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## AGENDA FOR THE LICENSING SUB COMMITTEE B

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A meeting of the Licensing Sub Committee B will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **1 July 2014 at 6.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Jackie Tunstall  
Tel : 020 7527 3068  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 23 June 2014

### **Membership**

Councillor Marian Spall (Chair)  
Councillor Alice Donovan (Vice-Chair)  
Councillor Osh Gantly

### **Substitute**

All other members of the Licensing committee

Quorum: is 3 Councillors

**Welcome :** Members of the public are welcome to attend this meeting.  
Procedures to be followed at the meeting are attached.



A.	Formal matters	Page
1.	Introductions and procedure	
2.	Apologies for absence	
3.	Declarations of substitute members	
4.	Declarations of interest	
	<p>If you have a <b>Disclosable Pecuniary Interest*</b> in an item of business:</p> <ul style="list-style-type: none"> <li>▪ if it is not yet on the council's register, you <b>must</b> declare both the existence and details of it at the start of the meeting or when it becomes apparent;</li> <li>▪ you may <b>choose</b> to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.</li> </ul> <p>In both the above cases, you <b>must</b> leave the room without participating in discussion of the item.</p> <p>If you have a <b>personal</b> interest in an item of business <b>and</b> you intend to speak or vote on the item you <b>must</b> declare both the existence and details of it at the start of the meeting or when it becomes apparent but you <b>may</b> participate in the discussion and vote on the item.</p> <p><b>*(a)Employment, etc</b> - Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p><b>(b) Sponsorship</b> - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.</p> <p><b>(c) Contracts</b> - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.</p> <p><b>(d) Land</b> - Any beneficial interest in land which is within the council's area.</p> <p><b>(e) Licences-</b> Any licence to occupy land in the council's area for a month or longer.</p> <p><b>(f) Corporate tenancies</b> - Any tenancy between the council and a body in which you or your partner have a beneficial interest.</p> <p><b>(g) Securities</b> - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.</p> <p>This applies to <b>all</b> members present at the meeting.</p>	
5.	Order of Business	
6.	Minutes of Previous Meeting	1 - 4
B.	Items for Decision	Page
7.	Menelik, 277 Caledonian Road, N1 1EF - Premises Licence Review	5 - 62

- |    |  |           |
|----|--|-----------|
| 8. | Marathon, 193A Caledonian Road, N1 1EF - Premises Licence Review | 63 - 108  |
| 9. | Tierra, 45 Stroud Green Road, N4 3EF - New Premises Licence      | 109 - 134 |

**C. Urgent non-exempt items**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of public and press**

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**E. Urgent Exempt Items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

#### INTRODUCTION

#### TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

- 12) **Responsible Authorities**
  - 13) **Interested parties**
  - 14) **Applicant**
- 2 mins each

#### DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.



## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING REVIEW APPLICATIONS UNDER THE LICENSING ACT 2003

#### INTRODUCTION

#### TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.

- 4) **The applicant (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins

- 5) The Sub-Committee to question the applicant (interested party or responsible authority) on matters arising from their submission.

- 6) **Other representatives (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins

- 7) The Sub-Committee to question the other representatives (interested party or responsible authority) on matters arising from their submission.

- 8) **The licensee** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins

- 9) The Sub-Committee to question the applicants on matters arising from their submission.

- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.

- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

- 12) **Applicant**
  - 13) **Other representatives**
  - 14) **Licensee**
- 2 mins each

#### DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.

- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.

- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

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## London Borough of Islington

### Licensing Sub-Committee B – 8 April 2014

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 8 April 2014 at 6.40 pm.

**Present: Councillors:** George Allan, Phil Kelly and Claudia Webbe.

#### COUNCILLOR CLAUDIA WEBBE IN THE CHAIR

208. **INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedure was on page 4 of the agenda papers.

209. **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

210. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

211. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

212. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be C1 followed by B1.

213. **MINUTES (ITEM A6)**

**RESOLVED**

That the minutes of the meeting held on the 4 February 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

214. **SEVEN DAYS FOOD AND WINE, 93A STROUD GREEN ROAD, N4 3PX - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The Sub-Committee noted that the applicant was not in attendance but noted that he had been reminded of the meeting on a number of occasions. The licensing officer reported that there had recently been a number of applications for this premises that had been largely speculative in nature.

The trading standards officer reported that the applicant had made contact prior to the application and had received advice. An application had then been submitted that was of a very poor standard.

The police officer reported that the operating schedule was of a poor standard which was of particular concern with the previous history of the premises.

The noise officer reported that refusal was recommended and asked the Sub-Committee to note the noise representation on pages 34/35 of the report.

## **Licensing Sub-Committee B – 8 April 2014**

### **RESOLVED:**

That the application for a new premises licence in respect of Seven Days Food and Wine, 93A Stroud Green Road, N4 3PX be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The applicant did not attend the meeting and did not withdraw therefore the application was heard in his absence.

The Sub-Committee heard evidence from the licensing officer that the notice of meeting had been hand delivered. The licensing team had heard nothing further from the applicant despite being chased on at least three further occasions. The licensing officer informed the Sub-Committee that a number of applications had been made for a licence for the premises which were speculative in nature.

The Sub-Committee heard from the police and the trading standards officer that despite pre-application advice being given, the application was of a very poor standard and did not contain sufficient detail for conditions to be drafted.

The Sub-Committee noted that the operating schedule failed to include sufficient information to demonstrate how the applicant would promote the licensing objectives and that the applicant had been given assistance from trading standards but had failed to implement it.

### **215. URGENT NON-EXEMPT/CONFIDENTIAL ITEMS**

The following items were considered urgent as a decision was required within seven working days following the last day for objection.

### **216. ISLINGTON LINK UP, 48 SEVEN SISTERS ROAD, N5 2LL - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (Item C1)**

The noise officer reported that, in addition to the noise representation detailed in the report, officers had served a section 80 noise abatement notice on the premises to ensure that no amplified music was played at the premises which would cause a nuisance to neighbouring properties.

The police officer reported that PC Paul Hoppe was not attending the meeting as he was meeting with Mr Riley, the applicant, the following day and it was not considered correct for him to attend the meeting. He reported that, at the last temporary event in March, a number of complaints had been received regarding noise nuisance and the behaviour of the applicant was not considered to be appropriate for a licensee. The event was not managed well and overran and the police wished to hold discussions with the applicant before future events were held.

In response to questions, it was noted that the Sub-Committee could not attach conditions to the notice and could only make modifications on timing.

In response to a question from the applicant, it was noted that the temporary events for May 2014, could still be held. These events had been applied for prior to the event on the 30 March 2014 so had not been objected to by the noise and police teams. The applicant was reminded

## **Licensing Sub-Committee B – 8 April 2014**

however, that he should be mindful of the section 80 abatement notice that had been served.

The applicant reported that he had not had problems before and he hadn't done too badly. There were lots of people outside the premises as they were unable to smoke inside. The noise officer had attended and the music had been turned down. The noise officer returned a second time and told him it was unacceptable. He did not like the way that he was spoken to. He stated that if he had turned the music down lower there would be no point in the event. He had forgotten that the clocks had gone forward that morning so believed it was 4.15 and not 5.15. When the noise officer returned on the third occasion she asked him to turn the music off straight away. He did not think that he had gone over the time at this stage. The late finish was an oversight and he reported that he did not go on until 8am as some residents had reported. There had been no fighting at the event and it was a fund raising event. He considered that each time he did something the noise team was not fair to him. He considered it was bordering on racism and was unnecessary. He had never had anyone talk to him like that in front of people. He considered that the event should be allowed to go ahead and the noise team should bring a monitor next time because anyone could telephone about a noise nuisance.

In response to questions, it was noted that some events were held for birthday parties and some were for charity events. Islington Link Up was a registered charity. Funds were raised through the sale of alcohol but if it was a birthday party often people would bring drinks. Members were local people, generally from Islington. The Sub-Committee noted that the sale of retail application had not been made for this temporary event. Any alcohol sold at the event would be an illegal sale of alcohol. The applicant stated that he had not received training in the sale of alcohol as he would employ people that had been trained. The applicant stated that a premises licence had not been applied for as they may be moving premises at the end of the year. The applicant stated that the event was for a fund raising event/birthday party. A local resident was hiring the premises to raise funds. The applicant accepted that he would be responsible for the event and stated that if the events of the 30 March recurred on the evening applied for he would turn the music off straight away as he would not wish to disturb neighbours. He considered that the noise officer visited for the third time to try and catch him out regarding the finishing time of the event. He stated that the noise officer should have reminded him earlier in the evening that the clocks were going forward.

In summary, the noise officer reported that all of the visits were in response to noise complaints. This included the last visit made at 5.15. The noise officer had no confidence of the management at the premises and an abatement notice had been served following the event on the 30 March. The officer did not consider that the licensing objective of the prevention of public nuisance would be met unless the temporary event was refused.

The police officer reported that the applicant did not have the relevant knowledge regarding alcohol sales.

The applicant reported that there had been no violence at the events and that he would gain experience through managing these events. He informed the Sub-Committee that they would be making a mistake by refusing the application.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

Following deliberation, the legal officer advised that she had asked the Sub-Committee to consider the national guidance when making their decision.

## **Licensing Sub-Committee B – 8 April 2014**

### **RESOLVED:**

- 1) That the application for a temporary event notice in respect of Islington Link Up, 48 Seven Sisters Road, N7 6AA be refused.
- 2) A counter notice be issued by the Licensing Authority.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted the submissions from the noise team and the police that council officers attended on three occasions in March 2014 when the previous event took place, to discuss a noise nuisance that was caused to neighbouring properties by the playing of loud music. This had culminated in abusive and verbally aggressive behaviour directed to the noise officer, particularly from the DJ and Mr Riley.

The Sub-Committee heard evidence that there were large numbers of patrons who had gathered outside the premises. The applicant stated that this was because there were large numbers of smokers who couldn't smoke inside the premises.

The applicant also stated, in response to questions from the Sub-Committee, that he had considered that the officer's manner was inappropriate and he questioned her motivation in coming three times to the premises. He also queried where the complaints came from.

The Sub-Committee noted that no licence existed for the premises and there were therefore no conditions that could be placed on the temporary event notice. In accordance with licensing policy 28 the Sub-Committee took into account the complaints, the service of an abatement notice and conduct of the applicant on the previous occasion when a temporary event took place.

In accordance with home office guidance, paragraph 7.27, the Sub-Committee had no confidence in the ability of the applicant to manage the event properly and considered that allowing the temporary event notice would undermine the licensing objectives of crime and disorder and public nuisance.

The meeting ended at 8.20 pm

**CHAIR**

# Agenda Item 7



## ISLINGTON

Environment & Regeneration  
Municipal Office, 222 Upper Street, London, N1 1XR

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 <sup>st</sup> July 2014		Caledonian

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION  
MENELIK, 277 CALEDONIAN ROAD, LONDON, N1 1EF**

### 1. Synopsis

- 1.1 This is an application by the Police for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the licensing objective:
- i) Prevention of crime and disorder.

### 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	One
Other bodies	No

### 3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol on and off supplies on the Ground Floor on Mondays to Saturdays 10:00 to Midnight and on Sundays from Noon until 23:30.
- ii) The sale by retail of alcohol on and off supplies on the Basement Floor on Mondays to Wednesdays 10:00 to 01:30 the following day, Thursdays to Saturdays 10:00 until 03:30 the following day and on Sundays from Noon until 01:30 the following day.
- iii) provision of live music, performance of dance, facilities for making music and dancing (basement only) 09:00 to 02:00 on Sundays to Wednesdays and 09:00 to 04:00 Thursdays to Saturdays;
- iv) provision of recorded music (ground floor and basement) 24 hours, 7 days a week;
- v) provision of late night refreshment (ground floor) 23:00 to 00:30 on Mondays to Saturdays and 23:00 to 23:30 on Sundays;
- vi) provision of late night refreshment (basement) 23:00 to 02:30 on Mondays to Saturdays and 23:00 to 00:30 on Sundays.

