy and guidelines.

We are particularly concerned, having been victims of a late-night burglary and a car theft earlier in the month.

Sincerely

[redacted]

[redacted]

From: [REDACTED]
Sent: 12 February 2013 12:30
To: Whitton, Daniel
Subject: Re: FAO Dan Whitton

Dear Mr Whitton,

Thank you for your email. I had already submitted an objection to the provision of late night refreshment which is part of the new premises licence application for 10-16 Theberton Street (ref: WK/2013 01847). However in the light of new information and for the avoidance of doubt I would like to withdraw that objection (in my email dated 26th January 2013) and instead submit an objection to the whole licence application.

Re. Application for a premises licence 10-16 Theberton Street, London, N1 0QY.
Ref: WK/2013 01847

We wish to strongly object to the above licence application and to the provision of late night refreshment application which is included.

Theberton Street is predominantly a residential street. Due to the historical nature of the houses, most of them have bedrooms facing on to the street. There are a mixture of residents but many are families with young children. We have a 6 year old daughter.

Theberton Street residents are already suffering considerable nuisance when customers leave the restaurants sited at the Upper Street end of Theberton Street. They create significant noise in the area. This includes shouting, loud talking, singing, slamming of car doors, loud music from cars and revving of car engines. It has also particularly for us included people sitting smoking and chatting on our doorstep. There has also been a recent incident of criminal damage to the road narrowing in Theberton Street (this has been reported to Aled Griffiths of Islington Council and to Sgt Dave Hamill on 11/02/13). There is also noise, disruption and pollution caused by taxi drivers waiting in the street, with their car engines running, to pick up customers from restaurants. Some of this noise is so significant at times that it wakes our family.

This application requests an extension of existing licence hours in numbers 10 and 16 and new licence provision in numbers 12 and 14 and the basement and rear atrium areas covering 10-16. It is clear from this application that the properties between 10 and 16 Theberton Street have been conjoined to create one huge restaurant which is completely out of keeping with the character of Theberton Street. This restaurant would be one of the largest in Islington yet it is situated in a residential area which already has licenced premises saturation. Residents are also concerned that the basement area will be used as a de facto nightclub. Allowing additional new licenced space in such areas would appear to contravene new guidelines introduced by the Council at the beginning of this year.

The application also appears to have a mixture of different times of operation for different units. This was outlined in the objection letter to you from the Moon Street and Studd Street Association. Again given the conjoined nature of the buildings the enforcement and monitoring of the various closing times will be almost impossible.

In addition, the buildings appear to have significant planning problems. Rebecca Neil from planning enforcement has advised us that she is investigating numerous planning and listed buildings breaches. These include, but are not limited to, the change of use of use to a restaurant, substantial internal alterations without listed building consent (including the removal of partition walls), the erection of an outbuilding, and also some breaches affecting the upper floors. The planning status of the rear atrium is also unclear. We would like draw to your attention that the planning status of the buildings was raised with Islington Council Planning Enforcement by Theberton Street residents in April last year so the owners and operators of 10-16 Theberton Street are well aware of planning breaches. We understand that the Council's current policy is not to grant licenses when there are queries regarding planning.

We would question whether public safety is at risk as the buildings have been heavily modified with what appears to have been very little planning supervision. They can now accommodate significantly more occupants than they were originally designed for, without an obvious extra exits. We would also question whether the proper building control approvals have been obtained.

In considering this application we would also ask that the Licensing Committee takes into account the past conduct of the applicant.

In 2006 Mem & Laz, then only at number 8, sought a licence to serve drinks until 1:30 pm. We objected to that application and also asked for clarification of the positioning of tables outside. The Council ordered that the restaurant continued with its existing trading hours; the licensees were also permitted to sell food and alcohol outside their own premises and neighbouring premises with the consent of the landlord, on condition that the tables and chairs were cleared away by 11pm each night. They were to ensure that tables and chairs were placed on the curtilage of the buildings and not on the public pavement and not in such a way as to block the pathway. Residents have complained to Mem & Laz and to the Council about the tables on the pavement blocking the pathway on numerous occasions over the last six years, including sending photographs to the Council, to no avail.

The whole space at 10-16 Theberton Street appeared to open for trading in the second half of 2012. Christmas parties appeared to be taking place during December 2012 at 12 Theberton Street. Therefore it seems that there has been unlicensed trading activity taking place on parts of the premises. In addition, a closure notice was served but continued trading in unlicensed

areas has been observed on at least one occasion since then (the evening of 07/02/13, as per Richard Coleman's email to you).