3.2 Papers are attached as follows:-

- Appendix 1: application form from Metropolitan Police and additional supplied material
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

- 3.3 The current licensees have held a premises licence for these premises since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales, regulated entertainment and provision of late night refreshment. Prior to this the licensees held public entertainment licences issued by the London Borough of Islington for these premises for a number of years.
- 3.4 On 17 August 2005 the Licensing Sub Committee agreed to extend the permitted hours, in the basement only, for the sale of alcohol to 01.30 on Sundays to Wednesdays and to 03.30 on Thursdays to Saturdays. The Committee also agreed to extend the permitted hours for regulated entertainment, in the basement only, to 02.00 on Sundays.
- 3.5 On 8 October 2008 the Council's Licensing Sub Committee 'B' heard an application from Islington's Noise Service to review the premises licence. The review application was supported by the Metropolitan Police. At the hearing the Committee decided to impose 17 additional conditions on the premises licence, shown as conditions 3 to 19 of Annex 3 of the current premises licence.
- 3.6 Following the hearing on 8 October 2008 officers from Islington's Licensing and Noise Services and Metropolitan Police officers have visited the premises and have reported breaches of licence conditions. The Licensing Service wrote a warning letter to the licensees on 19



November 2009 and a subsequent letter informing the licensees on 12 March 2009 that the Council intended to instigate prosecution proceedings.

- 3.7 On 8 April 2009 the Council's Licensing Sub Committee 'B' heard an application from Islington's Noise Service to review the premises licence because the conditions imposed by the review heard on 8 October 2008 had not been implemented. At the hearing the Committee were satisfied that the conditions had been complied with.
- 3.8 On 11 September 2008 Mr Arbi attended the Council offices accepted a simple caution in relation to six offences under the Licensing Act 2003 for breaches of the licence conditions and for selling alcohol outside the permitted hour.
- 3.9 On 26 November 2010 Mr Arbi attended Licensing Officer Panel to discuss concerns that the Police had following a number of violent crimes associated with the premises. Mr Arbi informed the Panel that the problems were from another local restaurant. It was agreed at the meeting that the licensee would exercise more control over his customers, try and limit the drunkenness and improve communication with the other local restaurants to prevent customers who were ejected from there from being allowed into his premises.
- 3.10 On 24 June 2012 the Police were called to the premises at 03:00 after reports of a fight where a victim was bottled. The Licensing Authority wrote to the licensee and requested copies of the CCTV from the night, door supervisor records, a copy of the searching policy and training records for door supervisors and copies of the incident book from the May to the date of the incident. Mr Arbi provided the SIA badges and sign in sheets, contract from Thomas Chase Security, incident report and type written note from the night but no other incident reports or CCTV.
- 3.11 On 1 October 2013 Mr Arbi attended Licensing Officer Panel to discuss concerns about customers witnessed fighting outside the premises by officers from the Council's Noise Team. A letter dated 8 October 2013 was sent to Mr Arbi detailing eleven follow up points from the meeting.
- 3.12 On 27 October 2013 the Council's CCTV Team recorded serious incidents outside of the premises. The Licensing Authority requested copies of the CCTV and upon viewing the images opened an investigation.
- 3.13 On the 6 February 2014 Mr Arbi and Mrs Getachen attended the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003.
- 3.14 On 11 February 2014 Mr Arbi returned for a follow up interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003.
- 3.15 On the 4 April 2014 following a request by the Police the licence holder submitted a minor variation application to remove regulated entertainment, reduce the sale of alcohol and late night refreshment till midnight, add three conditions consistent with a restaurant licence and remove 29 conditions for sale of alcohol after midnight and regulated entertainment. This application was subsequently withdrawn.
- 3.16 On 31 May 2014 the Police issued a Closure Notice under S. 19 of the Criminal Justice and Police Act 2001 for breach of conditions. The premises licence at Annex 3 Conditions 3, 4 and 7 requires two SIA door supervisors, an up to date door supervisor register and to search customers with two electronic hand held wands. On the night no door supervisors were present

only one electronic hand held wand was available for use. The Closure Notice detailed the steps to be taken to prevent further unauthorised use of the premises.

- 3.17 The Licensing Authority, Noise Team and a local resident submitted representations in support of the review.

#### **4. Planning Implications**

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

#### **5 Recommendations**

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
  - f) the Committee also have the option to leave the licence in its existing state;
  - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

#### **6 Conclusion and reasons for recommendations**

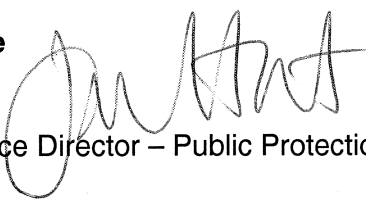
- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

**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 20.6.14

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

wk/201444377

Appendix: 1



ISLINGTON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I Police - Responsible Authority

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

MENELIK

277 CALEDONIAN ROAD

Post town LONDON

Post Code N1 1EF

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

Samuel ARBI & Fanaye GETACHEN

FLAT 1-2

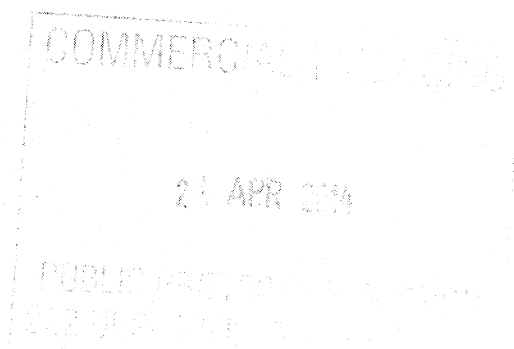
277 CALEDONIAN ROAD

LONDON

N1 1EF

02077007774

[Samueldd5265@gmail.com](mailto:Samueldd5265@gmail.com)



Number of premises licence or club premises certificate (if known

LN/143299-011013

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Paul HOPPE PC 208NI  Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any)  0207 527 2323
E-mail address (optional) licensingpolice@islington.gov.uk

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

Please tick one or more boxes

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

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

I am police Constable Paul HOPPE 208NI. I am authorised by the Chief Officer of Police to carry out the Police Licensing Function.

This review is based on the grounds of Crime and Disorder, to prevent further crimes being committed at the venue and in turn to protect patrons and staff alike.

The venue has a comprehensive licence permitting performance of live and playing of recorded music, making music, facilities for dancing, late night refreshment and the sale of alcohol. There is a long list of mandatory conditions, twenty (20) conditions consistent with the operating schedule and nineteen (19) conditions attached after a hearing by the licensing authority.

There have been a number of very serious incidents at the venue within the last twelve months which give rise to concerns over the licensees ability to operate a safe venue for staff and customers.

The premises licence for this venue is a 'Restaurant Licence' which states (Annex 2, condition 3) 'The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment'.

Over the last year (2013) there have been a number of fights and public order incidents at the venue, mainly outside. There have been six (6) CAD incidents, but only some of these incidents have generated crime reports, generally due to the confusion caused by the lack of assistance and evidence from the venue management and staff.

There have only been five (5) crime reports (2013); one (1) in February, three (3) of which happened in May 2013 and one (1) in August 2013; being two (2) thefts and two (2) violence against the person – one of these being a GBH. **However, excessive alcohol seems to be a common factor in these reports and all but one (1) happened after midnight.**

There has been a considerable amount of engagement from both Council and Police Officers; the DPS was called to Officer Panel on 8<sup>th</sup> October 2013, just two weeks before the large fight noted above.

On 6<sup>th</sup> February 2014 the DPS was interviewed by Council and Police Officers regarding the fighting at the club, during which he admitted breaches of licensing conditions.

There have been follow-up visits and further public order incidents (outlined below) which demonstrate further breaches and it is therefore requested that the licensing committee review this licence with a view to returning this venue to a restaurant and adopting the following recommendations:

1. Amend the opening hours of the premises to:

10.00 to 00.30 Monday to Sunday

2. Amend the permitted hours for all licensed activities to:

a. 10.00 to 00.00 Monday to Saturday

b. 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.



In the last year (2013), although there have been six (6) CAD incident reports to this venue, these have generated five (5) Crime Reports listed below:

Crime Reports:

2704591/13 - (February 2013 0400 hours) - ABH. Very drunk male was assaulted outside the club, it appears by a 'friend' whom he was drinking with earlier. He had a tooth knocked out and swollen lips. Other customers refused to assist police. After making the report and attending hospital, the victim refused to assist police in a prosecution.

2709870/13 - (May 2013 0230 hours) - Theft of Bag and Coat. Police called to a fight outside Menelik. This was sorted out by police, however the Victim then contacted police later in the day to say that his coat and bag had been stolen. He claimed they were left in the venue, but he found them hanging on railings outside. Victim appears confused over how belongings came to be outside venue. No CCTV of incident.

2709916/13 - (May 2013 0330 hours) - GBH - victim attended hospital after calling London Ambulance Service with facial injuries (fractured jaw). Was very drunk as was his friend who came with him. Both stated they had been drinking in Menelik and the victim was attacked outside by a group of five (5) black males, for no understandable reason, but it may be about politics. Police report notes that the victim was quite unco-operative, due to being drunk. No witnesses come forward. Police video experts state that CCTV at Menelik is of very poor quality and does not show anything outside the venue so, without any further evidence the report is closed.

2709968/13 - (May 0440 hours) - Common Assault - Victim is drunk and gets into a vehicle for a lift home with a group of males she says she may have seen at the venue before. During this drive, one of the males steals money and a mobile phone from her bag. She sees this and challenges the suspect who drops the property. She says she is calling the police so is pushed out of the vehicle when it stops. She only has minor injuries. Suspects are ETHIOPIAN males who frequent Menelik. After making this report, the victim refuses to engage with police. No further action.

2717253/13 - (August 2359 hours) - Theft - Victim had been drinking in Menelik and was standing outside on his mobile phone when the suspect cycled passed and stole his phone from his hand. This report was made two days after the incident happened and to an officer in BELGRAVIA. There does not appear to have been any assistance from staff at the venue to the victim.

It is worth noting that there have been two other crime reports of note which demonstrate that there has been an ongoing problem with violence at the venue, but these reports are more than a year old:

2726791/12 - (October 2012 0402 hours) - Threats to Kill/ Offensive Weapon - Victim threatened by a male with a kitchen knife because he had banned the suspect from the venue about three months before after the suspect broke a bottle and slashed the face of another customer inside the premises. The suspect threatened to kill the victim; running at him with the weapon. The victim declined to assist police further even though there were a number of good suspect leads.

2715560/12 - (June 2012 0310 hours) - GBH - Victim assaulted in the venue, causing severe damage to his jaw, which leads to a fight outside the venue involving a number of people. Items are thrown at the venue and windows broken. A lot of work is done by the investigating officer as there are assaults on three (3) people during the fighting.

### Communication:

The DPS / Owner has been made aware of police concerns through formal interview and informal discussions. He has been advised on how he could operate his venue more professionally, but does not appear to wish to carry out any of these recommendations. In March 2014 the DPS/ Owner was in discussions to sell the venue to another restaurateur, but it appears that he did not tell the interested party that police were considering a review due to the public order problems at the venue.

During one visit to the premises, Police witnessed door staff not using wands to search customers. This is against conditions of the licence.

On 8<sup>th</sup> April 2014 the DPS applied to make the minor variation (above) which would bring the venue back to being a restaurant. There was no objection to this application from Police.

However, on Wednesday 16<sup>th</sup> April 2014, DADDs solicitors emailed police licensing team to withdraw the minor variation application.

### Summary and Recommendations:

MENELIK has become a late-night drinking bar which caters almost exclusively for the ETHIOPIAN community. It is listed on the Internet as a Restaurant and there are some favourable reviews. It attracts mainly men and permitted excessive alcohol intake is highly probable to be the reason why there are so many public order incidents, which mainly occur in the road outside the venue, disturbing neighbours and always requiring police intervention.

There has been some considerable engagement by police and partners with the DPS. However it appears that he does not wish to take action on any of the recommendations made by Police or Islington Council Officers. Police would expect that any DPS would recognise the help both the police and Islington Borough Council have offered and act upon it.

The majority of these violent crimes, often involving a group of men attacking another group or individuals, happen between 0000 hours and 0430 hours. There does not appear to be a need for the service of food in the early hours of the morning. This venue has turned into a late-night drinking establishment with customers still arriving at 0300.

It is the opinion of the Police that Mr ARBI (DPS/ Owner) is neither running a safe nor professional venue. This is demonstrated by a number of violent crimes committed mainly outside the venue by his customers after drinking alcohol inside the venue. The police cannot afford to permit the venue to operate in its current state, which generates so much violent crime, due in part to the extreme level of intoxication of both the victims and supposedly, the perpetrators.

As a minimum, the Police have five recommendations, to return the venue to a restaurant:

1. Amend the opening hours of the premises to:  
10.00 to 00.30 Monday to Sunday
2. Amend the permitted hours for all licensed activities to:
  - a) 10.00 to 00.00 Monday to Saturday
  - b) 12.00 to 22.30 Sunday

3. The supply of alcohol at the premises shall only be to a person seated, taking a table meal at the venue and for consumption by such as person as ancillary to their meal.

4. There shall be no vertical drinking.

5. There shall be no off-sales of alcohol.

Remove of the following premises licence conditions:

Annex 2 Conditions: 1,2,3,6,7,8,9,10,11,12,13,14,15,16,17,20

Annex 3 Conditions: 3,4,5,6,7,8,9,13,14,15,17,18,19

However, as Mr ARBI has been offered to voluntarily apply for these conditions in an attempt to reduce late night violent crime, and refused to do so, and the fact that the venue has been reviewed twice before, the police would also suggest that revocation of the Premises licence should also be considered.

Please tick ✓ yes

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

If yes please state the date of that application

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

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

Please tick ✓ yes

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

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

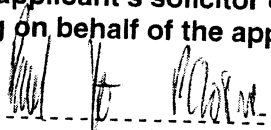
**Part 3 – Signatures** (please read guidance note 3)

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

**Signature**

**Date**

**Capacity**



24<sup>th</sup> April 2014

POLICE LICENSING OFFICER

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

**Notes for Guidance**

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

## WITNESS STATEMENT

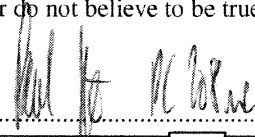
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul HOPPE PC 208NI** ..... URN: 

01	NI		14
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Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Police Officer 216416** .....

This statement (consisting of: ... **3** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: .....  ..... Date: **9<sup>th</sup> June 2014** .....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is further to my statement of 25<sup>th</sup> April 2014 relating to the review of the premises licence of MENELIK RESTAURANT 277 CALEDONIAN ROAD N1 1EF. I am a member of the ISLINGTON Police Licensing Team based at ISLINGTON Police Station N1.

This statement relates to further communications with the DPS and a licensing visit that was conducted on 31<sup>st</sup> MAY 2014 at 0255 hours at MENELIK RESTAURANT 277 CALEDONIAN ROAD N1 1EF. During the week leading up to 31<sup>st</sup> MAY 2014, I produced a licensing briefing relating to premises which required licensing visits on ISLINGTON Borough. As I have applied for a review of the premises licence of MENELIK RESTAURANT due to the large number of crime related and management issues related directly to the venue, I included MENELIK as one of the venues that were to be visited that night.

Visit:

On FRIDAY 31<sup>st</sup> MAY 2014 at 0255 hours, PC AHMED 285NI, PC AHMED 300NI, PC BATHRA 5952NI and PC CONISBEE 575NI attended MENELIK to carry out this licensing visit. I provided these officers with a copy of the premises licence for MENELIK. During this visit, the officers identified the following breaches of licence conditions:

## ANNEX 3:

Condition 3: When alcohol and/or public entertainment is provided by way of music and dancing 2 SIA registered door supervisors will be employed from 9 pm until half an hour after closing time, one of them being female whenever practical. – FAILURE – there were no door staff at all on duty. The DPS, Mr ARBI said to officers that he has sent the door staff home early. However, CCTV does not show Door Supervisors working at all.

Condition 4: Door Supervisors Register – A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work. – FAILURE – The last time the register was completed was on 17<sup>th</sup> May 2014.

Signature: .....  ..... Signature witnessed by: .....

Continuation of Statement of **Paul HOPPE PC 208NI**.....

Condition 7: On any occasion when entertainment is being provided by means of a DJ and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting DJ's will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises. – FAILURE – only one working wand in operation.

On the night PC CONISBEE 575NI issued a Section 19 of the CRIMINAL JUSTICE AND POLICE ACT 2001. Which Mr ARBI the DPS signed on the night as being correct.

Exhibits:

One (1) Form 695 completed on 31<sup>st</sup> MAY 2014 exhibited as PEH/14

One (1) Section 19 of the CRIMINAL JUSTICE AND POLICE ACT 2001 Closure Notice, exhibited as PEH/15

One (1) Statement from PC CONISBEE 575NI - Police record of visit of 31<sup>st</sup> MAY 2014. Exhibited as PEH/16

Further Communication:

Subsequent to this visit, on THURSDAY 22<sup>nd</sup> MAY 2014 at 1129 hours, Mr ARBI telephoned the Police Licensing team and asked to speak to PC CONISBEE 575NI. I was sitting next to PC CONISBEE who handed me the telephone. I spoke to Mr ARBI who did not realise who he was speaking to and asked if he could speak to PC CONISBEE regarding making changes to the conditions on his premises licence. I again, slowly told Mr ARBI who he was speaking to and he seemed shocked that it was me. I asked him why he did not ask for me if he was looking to make changes to his licence, as I had been dealing with him for some time. He could not explain why he asked for PC CONISBEE and made excuses about checking his licence. I believe Mr ARBI was trying to persuade one of my colleagues to agree conditions, thinking that we do not communicate with each other. I clearly told Mr ARBI that if he had questions relating to his premises licence, he should direct them through me and that I believed he was trying to go behind my back to make changes to his licence. I also told him I was very disappointed at this development and that I would be adding this information to my statement. I also reminded him that he should seek advice from his legal representative and not police. He did not seem at all bothered by my comments.

Conclusion:

Mr ARBI knows his premises licence is being reviewed because of the poor management and violent offences that have been occurring in his premises for quite some time. These breaches of the premises licence are typical of the very poor management style of the DPS. As PC CONISBEE 575NI comments in his statement (PEH/16), Mr ARBI "...seemed unmoved and nonchalant by the issues raised". I cannot believe that the Manager/ DPS/ Owner, Mr ARBI would be so ridiculously incompetent as to send his door supervisors home or in fact not have any door supervisors, on a Saturday evening, which is usually a very

Signature: .....

*Paul Hoppe*

Signature witnessed by: .....

Continuation of Statement of **Paul HOPPE PC 208NI**.....

busy night for the venue, and especially when his licence is being reviewed.

It is also typical that he appears to be trying to cut me out from conversations regarding changes he is considering making at his venue. I have given him plenty of opportunity to make changes to his licence, but he withdrew his application.

Recommendations:

In light of these developments, I now have no option other than to recommend revocation of the premises licence at MENELIK RESTUARNT 277 CALEDONIAN ROAD N1 1EF for the following reasons:

- 1) The DPS / Manager/ Owner, Mr ARBI no longer wishes to abide by the conditions of his premises licence.
- 2) There has been a complete refusal by Mr ARBI to work in partnership with the police.
- 3) Mr ARBI does not appear to understand the licensing objectives of Reduction of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

*Paul Hoppe*

Signature: *Paul Hoppe* Signature witnessed by: .....





ISLINGTON

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/143299-011013		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>MENELIK 277 CALEDONIAN ROAD</b>			
<b>Post town</b>	LONDON	<b>Post code</b>	N1 1EF
<b>Telephone number</b>	020 7700 7774		

<b>Where the licence is time limited the dates</b>
Not Applicable

<p><b>Licensable activities authorised by the licence</b></p> <p><b>Basement:</b></p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: The performance of live music The playing of recorded music The performance of dance</li> <li>• The provision of entertainment facilities for: Making music Dancing</li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul> <p><b>Ground Floor:</b></p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: The playing of recorded music</li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>
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<b>The times the licence authorises the carrying out of licensable activities</b>																																							
Delete any that do not apply																																							
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment for the performance of live music (Basement only):</li> </ul> <table> <tr> <td>Monday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>09.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>09.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> </table>					Monday	09.00	to	02.00	the following day	Tuesday	09.00	to	02.00	the following day	Wednesday	09.00	to	02.00	the following day	Thursday	09.00	to	04.00	the following day	Friday	09.00	to	04.00	the following day	Saturday	09.00	to	04.00	the following day	Sunday	09.00	to	02.00	the following day
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Sunday	09.00	to	02.00	the following day																																			

- The provision of regulated entertainment for the playing of recorded music (Basement and Ground Floor)

Monday	00.00	to	24.00
Tuesday	00.00	to	24.00
Wednesday	00.00	to	24.00
Thursday	00.00	to	24.00
Friday	00.00	to	24.00
Saturday	00.00	to	24.00
Sunday	00.00	to	24.00

- The provision of regulated entertainment for the performance of dance (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for making music (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for dancing (Basement only):

Monday	09.00	to	02.00	the following day
Tuesday	09.00	to	02.00	the following day
Wednesday	09.00	to	02.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of late night refreshment (Ground Floor):

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	23.30	

- The provision of late night refreshment (Basement):

Monday	23.00	to	02.30	the following day
Tuesday	23.00	to	02.30	the following day
Wednesday	23.00	to	02.30	the following day
Thursday	23.00	to	02.30	the following day
Friday	23.00	to	02.30	the following day
Saturday	23.00	to	02.30	the following day
Sunday	23.00	to	00.30	the following day

- The sale by retail of alcohol (Ground Floor):

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

- The sale by retail of alcohol (Basement):

Monday	10.00	to	01.30	the following day
Tuesday	10.00	to	01.30	the following day
Wednesday	10.00	to	01.30	the following day
Thursday	10.00	to	03.30	the following day
Friday	10.00	to	03.30	the following day
Saturday	10.00	to	03.30	the following day
Sunday	12.00	to	01.30	the following day

#### The opening hours of the premises:

Monday	09.00	to	01.00	the following day
Tuesday	09.00	to	01.00	the following day
Wednesday	09.00	to	01.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	04.00	the following day
Saturday	09.00	to	04.00	the following day
Sunday	09.00	to	02.00	the following day

**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**

Samuel Arbi & Fanaye Getachen

**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**

Samuel Arbi

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

00603 - London Borough of Ealing

Islington Council

Public Protection Division

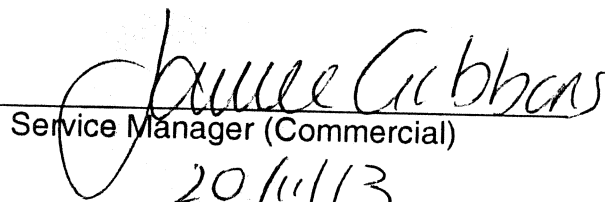
222 Upper Street

London

N1 1XR

Tel: 020 7527 3031

Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Service Manager (Commercial)

20/11/13  
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. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
  - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

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. With respect to the basement:

The sale of alcohol is not authorised after midnight on any day on which music and dancing is not provided after midnight.

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

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

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

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

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

4. With respect to the Ground Floor:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

5. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:

**Basement      80**

6. The licence shall be subject to the Council's technical standards for Places of Entertainment.

7. The licence shall be subject to the Council's Standard Conditions for Places of Entertainment.

8. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:

**ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.**

**ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.**

**ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.**

9. All amplified sound played on the premises shall be subject to the control of an entertainment noise control system ("noise limiter").

10. The entertainment noise control system is to be set to the thresholds in condition 11, Annex 2, to prevent amplified sound played on the premises causing nuisance or undue disturbance to occupiers of other premises in the neighbourhood. These levels may be varied should justified complaints be received or if additional sound insulation works are undertaken.

11. The entertainment noise control system is to be calibrated to and maintained at the settings below thereby restricting amplified sound levels. Measurements should be taken in the basement aisle, with the microphone facing the front of the premises, approximately 1 metre from the foot of the stairs leading to street level:

- 87dB(A) Leq (1 min)

- 92 dB(Lin) Leq (1 min)
  - 82 dB 63Hz octave band (1 min)
  - 87 dB 125 Hz octave band (1 min)
12. The entertainment noise control system controls are to be placed in a secure, lockable cupboard or similar location. The entertainment noise control system is to be completely independent of control by persons other than the licensee. Access to the entertainment noise control system control is to be restricted to the licensee or designated manager.
  13. The mixer/amplifier unit controls should be covered with a secure, lockable cupboard to prevent tampering with the lead plugs running from the noise limiter. The mixer/amplifier unit controls are to be completely independent of control by persons other than the licensee. Access to the mixer/amplifier unit controls is to be restricted to the licensee or designated manager.
  14. The entertainment noise control system settings are not to be varied so that the music noise levels described above are exceeded without the written approval of the Council.
  15. The entertainment noise control system shall be regularly monitored, checked and its calibration adjusted as necessary to ensure the above levels are not exceeded. At least annually, by the 31<sup>st</sup> July each year, the licensee shall submit, to the Council, a certificate from an acoustic consultant, registered with the Institute of Acoustics:
    - a) Confirming that the entertainment noise control system is operating correctly so that the music noise levels outlined above are not being exceeded.
    - b) Detailing the components and make up of the sound system under the control of entertainment noise control system.
  16. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system then the entertainment noise control system shall be re-calibrated so that the levels given above are not exceeded.
  17. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
  18. Notices are to be displayed requesting patrons to leave quietly.
  19. The telephone number of a local taxi firm shall be made available for patrons.
  20. Door Supervisors, registered with the Security Industry Authority, shall be employed at the premises.