Furthermore, there appears to be a licence in the name of Sacre Coeur for number 16 (La Vita e Bella) but it would appear that the operator of this premises is the same as for 10-14, apparently without obtaining a licence of its own.

We therefore urge the Licensing Committee to reject the above application in full.

Yours sincerely,

[REDACTED]
[REDACTED]
London
[REDACTED]

Licensing Officer Inspection Notes

1st February 2013 – 21:30

Licensing OOH visit, Terrie Lane & Niall Forde from Licensing attending

Stood outside on pavement and observed people dining in the area of 12 Theberton Street which is not on the licence. I took a photograph of a person paying for food and drink using a PDQ machine through the window on my phone.

We walked into number 10 where there were people drinking and dining the front and rear of the premises, including balcony and the new down stairs area of the premises. As the premises was being used in unauthorised area for licensable activities we decided to go back to the office to check whether they had a Temporary Event Notice (TEN) in effect for this evening.

We went back into the office to check for a TEN and confirmed that there was none in place for that evening.

We were back at the premises at 22:23, we spoke to Ferat Hasanoglu.

Basement area of premises was being used for licensable activities, I took various pictures on my phone of the premises being used. Basement area also had a fully stocked bar and PDQ machines were on the service counter.

We also walked past customers at the top of the stairs also paying for their meal by way of a PDQ machine.

I explained to Mr Hasanoglu that the premises areas downstairs were not licensed and they were committing an offence by allowing licensable activities in these areas.

He said that he was one of many people in charge that evening, and that Mr Mehmet Kocakerim was on holiday for one week.

It was decided that a Closure Notice should be served given the situation at the premises and the previous advice & warnings given in regards to what areas were authorised for licensable activities. I explained the Closure Notice and wrote it out. I explained that I could also caution him personally for committing licensable offences but that on this occasion, if he signed and accepted the notice, I would not.

He signed and accepted the Closure Notice and signed the copy for our office.

I advised him that if we found the areas in question being used again for licensable activities, without the benefit of an authorisation, then we would take action against him. I explained the legal penalties if convicted.

We left premises at 2235.

8th February 2013 – 21:00

Licensing OOH visit in association with Andy Brown of London Fire. Dan Whitton & Niall Forde from Licensing attending.

TEN authorisation was in effect at the time of the visit authorising the use of the entire viable premises at 10-16 Theberton Street.

We spoke with the manager of 16 Theberton Street, Ms Kinga Knzniebc, during the visit. She provided information and helped implement the required actions issued by Andy Brown.

The premises was being used as follows:

Ground floor of 10, 12 and 16;

Basement and balcony areas of atrium;

Basement of 10; and

Basement 16 was being used as a kitchen supplying diners at 16.

Basement area of 14 was being used for storage of tables and chairs and basement area of 12 was still under construction.

Andy had concerns in a number of areas:

- A number of escape routes signposted were not available and the actual escape route from the basement to Studd Street was not signposted;
- The exit route to Studd Street was compromised by items stored within it;
- The restaurant area at the ground floor level of 10 was overcrowded leading to a seriously compromised exit due to tables and chairs blocking the way;
- Potential exit routes through 12 and 14 were not signposted;
- Two smoke detectors were covered;
- No hand rails on any of the stairs;
- Balcony area not suitable for customers and entrance/escape into 12 & 14 compromised as a result;
- Lots of candles on tables not suitably enclosed;
- No fire risk assessment; and
- Fire extinguisher testing/receipts not available.

Andy spoke to the duty officer in relation to his concerns and determined that if a number of actions were taken the premises could remain open and trade the following day.

The action taken was as follows:

- All escape routes correctly sign posted;
- The emergency exit to Studd Street cleared of all items except large canopy (not a serious concern) that was to be removed the following day;
- Tables and chairs moved to ensure escape routes through restaurant areas now clear;
- Balcony area to rear of 12 and 14 cleared of customers;
- Smoke detector uncovered; and
- Unsuitable candles extinguished/replaced.

In addition to this the manager was able to provide evidence of emergency lighting and fire alarm test/installation certificates.

Andy is passing details of his visit onto to the daytime Fire Safety team for a follow-up visit.

Another issue that was identified during the visit was in connection to persons occupying the bay seating areas on the balcony, specifically the one behind 12 Theberton Street. As persons were squeezing past this seating position a glass was knocked over causing its contents to spill over customers seated in the basement area. Whilst it was only the liquid

contents on this occasion, there is reason to believe that the glass could have fallen through the balcony and 'glassed' a person or persons below. Issue rectified by the Fire Officer advising that these balcony areas should be kept clear.