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

1. Notices shall be displayed reminding patrons to use the toilets before exiting the premises.
2. There shall be no accompanied children under 18 years on the premises at any time and no children under 18 years.



3. When alcohol and/or public entertainment is provided by way of music and dancing 2 SIA registered door supervisors will be employed from 9 pm until half an hour after closing time, one of them being female whenever practicable.
4. Door Supervisors Register – A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work.
5. Management shall take a photocopy of all door staff SIA badges and secure them in a personnel folder and place this in the safe.
6. Door Supervisors to display their SIA licence by means of a luminous arm band.
7. On any occasion when entertainment is being provided by means of a DJ and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting DJ's will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises.
8. A written security and searching policy shall be in operation at the premises, a copy of which shall be provided to any security company providing door supervisors. Training shall be undertaken and recorded to ensure that door supervisors understand this policy.
9. Electronic searching equipment shall be maintained in working order. All Door Supervisors must be trained in the use of this equipment and a record kept of this training.
10. CCTV shall be installed, operated and maintained both inside and outside the premises in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request. It is the responsibility of the premise to download any recording requests.
11. Notices shall be displayed both outside and inside the premises informing patrons that there is CCTV in operation.
12. Premises to adopt BII Challenge 21 The National Proof Of Age Standards Scheme.
13. A notice shall be displayed at the entrance advising patrons of any dress code and drug policies. This information shall also be included on tickets used by the premise licence holder and on any official website operated by the holder for the premises. Tickets/website will also warn patrons of the fact that they will be searched upon entry.
14. When outside promoters or DJ's are performing Metropolitan Police Risk Assessment form 696 must be completed and submitted to the Metropolitan Police Clubs and Vice Unit and Islington Police Licensing Unit with at least 14 days notice. Form 696A to be submitted within 3 days of the completion of the event.
15. Polycarbonate drinking vessels only to be used. All glass bottles to be decanted.

16. Premises must be represented at any local pub/club watch meetings.
17. The works referred to as Phase 1, identified in the "Report on Noise survey" dated 6 October 2008, be completed within 6 weeks, the period to commence 28 days after receipt by the licensee of the amended licence and works to be completed to the satisfaction of Islington's Noise Service.
18. Phase 2 works, identified in the "Report on Noise survey" dated 6 October 2008, be carried out if considered necessary by Islington's Noise Service.
19. The music limiter shall be calibrated to the satisfaction of the Noise Team.

#### **Annex 4 – Plans**

Reference Number: ISL 87248 1/2 and 2/2

**ADDITIONAL CONDITIONS D:**  
**APPLICABLE TO PREMISES USING DOOR SUPERVISORS**  
**These Conditions do not apply to cinemas or to theatres.**

**Log-book**

**D2** The *Licensee* shall maintain an accurate and up-to-date *log-book* in respect of all *Door Supervisors* employed on the *premises*. This shall comprise three distinct parts recording:

- (i) the name, address, telephone number and any registration number of each *Door Supervisor* (whether employed directly by the *Licensee* or through an agency); the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly by the *Licensee*; and
- (ii) the name and any registration number of each *Door Supervisor*; the dates and times of commencement and finishing of work; the signature of the *Door Supervisor* in respect of both entries; and
- (iii) details of any incident in which the *Door Supervisor* is involved, including any calling of the police and any police action taken.

**Note:** This could form part of the general incident or Fire *log-book* for the *premises*.

**Note:**

- (1) A specimen *Door Supervisor log-book* is shown in Appendix D1.
- (2) *Licensees* are referred to BS 7960 (*Door supervisors/stewards – Code of practice*) for guidance.

## SPECIMEN DOOR SUPERVISOR LOG-BOOK

**PART 1**

Name of Door Supervisor			
Address of Door Supervisor			
Telephone number of Door Supervisor			
Registration number of Door Supervisor			
Name of Agency (if Door Supervisor not directly employed by the Licensee)			
Address of the Agency			
Telephone number of the Agency			

**PART 2**

Name of Door Supervisor			
Registration number of Door Supervisor			
Date and time of commencing work			
Signature of Door Supervisor to confirm entry			
Date and time of finishing work			
Signature of Door Supervisor to confirm entry			

**PART 3**

Name of Door Supervisor			
Date of incident			
Time of incident			
Details of incident			
Were the police called?			
Details of any police action taken			

NOTE: This part of the *Door Supervisor log-book* may be combined with the general incident *log-book* for the *premises* (on which see Appendix 4.)

**ADDITIONAL CONDITION GO:**  
**APPLICABLE TO THE KEEPING OF GOOD ORDER**

**Good order**

- GO1** The *Licensee* shall not permit conduct on the *premises* that is likely to cause disorder or a breach of the peace or drug misuse. In particular the *Licensee* shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;
  - (ii) the offer of any sexual or other indecent service for reward;
  - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
  - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

**Note:** In connection with drug misuse *Licensees* are referred to the *Licensee's National Drug Certificate Handbook*, published by the British Institute of Innkeeping.

**ADDITIONAL CONDITIONS SX:**  
**FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR**  
**ENTERTAINMENT INVOLVING NUDITY**

**SX1**    (a)    The *premises* shall not be used for any purpose which, but for this licence, would require a sex establishment licence.

**Note:** The definition of a sex establishment is set out in Appendix SX1.

          (b)    This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

**Note:** The Conditions to be attached to any approval for the waiver of this Condition are set out below.

**SX2**            Not applicable

**CONDITIONS TO PERMIT ENTERTAINMENT INVOLVING STRIPTEASE AND/OR  
NUDITY AND/OR SEXUAL STIMULATION  
(WAIVER OF SPECIAL CONDITIONS SX1 or SX2)**

<b>Definition</b>	<b>SX3</b>	All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.
<b>General</b>	<b>SX4</b>	Only activities to which the <i>Council</i> has given its <i>consent</i> shall take place.
	<b>SX5</b>	The <i>approved</i> activities shall take place only in the areas designated by the <i>Council</i> and the <i>approved</i> access to the dressing room(s) shall be maintained whilst striptease entertainment is taking place and immediately thereafter.
	<b>Note:</b>	The <i>Council</i> will not permit the striptease to be in a location where the performance can be seen from the street.
	<b>SX6</b>	The striptease entertainment shall be given only by the performers/entertainers and the audience shall not be permitted to participate.
	<b>SX7</b>	<p>Whilst striptease entertainment is taking place no person under the age of 18 shall be on the <i>premises</i>. A clear notice shall be displayed at each entrance to the <i>premises</i> in a prominent position so that it can be easily read by persons entering the <i>premises</i> with the following words:</p> <p style="text-align: center;">NO PERSON UNDER THE AGE OF 18 WILL BE ADMITTED</p>
	<b>SX8</b>	Except as permitted by Additional Condition SX10, the <i>Licensee</i> shall not encourage, or permit encouragement to be made to the audience to throw money at or otherwise to give gratuities to the performers.

**ADDITIONAL CONDITIONS FOR TABLESIDE DANCING**

<b>SX9</b>	Entertainment under this <i>consent</i> may be provided solely by dancers to customers seated at table in the <i>approved</i> part of the <i>premises</i> .
<b>SX10</b>	There shall be no physical contact between customers and the dancers other than the transfer of money or tokens at the beginning or conclusion of the performance.
<b>SX11</b>	CCTV shall be installed to cover all the areas where dancing will take place.
<b>SX12</b>	Whilst dancing takes place not less than (insert approved number) <i>Door Supervisors</i> shall be employed in that part of the <i>premises</i> used for dancing.

**DEFINITION OF SEX ESTABLISHMENT**

*Sex encounter establishment* means:

- (a) *premises* at which performances, which are not unlawful, are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the *premises* (whether by verbal or any other means); or
- (b) *premises* at which any services, which are not unlawful, and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) *premises* at which entertainments, which are not unlawful, are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) *premises* (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principle purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity.

*Sex cinema* means:

any *premises*, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.



REP 1

Appendix: 3

[REDACTED]

22<sup>nd</sup> May 2014

Commenting on Licence Application for Menelik Restaurant.

**Representation:**

Licencing Team,

I would like to raise an objection with this licence being given on two counts Crime Disorder and Public Nuisance.

With the current licence being valid until 4am including Sundays and often going on for longer. As a resident living in the vicinity of the club [REDACTED] the noise is constant, with no one including the owners respecting that people live around them. There are fights on a regular basis with groups of 15 or more people fighting in the street and this also includes the owners themselves, however when the police arrive they run back into the club. It is now getting out of control.

I really do not know how many people this club holds but it must be a health and safety issue.

At closing time or when the customers leave there is total disorder outside in the street they block the pavements and they congregate at the bus stop and the noise from the shouting, singing, car doors banging and the music from the club it's self as the doors open.

I have reported this to the noise team.

I do not know on what grounds the Council can issue licences to 4am in a residential area.

Yours Sincerely,

[REDACTED]

[REDACTED]

## **Licensing Authority Representation**

### **Licensing Act 2003**

#### **Review: MENELIK, 277 CALEDONIAN ROAD LONDON N1**

I am submitting a representation of behalf of the Licensing Authority in respect of the application to review the premises licence by the Police.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

### **Licensing Policy Considerations**

*Licensing Policies 9 & 10*  
*Licensing Policy 30*

*Management standards and operating schedule*  
*Review of Licences*

### **Reasons**

The Licensing Authority has serious concerns over the Licensees ability to manage the premises within the terms and conditions of the premises licence.

Mr Arbi, one of the Licensee had previously accepted a simple caution for licensing contraventions on 11 September 2009 but management of the premises has not improved. The Licensing Authority continued to be concerned about the management and called the Licensee into Licensing Officer Panel on 1 October 2013 and followed this meeting up with a warning letter and a list of measures discussed to improve the management of the premises. Further incidents of crime and disorder occurred outside the premises on 27 October 2013, just 26 days after the Licensee attended the Licensing Officer Panel.

### **Recommendations**

The Police have submitted a review application and Noise Team have submitted a detailed representation.

The Police Review details the proposal for a minor variation made to the Licensees to avoid the review. The Police requested reduction of hours and removal of regulated entertainment and corresponding conditions with the addition of three conditions so the premises could operate as a restaurant till midnight. This proposition was rejected. Because of the Licensees lack of engagement with the Police the Licensing Committee is asked to consider revoking the licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons  
Service Manager (Commercial)  
22 May 2014  
Janice.gibbons@islington.gov.uk



ISLINGTON

Noise Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201444385

Your ref:

Samuel Arbi and Fanaye Getachen  
[REDACTED]  
277 Caledonian Road  
London N1 1EF

This matter is being dealt with by:  
**Anne Brothers**

Date: 16 May 2014

Dear Mr Arbi

**PREMISES LICENCE REVIEW, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF.  
LICENSING ACT 2003. NOISE TEAM REPRESENTATION**

Please find enclosed a copy of a representation from Noise Team. This is in relation to the review application.

If you have any queries on the review process, please contact the Licensing Team.

If you have any queries regarding this representation, please contact me at the above office.

Yours sincerely,

**Anne Brothers**

**Principal Technical Officer**

cc. Mr Arbi and Ms Getachen, Joint Licensees, Menelik Restaurant, 277 Caledonian Road,  
London N1 1EF



**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority Environmental Protection

<b>Your Name</b>	Anne Brothers	
<b>Job Title</b>	Noise Liaison Officer	
<b>Postal and email address</b>	3 <sup>rd</sup> Floor, 222 Upper Street, N1 1XR anne.brothers@islington.gov.uk	
<b>Contact telephone number</b>	020 7527 3047	
<b>Name of the premises you are making a representation about</b>	Menelik	
<b>Address of the premises you are making a representation about</b>	277 Caledonian Road, London N1 1EF	
<b>Which of the four licensing Objectives does your representation relate to?</b>	Yes Or No	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
To prevent public nuisance  5	Yes	Please see attached sheets that detail visits to the premises and near vicinity and warning letters sent in relation to noise inside and outside the premises.
<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	Should Committee be minded to amend the premises licence Noise Team recommends that all noise conditions are retained if any regulated entertainments are to be permitted. We note the Police have suggested the removal of the following noise conditions: <u>Annex 2:</u> Conditions 9, 10, 11, 12, 13, 14, 15, 16, 17 and 20. <u>Annex 3:</u> Conditions 3, 4, 5, 6, 7, 8, 9 and 19 We must urge these conditions in relation to noise and good order be retained on the premises licence.	

Signed: Anne Brothers Date: 16 May 2014

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to [licensing@islington.gov.uk](mailto: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**

**Summary of Visits. Letters sent (copies attached) and e mails relating to Menelik over the past 12 calendar months**

**Anonymous letter received dated 23/7/14. Copy attached. (1)**

**28/7/13, 03:55**

Serious assault witnessed involving customers of Menelik.

I saw the victim leaving the premises and he was assaulted further down the road by a group of other customers who had also left the premises.

We ran down the road and intervened, stopping the assault on the man who was on the ground surrounded by several men all kicking him about the body and head. Called the Police and ambulance and the assailants backed off, they all got in a car, white BMW reg'd REDACTED.

We visited the premises shortly afterwards once the incident outside was over and the licensee denied it had anything to do with his premises. He claimed it was connected to another premises some distance away south.

**30/7/13.**

**Warning letter sent – copy attached.(2)**

A copy of a previous letter dated 22/2/12 was enclosed and is attached.

N.B. The licensee informed me at a later date that he never received this letter as he had moved house.

**11/8/13**

Proactive visit, 03:10 and 03:55

Nil significant noted tonight.

**12/9/13**

Another call revived from a local resident in connection with noise and fighting outside the premises.

Advisory e mail was sent to the resident

**22/9/13**

03:15 and 03:45 Proactive visit

People outside and in the very near vicinity of this place. All young men. Some comings and goings from the club as well. Some of them were hanging around by the bus stop just to the north. Some more were in the bus stop to the south on the other side of the road as we arrived. All but one of them went away towards the Bemerton early on during observations. They were all quite noisy, some shouting intermittently. All looked quite friendly with each other.

Saw a fight being broken up amongst the people behind the northbound bus stop by a couple of men seen on the door. Saw the licensee on the stairs later on just before their official closing time.

Entered the premises at just before 04:00. Was kept waiting on the street for a few minutes before we were let inside - the door was locked with a deadlock again. As I entered I saw some people go outside via the rear door, I looked and could see a couple of men on the stairs in the rear courtyard; I was told they had gone outside to smoke.

Told him people should not use the rear to smoke due to potential noise issues for residents. He said the residents upstairs had been in the club that night and they did not mind.

The Licensee again claimed the noisy people outside were nothing to do with Menelik

Warned him that if the situation did not change his licence could be implicated and that the gatherings outside would not be happening if his club wasn't there and his business could be destroyed by this unless he tackles the issue.

He also told me he has changed address and that I should write to him at the premises. He told me he has not received my recent letter. He said he moved from his address on the licence 4 weeks ago. Told him he needs to contact Licensing to change his contact details on the licence.

Will re-send letter to premises address.

**24/9/13**

**Warning letter sent (3). Copy attached.**

**E mail sent to CCTV Manager:**

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

From: Brothers, Anne

Sent: 24 September 2013 13:04

To: Tuckey, Sean; Tomashevski, Katie; Harrington, Steve

Cc: Hart, Jan

Subject: Menelik, 277 Caledonian Road, N1 1EF

Dear Sean

We have an issue with the above licensed premises in that youths are gathering outside in the early hours of the morning.

They are (apparently) not being given access to the club but according to the licensee they just hang around outside hassling women.

I have visited twice recently (most recently last Sunday morning from 03:00 onwards) and I have witnessed fights involving people outside on both occasions I have visited.

I am informed there is a CCTV camera (Ref camera 69) positioned on the corner of Bridgeman Road that could capture some of the activity outside.

The premises licence has timings until 04:00 on Fridays and Saturdays. Would it be possible to bring the camera into use to monitor outside the premises for a while?

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Islington Council

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

**NP Report dated 28/10/14:**

Ref F1 947443 re: call out over the weekend.

resident called, REDACTED

NP report pasted below (JEL):

03:20 Sunday morning. N.B. Resident declined a visit.:

I visited the venue and it was closed and there were no persons outside. However, there were a number of people (20 or so) about 200 yards up the road argument and there were ten or so staggered down to the venue. I believe that all these persons may have recently left the premises in question. NFA

**17/11/13**

**Menelik. Caledonian Road, 02:50 proactive visit**

Visited at the above time and watched people leaving. We were standing approx 40 metres away and the music noise was very loud when the door was opened.  
Need to check sound levels inside.

Noted constant noise from customers outside until we left the area at 0335. Saw the DS's leave at 0330. They were NOT outside dispersing people while we were watching.

**11/1/14**

**Menelik, Caledonian Road, 23:00 Proactive visit**

Visited at the above time to measure sound levels in the basement. Outbreak of high levels of amplified sound heard previously but inappropriate to visit on that occasion – too late.

BF sound measurements as follows:

Ref BF	Linear	"A"	125 Hz	63 Hz
1	94.0	86.3	89.1	87.0
3	106.2	99.6	103.5	92.4
4	107.0	100.0	104.8	92.7
Licence specifies	92	87	87	82

First measurement is taken when licensee Mr Arbi adjusted the sound and told me that was the highest volume available.

Further two measurements taken after I queried the volume and I adjusted a master volume switch on the keyboard/mixer desk.

Checked the limiter, it is behind the bar and in a locked box. Checked it – the key was in the cabinet below and noted the power light was on but there were no attenuation lights showing meaning it had become disconnected from the system.

Informed Mr Arbi that levels achieved are significantly in excess of the permitted maximum volume. Told him he must recalibrate the sound system and provide a calibration certificate asap and in any case the system should be recalibrated before next weekend.

He said he would contact his acoustician. Told him he must be mindful of the volume in the meantime and he should only play out music closer to the volume measured during the first measurement.

Warning letter to be sent.

**14/1/14.**

**Warning letter sent re: sound levels – copy attached (4)**

**17/1/14**

New calibration certificate received. Copy attached (5)

**2/2/14**

**Menelik, Caledonian Road, 03:00 Proactive visit**

Notes as follows:

0300: 7 men outside, loud voices. DS standing on the door – in their way, not letting them in. DS then closed the door on them after a shouting match. DS asked the man outside – “Do you want to get yourself knocked out?”. This was followed by the DS (still shouting) saying “calm yourself – calm yourself”.

Noted that when the door was held open there was significant escape of VLM from inside. The limiter has just been recalibrated – the music noise outbreak should not be so noticeable.

The 3 men that had been refused entry then went to the bus stop just north – noted some loud conversation from them.

Then more people started coming out. The DS said – “Don’t start brother or I will hurt you” when the young man at the centre of the previous exchange went back to the door again. The DS violently pushed him away and said “Do you want a fight” – “I am old school” – “Next time you touch the door I will slap you”

0305: More people are coming out. Noted a group of young looking men jostling and shouting outside.

0307: More people coming out – some loud voices and laughter.

0310: DS is being very aggressive again, chasing someone down the street – being pulled back by an older looking customer.

0312: DS’s went back inside. People are hanging around directly outside and just to the south.

0314: Now a few more have come out. A handful went north but most of them are hanging around in groups just south of Story Street. Noted loud conversations.

0315: Noted that a group has now gone away southbound.

Noted there were a mix of older and some rather young-looking customers and the younger ones appear to be visibly intoxicated.

0316: Man just got thrown out, he was shouting at the DS’s “I will flatten you” when he regained some composure. He was one of the older-looking customers. The DS’s (X2) are just inside and the door is closed. The man is continuing to shout at them through the window. Saw them go back downstairs.

0320: More people are coming out. Noted group of 7 come out and stand directly outside, noted loud conversations. They were followed by more people leaving.

0321: 15 people directly outside, all talking amongst each other. 3 walked away south and a few more must have come out as I still counted 15 directly outside. Noted loud talking and laughter from the group.

Saw 3 go back inside, noted 10 outside now, a couple of others must have gone away.

Noted that when the door is left to fall closed by itself – it slams.

Angry older man (mentioned above as being thrown out) is still there, he is thumping the glass and kicking the door – then he noticed the door was unlocked and he went back inside!

Saw more people coming out and some people walking away.

0325: 12 people directly outside now.

0326: DS brought angry man out again, he said to him – “Calm down or I will bust your head” but angry man was not backing down. Another customer intervened and tried to calm him down, pulling him away from the door and the DS.

0330: Noted that DS’s have now seen us. We were sitting in the car directly opposite facing south.



DS's now engaging with people outside asking them to leave. Angry man talking to the DS's again – noted the DS's are calmer now they have seen us. No more threats of ABH/GBH from them. Noted they stood together and put their hands in their pockets, body language was calmer but more assertive and appropriate. Noted 10 customers are still around to the south by Jersey Chicken – south of Story Street. The DS's went back inside.

0340: Visited premises.

Challenged DS's on their conduct and my ASB colleague (SIA registered) had a productive conversation with them about it. Told them their conduct was not compatible with the SIA training they had received. One of them (the more aggressive one quoted above) was not showing his SIA card and it was on a lanyard around his neck and tucked into his overcoat – the other one had his on an armband. Mr A joined in the conversation and a number of matters were raised:

- DS's said difficult to control people inside at closing time, if they came back downstairs customers will re-enter but they need to get everyone out. Told Mr Arbi they need another DS and/or he should participate more by going upstairs and standing on the door.
- Customers do not speak English – language barrier. Told them to get an Eritrean/Amharic speaker.
- If customers get heated, other previously calm customers begin to get stroppy. If they leave trouble makers until later (to get them out) the other customers will refuse to leave. Told them it's a performance and they could try getting the calmer customers out first – then get the troublesome ones out. There is a rear door, they could try ejecting people through there – would be less of an audience for them to perform to?
- ASB colleague (AFU) suggested the DS's wear Hi Viz to make them stand out from the crowd – could give them more authority when dealing with difficult customers.

Would also suggest an over 25 (or even over 30's) policy here may reduce trouble. Told Mr A. the customers are his responsibility and things need to change. Too much noise outside and the threats heard from the DS's did not help at all.

- The troublemaker seen on arrival was a very young looking man – although the DS claimed he was older than him..... he kept going back and shouting because he had not got his jacket. Saw the DS's allow his friend back inside eventually to retrieve the jacket. He then went away after a bit more shouting outside but he was there for what seemed a considerable time before he got his jacket back.....

Mr A said he was closing earlier than the latest permitted hour – asked him what time he closed the bar – 03:00. Told him if he wants to close the premises at 03:00, he should close the bar at 02:30.

Noted stroppy DS's number and checked him on line and he is registered. Did not note the other DS's number – I have seen him before and he is the head DS. Left it at that.

Have previously suggested closing down plan here and would query any implementation of a sensible closing down plan. 03:00 close for the bar followed by almost immediate exodus is not good management and I told Mr A that if I had been served with a drink at 03:00 and then immediately told to leave it would annoy me a

bit. They need to change the culture of closing at this place and the DS's behaviour seen tonight left a lot to be desired.

**16/2/14**

Menelik, Caledonian Road, 00:20, Proactive visit.

Visited to check on wands in use and sound check.

Saw one wand outside but didn't check if it was working or not. While we were outside a group of women entered and the DS's looked in their bags briefly but they were not scanned by the wand.

Was kept waiting outside for about 5 minutes for the licensee to let us in.

Measured sound inside as follows. Musician was playing keyboards, no singer yet.

Ref	Linear	"A"	125 Hz	63 Hz
	89.6	85.8	84.7	78.3
	89.7	84.9	84.5	79.6
	89.5	84.7	84.0	79.5
<b>Licence states</b>	<b>92</b>	<b>87</b>	<b>87</b>	<b>82</b>

Told the licensee that sound levels were within maximums permitted. Noticed the compressor working when the volume was increased.

Discussed non-use of the wands outside with the licensee. He told us to talk to the DS's directly. Spoke to the DS's, 3 on the door, the two seen previously and another one who looked very young.

Went through the condition requiring all customers be searched using the wand and they argued they couldn't touch the women. Told them that scanning with the wand did not constitute touching and the young DS said he had worked on the Olympics and his instructions were not to search women.

Reiterated advice that scanning with the wand did not mean they had to touch the women. And if the wand reacted they could get the licensee's wife up to search the women. Told them that women carry weapons as well as men.

While we were there another group of women approached and the DS's asked to look in their bags and the women refused and walked away. We saw those women hanging around at the back of the premises later when we returned to our car which was parked at the rear.