In relation to the TEN on the night, we reminded the manager that the non-licensed areas must be cleared of customers by 23:30. There was still a large group in the Basement area who had to be relocated to the licensed areas on the Ground Floor. This was being actioned as we left the premises at around 23:25.

15th February 2013 – 23:40

Licensing OOH visit, Dan Whitton & Niall Forde from Licensing attending.

Arrived outside the premises at approx 23:40. Premises in process of closing down and most of the restaurant was empty of customers. The unlicensed areas covered by the TEN were not being used after 23:30 as stipulated.

There was however a large pile of refuse o/s the premises which had been left out for pick up. This was not contained in any way other than plastic bags, photo below.







CLOSURE NOTICE

**Section 19 of the Criminal Justice and Police Act 2001
(as amended by Sections 126 & 127 of Schedule 6 of the Licensing Act 2003)**

Date of the Closure Notice: 11/02/2013	Time Served: 22:29
Local Authority: London Borough of Islington	
Person issuing the Notice: NIALL FRYES	Signature:

Name (if applicable) & address of the affected Premises:

MEM + CAC 10-16 THEBERTON STREET, LONDON, N1 0QX.

The grounds for this notice are that the above premises are being used or have been used within the period of 24 hrs preceding service of this notice for the unauthorised sale of alcohol on or in the vicinity of the said premises and there is a reasonable likelihood that the premises will be so used again in the future.

The specific alleged use of the premises to which these grounds apply are:

Carries on or attempts to carry on a licensable activity on or from a premises otherwise than under and in accordance with an authorisation, as described in section 136 of the Licensing Act 2003. Specifically contrary to Annex 4 the plans of the premises.

Under Section 20(6) (b) of the Criminal Justice and Police Act 2001, an application for a section 21 closure *may* be made to Highbury Corner Magistrates Court, unless the above use of the premises has ceased and there is no reasonable likelihood of it re-occurring or being prevented.

Steps which may be taken to end the alleged unauthorised use of the premises, or prevent it from re-occurring (Section 19(6) (c) of the Criminal Justice and Police Act 2001):

Licensable activities must only be made available to customers in the authorised licensed areas marked on the original plans as laid out in Annex 4 of the relevant premises licences. The premises licences concerned are referenced as below:

LN/5758-120511 & LN/11615-210411

A closure order may be applied for requiring the premises to be physically closed (boarded up) and/or all sales of alcohol to stop, and/or an unlimited amount of money to be deposited with the court that will only be returned when the court is satisfied that the illegal use of the premises has ceased.

The Person (if applicable) on whom the Closure Notice has been served:

Name: Ferat Hasanoglu Signature:

Date: 11/02/2013 Time: 2230

Licensing Panel 27th February 2013

10-16 Theberton Street:

Mr Mehmet Kocakerim (Lic & DPS of 8-10 & Lic of 16 Theberton Street), 10-16 Theberton Street, London, N1 0QX

Present: Jan Hart (Service Director – Public Protection, Terrie Lane (Licensing Manager), Steve Wallace (Met Police), Sandra Young (London Fire), Rita Tierney (, Mehmet Kocakerim (Owner), Anna Matheas (Barrister), Becky Lowe (notes).

JH began by explaining the purpose of the Licensing Panel - that this was an intermediate stage between finding a problem with a premises and the licence being reviewed. She explained that when the invitation to Licensing Panel had been sent, a date had not yet been set for the Committee hearing but that it had now been set for the 12th March. She advised that it would still be useful to discuss the issues with the premises today. She explained that there had been visits made to the premises by LBI's Planning and Licensing teams. She advised that the licensing issues would now be dealt with at Committee but that it would be useful to discuss the planning issues today. She added that the Fire Brigade had also found issues previously but that she understood that these had now been resolved. She advised that there had been an issue with the basement of the premises being used on the 1st February without a valid licence.

AM advised that an application had been made for the 29th January and that MK had met with Niall Forde on the 16th January as the date of the event was being changed from 29th January to the 1st February. She explained that Niall had verbally agreed with MK that an application for the change of date would not be necessary so MK had not put in an application on the faith of this discussion.

TL advised that she did not think that Niall would have given this advice.

MK advised that this was the first time he had applied for a temporary event notice so he had come into LBI's office to submit the forms. He added that he did not feel that he had been given the appropriate guidance.

AM added that MK had learn from this experience about what is covered by a 10 and advised that MK had since received some helpful advice from licensing officers.

JH advised that Dan Whitton had arranged a meeting for MK and had given him the relevant information.

MK advised that Dan had visited the premises and had explained that as the properties are connected by the basement, a new application would need to be put in to cover both properties as they were now considered as one premises.

JH advised that it would be decided at Committee whether the basement could now be used following the recent closure notice. She explained that the Planning Enforcement team had given MK information explaining the planning infringements and the different unit which has been created by joining the basements of the two properties. She reiterated that this would require a new application.

AM explained that she had only had a short time to look at this case so may look at adjourning the Committee appearance so that she could discuss the issues with the Planning team first.

JH moved on to discuss the licensing issues. She explained that while a new application would need to be made, the new licensing policy in Islington meant that a licence would only be granted if the premises was seen to be bringing something new to the area. She explained that they would need to this at Committee and that they would be to address the representations which had been made.

MK advised that many patrons came down Therberton Street, that they were not only from his premises.

JH referred to pictures that had been taken of rubbish piled up outside the premises.

AM explained that these pictures had been taken at 11:55pm and that MK uses that Council's collection service which collects at midnight.

JH advised that this was fine but she had needed to find this out as if the collection had not been until the following morning, this would give a bad impression to residents.

AM explained that 8 points had been provided by Geoff Weaver on fire safety/building control. She advised that most of these have now been addressed, that the canopy has not been removed but that MK will be personally overseeing this. She described the progress made on the other points.

SY advised that there had not been a fire risk assessment and that there was expected to be one for a premises of this size.

JH referred to MK's letter to Councillor West about this visit. She explained that the visit had taken so long because the fire officers were negotiating with senior officers to consider closing the premises down for good because of the very serious fire risks that they had found. She explained that while these issues have now been dealt with, it must be carefully managed from now on. She explained that there had been a "Fire Exit" sign pointing towards an area where there was no fire exit. She explained that the premises had shown the worst issues in terms of fire safety that had been seen for many months.

MK advised that this has now been addressed.

TL advised that the premises had been full of people in all areas on the night.

SY explained that MK would need to get someone to come in to do a risk assessment and to make sure that there are sufficient exits.

AM advised that Geoff Weaver had estimated a capacity of 150, provided that they had further toilets installed.

MK explained that he would have liked to have been advised on such capacity issued when he had filed the temporary event notices.

TL explained that the licensing team cannot work like that as only the noise team or the police can object to a temporary event notice.