Noted that at the levels measured above, the music noise could not be heard outside at all.

**16/2/14**

Menelik, 03:00, Proactive visit.

Noticed a fight starting outside. Man in a white shirt seemed to be the main aggressor.

0305: Police are passing by and they stop to intervene with the fight, which by that time was by the bus stop just to the north.

0308: Police are leaving now.

Noted some tension and further arguments outside. We stood and watched until approx. 03:25, not as noisy as previously. Did not note presence of DS's outside tonight.

Mixed age range of customers seen, some young, others more mature.

0321: Noted some shouting and pushing and shoving.

### 23/2/14,

#### ASB proactive visit, 03:11

Visit 0311 saw large group outside approx 40 people being very loud with one male chucking a glass bottle in to the road 0314 people whistling and shouting lots of people leaving with drinks in their hands and one male came out and used story street as a toilet 0322 most of the group got on two n91 busses toward holloway and the other towards Kings Cross

### 2/3/14

#### Menelik, 02:55 Proactive visit.

Noted a scuffle going on in the road (not the pavement) directly outside on arrival. Think 3 men were involved and it was 2 against 1. They were very drunk, they walked away after a few minutes, 2 together hugging, didn't notice where the third man went. The two men walked away south hugging each other, noted loud talking from them as they went south past us.

0300: 5 people are gathered outside, 3 more come out followed by a steady trickle of people leaving. Police have just arrived with blue lights, possibly called by resident in response to the fight seen? (I have spoken to two residents recently and advised them to call the Police in response to fighting and associated noise).

Police spoke to DS's and looking south towards us. Noted some shouting to the south of us at this time. Police then went away.

For the next few minutes noted customers coming out in dribs and drabs.

Noted DS's are NOT outside at this time.

Some people remained in the immediate vicinity and others walked away. Noted that some people were leaving with drinks.

Heard a lot of loud voices and shouting as people went away but what we saw was generally quite good natured if noisy tonight – apart from the couple of scuffles seen which were only brief.

0319: Left the area.

### 16/3/14

#### Menelik, 03:00 Proactive visit

Visited at the above time. Parked up facing north just south of Story Street.

Stayed and watched dispersal until 03:30.

Some loud conversations and peaks of noise but unremarkable tonight.

(1)

Contact Islington  
222 Upper Street  
London, N1 1XR

23.07.2013

To whom it may concern

Dear Sir/Madam,

I am writing to express my concern about an unpleasant situation that seems to be repeating itself regularly.

About six weeks ago I was woken up by people shouting on the street at around 4.00am on a Monday morning. At first I thought it was people on their way home after a night out and didn't think of it as a problem.

But the following week the same thing happened and then again one week later. It then had become a problem as I was regularly woken up just a couple of hours before getting up to go to work.

I understand that over weekends people enjoy themselves going clubbing and socializing but it is also an important point for other people to have the chance to sleep the right amount of hours to ensure healthiness during private time and working hours. I am sure I am not the only person in the area whose sleep has been disturbed by this situation.

I noticed that the people that were making noise and shouting at that time in the morning were coming out from a place below Menelik Ethiopian Restaurant, at 277 Caledonian Road, always at around 4.00am on Monday morning (lately on Sunday morning also).

I write this letter to make Islington Council aware of the problem and I ask for the appropriate action to be taken to make sure that the rules of conduct are followed by the above mentioned business and in specific that people coming out of the premises do so in a decent manner and with respect for the local residents.

Yours sincerely,

Caledonian Road resident

(2)



ISLINGTON

Samuel Arbi and Fanaye Getachen  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Noise Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201319682

This matter is being dealt with by:  
**Anne Brothers**

Your ref:

Date: 30 July 2013

Dear Mr Arbi and Ms Getachen

**CLOSING DOWN AND DISPERSAL OF PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003, LICENSING OBJECTIVE OF THE PREVENTION OF PUBLIC NUISANCE.**

Further to my visit to your premises at approximately 04:20 last Sunday morning, this is to repeat my advice in relation to closing down and dispersal of patrons. We are in receipt of a complaint from a local resident in relation to noise from your patrons at closing down time. I have to inform you that from what I saw prior to the fight, the complaint about noise from your customers outside at closing time is entirely justified.

I told you I would write to you with advice about a Closing Down Plan and on referring to the file I find I sent you a letter about this issue last February. I enclose a copy of that letter and must urge you to implement a Closing Down Plan as discussed in that letter in order to minimise noise from your customers as they leave your premises.

In addition I have to mention again the fight that my colleague and I witnessed when a group of men who had left your premises set upon another man, seriously assaulting him. I called the Police and an ambulance to attend the man and my colleague and I managed to break up the group of men who were attacking him. When I discussed this with you, you told me it could not have been your customers and you again blamed the Marathon down the road – if you look at the previous letter I sent you, you tried to attribute noise from customers leaving your premises to the Marathon last year.

In addition, when I entered the premises there were still a lot of customers present with drinks who you claimed were your friends. A closing time is specified on the premises licence for Menelik. The premises should be cleared of all customers and other people apart from staff members by 04:00.

I have to warn you that should noise from your customers continue unabated at closing time, Noise Team is likely to make an application to review the premises licence for Menelik. This could have serious implications for the premises licence as we will apply for the licence to be modified. This could result in a loss of your trading hours and the removal of permitted regulated entertainments..

**I must urge you to take this matter seriously and implement a closing down plan at the premises.**

Yours sincerely,

A handwritten signature in cursive script that reads "Anne Brothers".

**Anne Brothers**  
**Principal Technical Officer**  
cc. Aled Griffiths, PEHO Noise Team  
Katie Tomashevski, Licensing officer.

COPY



ISLINGTON

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

Samuel Arbi and Fanaye Getachen  
[REDACTED]  
[REDACTED]  
[REDACTED]

T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/111242817  
Your ref:

Date: 22 February, 2012

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Arbi and Ms Getachen

**CLOSING DOWN AND DISPERSAL OF PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003, LICENSING OBJECTIVE OF THE PREVENTION OF PUBLIC NUISANCE.**

I visited Menelik in the early hours of 15 January at 03:50, the reason for the visit was that I was passing by at the time and noticed a significantly large group of people standing directly outside the premises. I visited and had a discussion with Mr Arbi with regard to dispersal of customers at the end of the night's trading.

During our conversation Mr Arbi claimed the people outside were not customers of Menelik but were from the Marathon at the junction of Copenhagen Street and Caledonian Road which is approximately 800 metres away. I advised Mr Arbi that I did not agree with him and that the people standing directly outside were very likely to be his customers who had just left the premises and were all talking outside before they went home or on to somewhere else.

There are conditions on the premises licence for Menelik in relation to the control of noise and dispersal of customers at closing time as follows:

- Notices are to be displayed requesting patrons to leave quietly.
- The telephone number of a local taxi firm shall be made available for patrons.
- Door Supervisors, registered with the Security Industry Authority, shall be employed at the premises.

At the time of the visit I informed Mr Arbi that there is a responsibility on the licensee to ensure a quick and efficient dispersal of customers at the end of trading and for the conduct of customers in the immediate vicinity of the premises. I suggested that he could cultivate a working relationship with a cab company and offer cabs to customers at closing time. I have since referred to the premises licence and found the condition above that requires that the number of a local taxi firm should be made available to customers. I suggest that you could take this further and actively offer to call cabs for customers to speed up dispersal and discourage any gathering of people directly outside. Mr Arbi stated that not many of your customers need cabs as they all live locally.

I noted the door supervisors were inside the premises at the time of the visit and appeared to be purely concerned with keeping the door closed to make any re-entry by customers that had left

the premises difficult. I would suggest that a door supervisor should be outside the premises to direct people away once they have gone outside and not allow customers to loiter on the frontage.

I acknowledge that at the time of the visit you were well on the way to closing the premises, the music had stopped and you were clearing up and there were some customers remaining inside drinking-up. I have to recommend that you pay attention to the dispersal of customers though and work towards moving them away quickly from the vicinity of your premises.

This letter is advisory and part of proactive preventative measures in order to ensure that licensees are aware of the licensing objective of the prevention of public nuisance. This is particularly important at closing time and the incidence of public nuisance from noise from customers as they leave can be reduced if a dispersal policy is implemented at the premises.

I have a sample closing down plan for your consideration. Have a look at it and see if you can use any of the guidance offered to reduce the likelihood of gatherings outside at closing time:

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.

2. Slow the tempo of the music played out during the last half hour.

3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

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

4. As people begin to leave, door supervisors should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be more actively involved with seeing customers off the premises, your manager could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers should supervise the Door Supervisors during dispersal. Door supervisors should remain outside with customers until they have all left the immediate vicinity of the premises.

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Samuel Arbi, DPS, Menelik, 277 Caledonian Road, London N1 1EF

Louise Norris, Noise Patrol Manager

Licensing





# ISLINGTON

Samuel Arbi and Fanaye Getachen  
Joint Licensees  
Menelik Restaurant  
277 Caledonian Road  
London N1 1EF

This matter is being dealt with by:  
**Anne Brothers**

Noise Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201319682

Your ref:

Date: 24 September 2013

Dear Mr Arbi and Ms Getachen

**NOISE OUTSIDE MENELIK FROM YOUTHS GATHERING ON THE STREET.**  
**LICENSING OBJECTIVES OF THE PREVENTION OF PUBLIC NUISANCE AND THE**  
**PREVENTION OF CRIME AND DISORDER. CLOSING DOWN AND DISPERSAL OF**  
**PATRONS, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003.**

I enclose previous correspondence sent to your given address that you informed me was no longer your address. Please contact licensing in order for your premises licence contact address details to be amended.

I remain very concerned about the gatherings of youths seen outside Menelik last Sunday morning and previously on 28 July. According to local residents this is a regular thing and I have to reiterate what I told you on Saturday night, that is: if your premise was not there, the gatherings outside would not be happening. Your premises licence could be at risk if the Licensing Objectives are not promoted by you.

I have e mailed the Licensing Officer, Ms Tomashevski and PC Steve Harrington and will be meeting them to discuss possible ways forward to assist in relation to these matters.

Yours sincerely,

*Anne Brothers*

**Anne Brothers**  
**Principal Technical Officer**  
cc. Katie Tomashevski, Licensing Officer.  
Encl: Previous letter dated 30 July 2013



# ISLINGTON

Samuel Arbi and Fanaye Getachen  
 [REDACTED]  
 277 Caledonian Road  
 London N1 1EF

Noise Team  
 222 Upper Street  
 London N1 1XR  
 T 020 7527 3047  
 F 020 7527 3059  
 E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
 W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/

This matter is being dealt with by:  
**Anne Brothers**

Your ref:

Date: 14 January 2014

Dear Mr Arbi

**NOISE CONDITIONS ON PREMISES LICENCE, MENELIK, 277 CALEDONIAN ROAD, LONDON N1 1EF. LICENSING ACT 2003. ENVIRONMENTAL PROTECTION ACT 1990**

There are noise conditions on the premises licence for Menelik as follows:

- All amplified sound played on the premises shall be subject to the control of an entertainment noise control system ("noise limiter").
- The entertainment noise control system is to be set to the thresholds in condition 11, Annex 2, to prevent amplified sound played on the premises causing nuisance or undue disturbance to occupiers of other premises in the neighbourhood. These levels may be varied should justified complaints be received or if additional sound insulation works are undertaken.
- The entertainment noise control system is to be calibrated to and maintained at the settings below thereby restricting amplified sound levels. Measurements should be taken in the basement aisle, with the microphone facing the front of the premises, approximately 1 metre from the foot of the stairs leading to street level:
  - 87dB(A) Leq (1 min)
  - 92 dB(Lin) Leq (1 min)
  - 82 dB 63Hz octave band (1 min)
  - 87 dB 125 Hz octave band (1 min)
- The entertainment noise control system controls are to be placed in a secure, lockable cupboard or similar location. The entertainment noise control system is to be completely independent of control by persons other than the licensee. Access to the entertainment noise control system control is to be restricted to the licensee or designated manager.
- The mixer/amplifier unit controls should be covered with a secure, lockable cupboard to prevent tampering with the lead plugs running from the noise limiter. The mixer/amplifier unit controls are to be completely independent of control by persons other than the licensee. Access to the mixer/amplifier unit controls is to be restricted to the licensee or designated manager.

- The entertainment noise control system settings are not to be varied so that the music noise levels described above are exceeded without the written approval of the Council.
- The entertainment noise control system shall be regularly monitored, checked and its calibration adjusted as necessary to ensure the above levels are not exceeded. At least annually, by the 31<sup>st</sup> July each year, the licensee shall submit, to the Council, a certificate from an acoustic consultant, registered with the Institute of Acoustics:

- a) Confirming that the entertainment noise control system is operating correctly so that the music noise levels outlined above are not being exceeded.
- b) Detailing the components and make up of the sound system under the control of entertainment noise control system.

I visited Menelik on Saturday 11 January.

I measured sound on the basement floor as follows:

Ref BF	Linear	"A"	125 Hz	63 Hz
3	106.2	99.6	103.5	92.4
4	107.0	100.0	104.8	92.7
<b>Licence specifies</b>	<b>92</b>	<b>87</b>	<b>87</b>	<b>82</b>

You are therefore required to recalibrate the sound system and supply us with a calibration certificate.

The calibration certificate should contain the following information:

Date of calibration.

Make and model of the limiter installed.

Make and model of amplifier/sound distribution system.

Serial number of the limiter.

Location of the limiter and floor plan showing location of speakers.

Specified maximum sound levels with one minute Leqs at the Linear, "A" weighted, 63 and 125 Hz frequencies.

Details of the measurement point.

Details of the security arrangements for the limiter and other components.

Details of the sound level meter used during recalibration.

Calibration details for the sound level meter used.

Name and contact details of acoustician.

Yours sincerely,

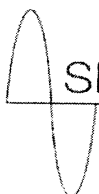
*Anne Brothers*

**Anne Brothers**

**Principal Technical Officer**

cc. Katie Tomashevski, Licensing Officer

Samuel Arbi via e mail: [REDACTED]


 Shaun Murkett  
 Acoustic Consultants Ltd.

## Certificate of calibration. Jan 2014

This is a certificate of calibration for the sound controlling equipment installed at the Menelik restaurant bar, 277 Caledonian Rd. Islington, under the management of Mr. Samuel Arbi. The noise limiting device installed is an AVC 2 Formula Sound controller sound limiter, serial no. 8509 for the sound system, to control internal sound levels in the bar.

The sound system comprised musical instruments and cd players and a Mackie CFX 12 mixer, connected to the new Formula sound AVC 2 sound limiter, serial number 023857, then to the Peavy XR 560 power amplifier section. These were feeding two JBL M330 large sized full range loudspeakers. All critical controls were located in a tamper proof rack.

To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, and inaudible at the residents, a limit on the internal sound levels from amplified music has been agreed.

The AVC 2 sound controller limiter has been set to an internal music sound level limit of 87 dB Leq <sub>1 min.</sub> linear, ( 79 dBA Laeq <sub>1 min.</sub> ), 73 dB at 63 and 84 dB at 125 Hz measured at center of room, 1m from new street side lobby at 2.3 m from the main speakers.

This calibration was made with a Bruel and Kjaer type 1 sound level meter in accordance with relevant British Standards, at around 5 pm on the afternoon 17<sup>th</sup> January 2014, and witnessed by bar owner Mr Samuel Arbi, and Shaun Murkett.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to inspect and re-calibrate the limiters annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.



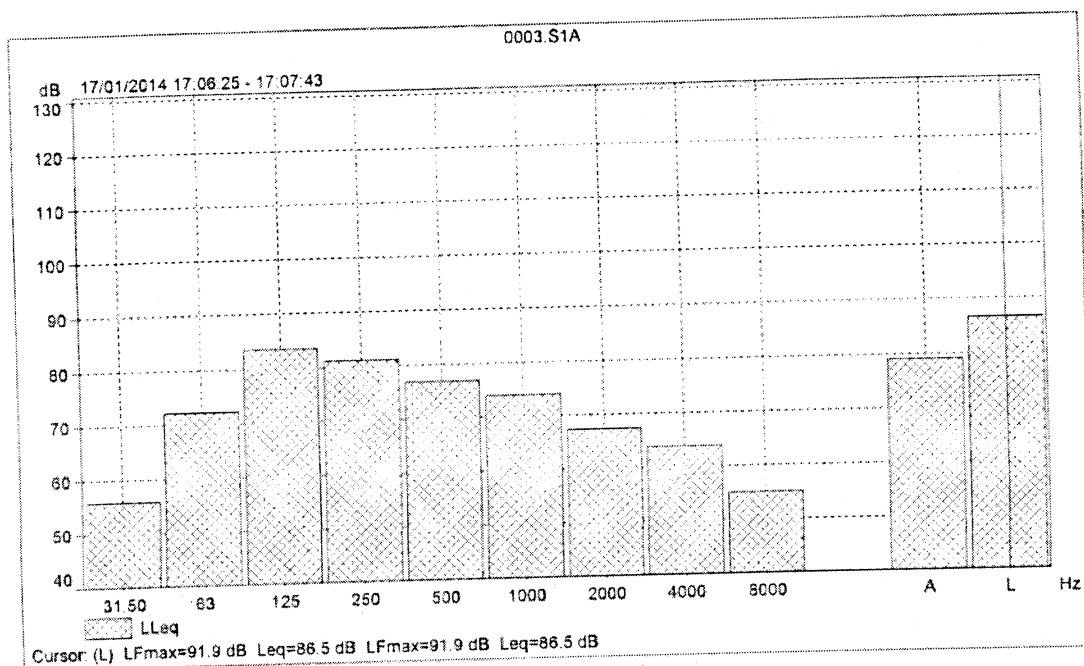
Shaun Murkett 17<sup>th</sup> January 2014

1 Clissold Road, Stoke Newington, London N16 9EX  
 t: 020 7923 7275 m: 07956 367598  
 e: murkett@aol.com

www.shawnmurkett-acoustics.co.uk

Managing Director and Principal Consultant: Shaun Murkett BSc. C.Eng. M.IEE. M.I.A.

Registered company no. 10505501 reg. no. 778-2825-00



Octave frequency spectrum of sound of music measured at centre of bar, in front of new side street lobby, at 2 metres from main loudspeakers .

Menelik bar, 277 Caledonian Road, Islington, London N1

17th January 2014,

Sound limiter calibration.

Music Sound level 87 dB Leq linear 1min , ( 79 dBA LAeq. 1 min.)

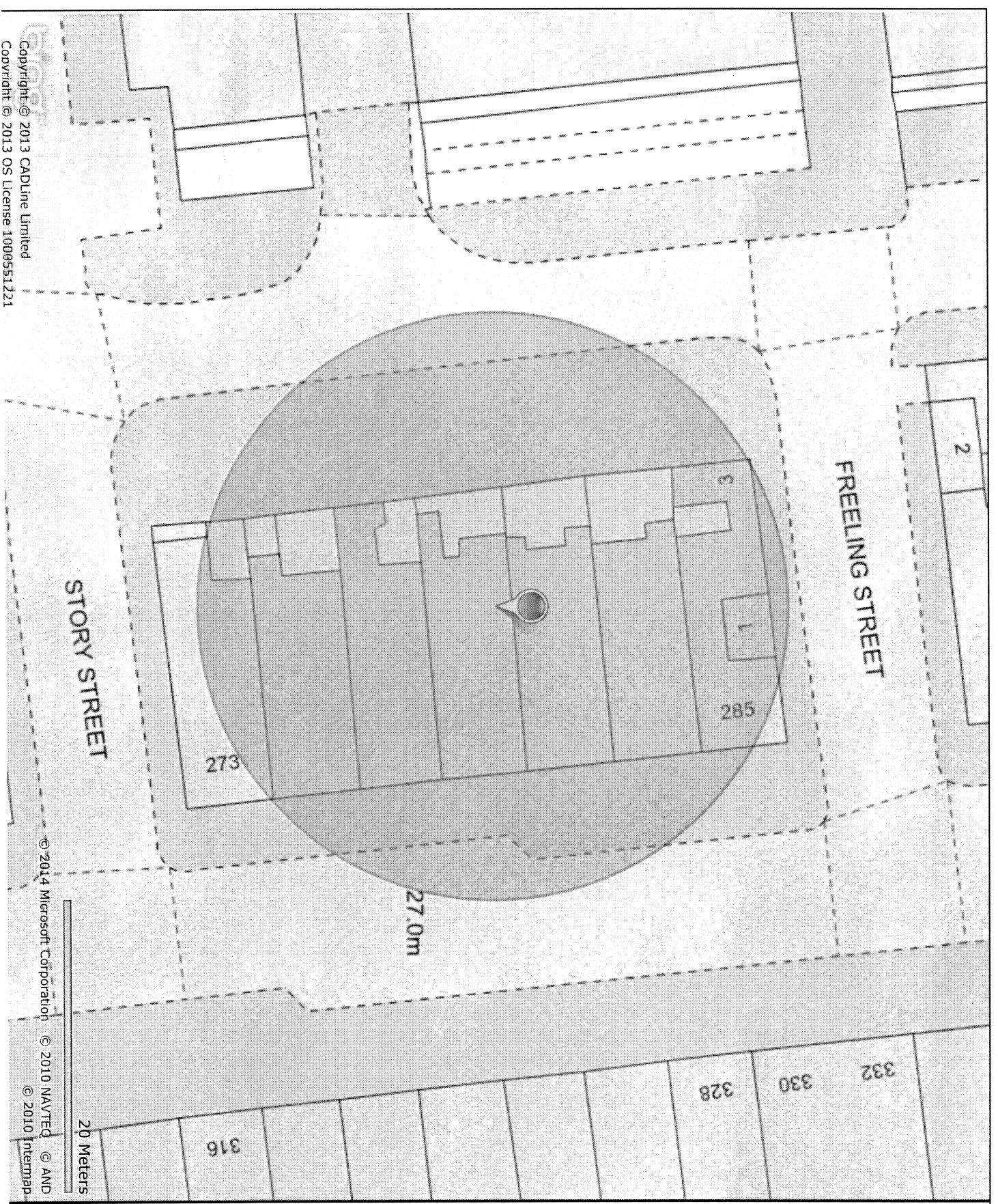
© Shaun Murkett  
Acoustic Consultants Ltd.

tel 020 7923 7275

**No conditions suggested**

**Title : 277 Caledonian  
Road N1 1EF**  
  
Islington Borough  
Boundary

**Printed by :**  
RO RO  
  
**Printed at :**  
18-06-2014



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# Agenda Item 8



## ISLINGTON

Environment & Regeneration  
Municipal Office, 222 Upper Street, London, N1 1XR

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 <sup>st</sup> July 2014		Caledonian

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION  
MARATHON, 193A CALEDONIAN ROAD, LONDON, N1 1EF**

### 1. Synopsis

- 1.1 This is an application by the Police service for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the licensing objective:
  - i) Prevention of crime and disorder.

### 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	One
Other bodies	No

### 3. Background

#### 3.1 The premises currently holds a licence allowing:

- i) The sale of alcohol for consumption on and off the premises Monday to Sundays from 10:00 to 02:00 Monday to Saturday and 12:00 to 00:30 on Sunday.
- ii) for regulated entertainment (live music, performance of dance, facilities for making music and facilities for dancing) 09:00 to 03:00 Monday to Sunday;
- iii) provision of recorded music (ground floor and basement) 24 hours, 7 days a week;
- iv) late night refreshment 23:00 to 02:30 Monday to Saturday and 23:00 to 01:00 on Sunday;

#### 3.2 Papers are attached as follows:-

- Appendix 1: application form from Metropolitan Police and additional supplied material.
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

- 3.3 The current licensees have held a premises licence for these premises since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales, regulated entertainment and provision of late night refreshment. Prior to this the licensees held public entertainment licences issued by the London Borough of Islington for these premises for a number of years.
- 3.4 On 18 October 2007 Mr Tesfa attended Licensing Officer Panel to discuss concerns following an unsatisfactory visit that found a number of breaches of the licence condition including no door supervisors at the premises or door supervisor log. Mr Tesfa agreed at the meeting that a door supervisor log would be kept, try and limit the drunkenness of customers and to not lock any fire exits if customers were on the premises.
- 3.5 On 14 June 2012 the Council's Licensing Sub Committee 'C' heard an application from Police to review the premises licence. The review application was supported by the Noise Team and a local resident. At the hearing the Committee decided to impose 8 additional conditions on the premises licence, shown as conditions 1 to 8 of Annex 3 of the current premises licence.
- 3.6 On 8 August 2012 following a complaint from a local resident about noise and fighting at the premises the Licensing Authority wrote to the licensee and requested copies of the CCTV from the night, membership rules and information on training given to staff. The same date licensing officers visited the premises and spoke to Mr Tesfa who told them that he had not received the decision following the review hearing (It was posted to his solicitors on 18 June 2012). He told officers that he has moved eight months before and had not changed the address on the premises licence with the licensing authority. Mr Tesfa informed the officers that the membership scheme was not in place and that membership cards had been ordered.
- 3.7 On 17 October 2012 the licensing authority wrote Mr Tesfa after attended Pubwatch and asking if he could remove the membership scheme imposed by the Licensing Sub Committee. The

Licensing Officer spoke to the Police about the likelihood of removing the membership scheme and the Police said they would object to any such application.