Suggested conditions of approval consistent with the operating schedule

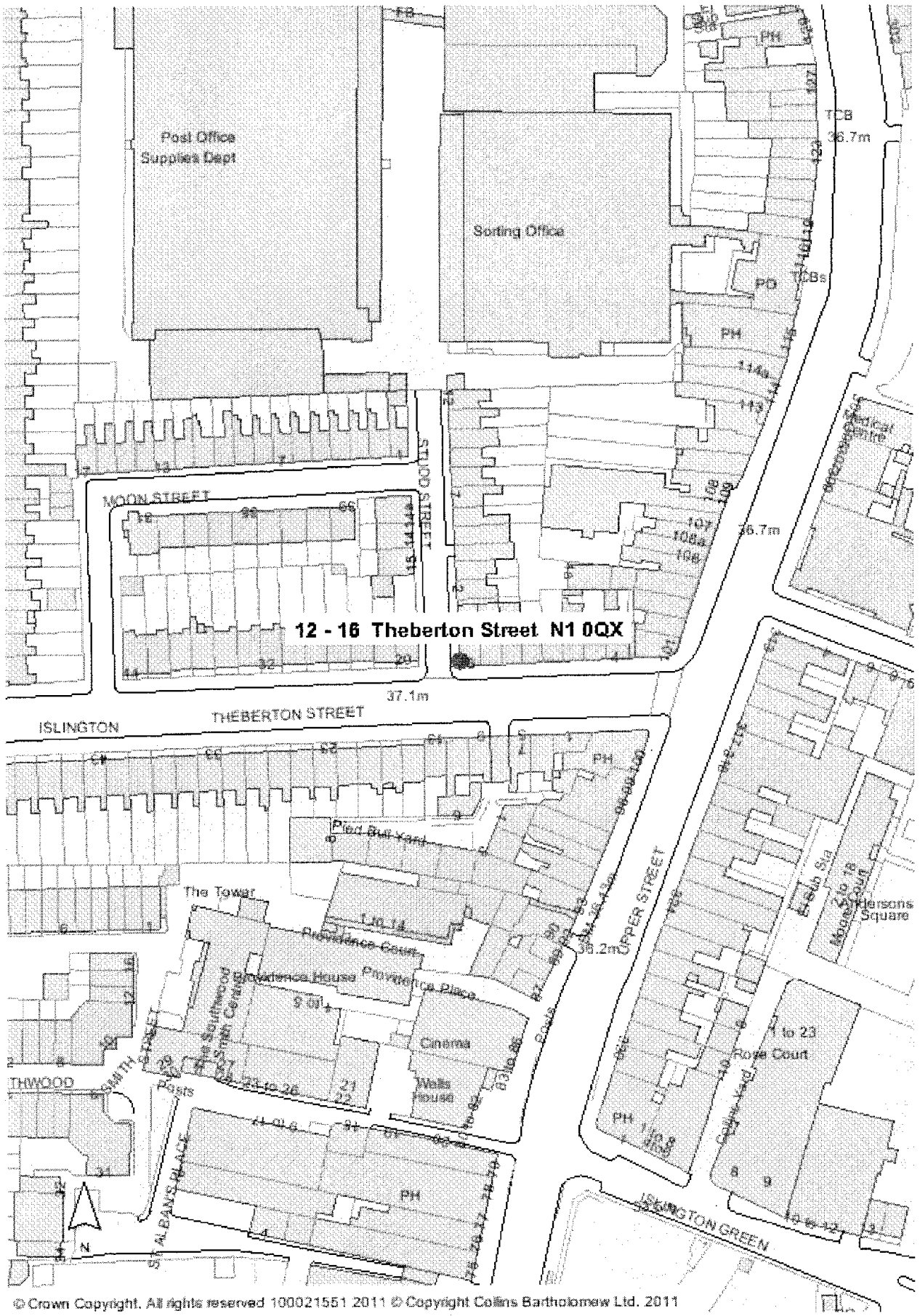
1. Suitable beverages other than alcohol, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
2. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there.
3. There shall be a member of staff at the door employed to show people to their seats, monitor noise, ensure noise is kept to a minimum, deal with any noise complaints and who shall report any incidents of crime to the police.
4. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
5. No new customers shall be accepted in the premises after 23.30
6. The premises shall make a dedicated licensed taxi/mini cab service available for customers.
7. No children under the age of 18 shall be allowed in the premises without adults after 18.00.
8. The licensee shall meet with local residents on a regular basis to discuss issues of mutual concern.
9. Regular staff training shall be carried out, all training shall be documented.
10. Polite notices shall be displayed to discourage noise from patrons arriving at, queuing outside or departing from the premises.
11. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age. E.g. National Passport or Photo Drivers Licence before selling alcohol to them.
12. The premises shall be constructed and maintained in accordance with the Technical Standards for Places of Entertainment.
13. No deliveries or collections of goods will take place on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
14. No rubbish will be placed outside the premises on Sundays or Bank Holidays and between the hours of 9pm and 7am other days of the week.
15. Notices will be prominently placed at the premises exits requesting the public to respect the needs of local residents and to leave quietly.
16. Members of the public shall not use the outside seating area after 23:00 and notices shall be displayed on the premises to that effect.
17. Tables and chairs shall be made unusable after 23:00.
18. The premises kitchen extraction plant and ductwork shall not cause nuisance to neighbouring residential occupiers.
19. The restaurant area within numbers 14 and 16 Theberton Street will be closed and made vacant by 23:30 Mondays to Saturdays and 23:00 on Sundays;
20. The restaurant area within 12 Theberton Street will be closed and made vacant by 00:00 Mondays to Saturdays and 23:30 on Sundays;
21. The basement area will be closed and made vacant by 23:00 Sundays to Thursdays and 00:30 on Fridays and Saturdays;
22. All other restaurant areas will be closed and made vacant by 00:30 Mondays to Saturdays and 00:00 on Sundays.

Suggested conditions of approval recommended by Health and Safety Officer

23. The premises shall not be used under the licence until the requirements specified in the schedule dated 13 February 2013 have been completed and approved in writing by the responsible authority for health and public safety.
24. The maximum number of persons accommodated at any one time in the premises shall not exceed 120.

Suggested conditions of approval agreed with the Metropolitan Police

25. Alcohol shall not be sold or supplied on the premises otherwise than to:
26. Persons taking table meals there and for consumption by such a person as an ancillary to his/her meal; and/or
27. Persons waiting to be seated in the designated waiting area.
28. No vertical drinking.



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