- 3.8 On 15 November 2012 Mr Tesfa attended Licensing Officer Panel to discuss concerns following reports of crime and disorder by the Police following a fight between customers on 3 November 2012. He advised the Panel that he had not completed the membership scheme and that his customers did not want to give their names and telephone numbers to join the scheme. The Panel advised him that he must have a valid membership scheme in place to comply with the licence conditions.
- 3.9 On 17 November 2013 the Council's CCTV Team recorded serious incidents outside of the premises. The Licensing Authority requested copies of the CCTV and upon viewing the images opened an investigation.
- 3.10 On 23 November 2013 the Police visited the premises to carry out a check that the conditions on the premises licence were being complied with. The premises was not compliant and there were breaches of the premises licence conditions, Annex 3 Conditions 2 & 7. There was only one door supervisor present and non-members present in the venue.
- 3.11 14 December 2013 the Police visited the premises again and found that there was only one door supervisor and that was a breach of Annex 3 Condition 2 of the premises licence.
- 3.12 29 December 2013 both the Council's CCTV unit and Police report a GBH to the Licensing Authority. The CCTV unit supply the Licensing Authority with CCTV. The Police attended but were unable to recover CCTV from the premises
- 3.13 On the 28 January 2014 Mrs Alla Tesfa was invited to attend the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003 on 28 February 2014. Mrs Tesfa did not attend the interview.
- 3.14 On 28 February 2014 Mr Tesfa attended the Council offices for an interview to be conducted under the Police and Criminal Evidence Act 1984 as part of an investigation of offences under Part 7, Section 136 of the Licensing Act 2003. Mr Tesfa was unable to produce membership rules nor was he able to provide a membership list that could be verified by the Licensing Authority.
- 3.15 On the 13 April 2014 Police wrote to the licence holder and invited them to submit a minor variation application to remove regulated entertainment, reduce the sale of alcohol and late night refreshment till midnight, add three conditions consistent with a restaurant licence and remove 17 conditions for sale of alcohol after midnight and regulated entertainment. The licensee did not agree to make the suggested minor variation.
- 3.16 On 31 May 2014 the Police issued a Closure Notice under S. 19 of the Criminal Justice and Police Act 2001 for breach of conditions. The premises licence at Annex 3 Condition 2 requires three SIA door supervisors on Friday and Saturday. The Police found one person acting as a door supervisor with an expired SIA badge. The Closure Notice detailed the steps to be taken to prevent further unauthorised use of the premises.
- 3.17 The Licensing Authority, Noise Team and a local resident submitted representations in support of the review.

#### **4. Planning Implications**

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

#### **5 Recommendations**

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
  - f) the Committee also have the option to leave the licence in its existing state;
  - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

## 6 Conclusion and reasons for recommendations


- 6.1 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 as appropriate 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

19.6.14  
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)



# ISLINGTON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I Police - Responsible Authority

PC Steven HARRINGTON 425NI On behalf of the Commissioner of Police of the Metropolis

Apply for the review of a premises license under Section 51 of the Licensing Act 2003 described in part 1 below

### Part 1 – Premises or club premises details

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

MARATHON RESTAURANT & BAR

193A CALEDONIAN ROAD

Post town LONDON

Post Code N1 0SL

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

Mr Wassihun Yimenu TESFA & Mrs Alla TESFA

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

LM/3122-160812

**Part 2 - Applicant details**

**I am**

**Please tick ✓/yes**

**an interested party (please complete (A) or (B) below)**

☐

**a person living in the vicinity of the premises**

☐

**a body representing persons living in the vicinity of the premises**

☐

**a person involved in business in the vicinity of the premises**

☐

**a body representing persons involved in business in the vicinity of the premises**

**a responsible authority (please complete (C) below)**

☒

**a member of the club to which this application relates (please complete (A) below)**

☐

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

**Please tick**

**Mr** ☐

**Mrs** ☐

**Miss** ☐

**Ms** ☐

**Other title  
(for example, Rev)**

**Surname**

**First names**

**Please tick ✓/yes**

**I am 18 years old or over**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  <b>Pc Steven Harrington 425NI</b>  <b>Police Licensing Officer</b> Islington Council Public Protection Division 222 Upper Street London N1 1XR
<b>Telephone number (if any)</b>  <b>07799133204</b>
<b>E-mail address (optional)</b> <b>licensingpolice@islington.gov.uk</b>

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

**Please tick one or more boxes**

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

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

**I am Police Constable Steven Harrington 425NI Police Licensing Officer for Islington and I act on behalf of the Commissioner of Police of the Metropolis.**

**The Marathon Restaurant has been the scene of a number of violent crimes over the past 18 months. The levels of violence are wholly disproportionate to similar well - managed venues in the area. Despite a previous review in June 2012 the Management have failed to improve the situation. The Management appear unwilling, or unable, to address the problems. In addition to this the customers are creating a public nuisance to nearby residents.**

**The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting the licensing objectives.**

**The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music and playing recorded music so is therefore a very comprehensive license which has a long list of Mandatory Conditions and also Conditions consistent with the operating Schedule and Conditions attached after a hearing by the Licensing Authority.**

**Engagement:**

**The venue was subject to a license review on 1st May 2012. As a result of this conditions were added to the license. Mr Tesfa was the license holder at the time. The review was requested under the prevention of crime and disorder and public safety and was due to the number of violent incidents reported at the venue. Within three months of the review the violent crimes have continued. Mr & Mrs Tesfa were invited in for an Officer Panel on 15th November 2012 to discuss the continued violent crime. And continued lack of membership scheme. The venue was visited by Police Officers on 23/11/2013 and a warning letter issued. The venue was visited on 14/12/13 by Police Officers. Police licensing Officer Pc Paul Hoppe visited the venue on 8th January 2014.**



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

**Crimes relating to the premise.**

A statement is attached giving full details of all the Crime reports listed below.

**SUMMARY OF INCIDENTS**

**CRIS REPORTS**

**CRIS 2720155/12 ABH Monday 13<sup>th</sup> August 2012 0156hrs**

A fight between two males within the venue both parties injured and arrested for affray and Actual Bodily Harm. Result No Further Action due to lack of evidence. Neither party wanted to substantiate the allegation.

**CRIS 2724882/12 Common Assault Sunday 7<sup>th</sup> October 2012 0130hrs**

A fight between two males, both known to each other, resulting in an allegation of Common Assault. CCTV confirms the fight occurred. No further action due to discrepancies in the two parties' version of events.

**CRIS 2727380/12 GBH Sunday 4<sup>th</sup> November 2012 0100hrs**

A fight between two males inside the venue after an argument over a chair. Result was one male charged with common assault due to level of injury out of proportion with the level of violence used.

**CRIS 2717119/13 ABH Sunday 4<sup>th</sup> August 2013 0210hrs.**

1 male was attacked by 5-6 other males. The fight started in the venue and the victim was dragged into the street where the attack continued. Another male has come to the aid of the first male and both have been assaulted. First male received a broken nose. The victims did not want to proceed, no further action taken. None of the staff could operate the CCTV system.

**CRIS 2722677/13 Criminal Damage Sunday 13<sup>th</sup> October 2013 1340hrs.**

Four males attended the venue. One of the males smashed a glass and all four left the scene. The suspects have never been traced. CCTV from the club failed to play even after new copies were given to police. The venue is a member's only club? Why do they not know the details of the four men?

**2728601/13 GBH Sunday 29<sup>th</sup> December 2013 0220hrs.**

The victim was in the venue and was involved in an altercation with another male. The victim was then punched inside the venue. Others intervened and the victim left the venue but was followed out and the assault continued. Victim received a broken leg as a result of the assault. Again staff could not operate the CCTV system.

## **INTEL REPORTS**

Intel NIRT00444554 Licensing visit by uniformed officers on Saturday 23<sup>rd</sup> November 2013 at 0300hrs. Form 695 completed. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. It is also noted that there were non-members in the venue and that there was no venue license on show.

Intel NIRT00445399 Licensing visit by uniformed officers on Saturday 14<sup>th</sup> December 2013 at 0210hrs. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit.

## **SUMMARY & RECOMMENDATIONS**

MARATHON RESTAURANT & BAR is a venue that appears to attract younger clientele. It would seem that the immaturity of these patrons coupled with the permitted intake of excessive amounts of alcohol are the reason for the disproportionate levels of violent crime associated with the venue. We the Police would expect the Premises license holder and the DPS to identify these issues and deal with them swiftly and appropriately by implementing measures such as, i) Increase the age limit of patrons, ii) Increase staff awareness and training in recognising drunkenness and the effects of alcohol, iii) Provide a more efficient door policy together with SIA registered door staff. The venue was reviewed in June 2012 and conditions were added to the license in an attempt to deal with the same problems we have now.

### **Police seek as a minimum the following:**

1. The venue is run as a restaurant and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8. Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.
3. On all days licensable activity is later than 11pm SIA registered door staff are employed at a rate of 1 per 100 patrons or incomplete part thereof from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced ( at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

**The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting the licensing objectives.**

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day      Month      Year

--	--	--	--	--	--	--	--

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

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

☒

I understand that if I do not comply with the above requirements my application will be rejected

☒

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

**Part 3 – Signatures** (please read guidance note 3)

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

**Signature**

*[Handwritten Signature]* PC 425 NZ

**Date**

1st MAY 2014

**Capacity**

Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

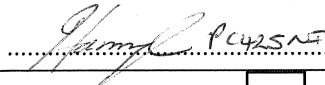
Statement of **Steven HARRINGTON PC 425 NI** ..... URN:

--	--	--	--

Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Police Officer 193779** .....

This statement (consisting of: ....6 ..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 11/06/2014 .....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

My name is Steven Harrington and I am a Police Constable with the Metropolitan Police Service. I currently work as a Licensing Officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted to support the application by the Metropolitan Police Service made under Section 51 of the Licensing Act 2003. This is for the review of the premises license held for the premises at 193A Caledonian Road N1 0SL and known as the Marathon Restaurant & Bar.

The application for a review is on the basis of concerns in relationship to the following Licensing Objectives:

- The prevention of crime and disorder.
- The prevention of public nuisance

**SUPPORTING DATA**

The data in this report has been collated from various Police indices. It has been taken from the CRIS system - the MPS computer database used to record all allegations of crime, the CAD system that records all calls to police and the CRIMINT system used for intelligence reports. I have searched for the period covering from 1st August 2012 until 28th February 2014. I have since conducted a further search between dates 15th May 2013 and the 15th May 2014. Should any new information be forthcoming I will produce it at the earliest opportunity. Details of locations of incidents are taken from the victim's account or use of CCTV images or accounts from witnessing police officers.

Signature:



Signature witnessed by: .....

Continuation of Statement of **Steven HARRINGTON PC 425 NI** .....

**SUMMARY OF INCIDENTS**

**CRIS REPORTS**

CRIS 2720155/12 ABH Monday 13<sup>th</sup> August 2012 0156hrs Redacted copy Exhibit SAH/2

A fight between two males within the venue both parties injured and arrested for affray and Actual Bodily Harm. Result No Further Action due to lack of evidence. Neither party wanted to substantiate the allegation.

CRIS 2724882/12 Common Assault Sunday 7<sup>th</sup> October 2012 0130hrs Redacted copy Exhibit SAH/3

A fight between two males, both known to each other, resulting in an allegation of Common Assault. CCTV confirms the fight occurred. No further action due to discrepancies in the two parties' version of events.

CRIS 2727380/12 GBH Sunday 4<sup>th</sup> November 2012 0100hrs Redacted copy Exhibit SAH/4

A fight between two males inside the venue after an argument over a chair. Result was one male charged with common assault due to level of injury out of proportion with the level of violence used.

CRIS 2717119/13 ABH Sunday 4<sup>th</sup> August 2013 0210hrs Redacted copy Exhibit SAH/5

1 male was attacked by 5-6 other males. The fight started in the venue and the victim was dragged into the street where the attack continued. Another male has come to the aid of the first male and both have been assaulted. First male received a broken nose. The victims did not wish to proceed, therefore no further action taken. None of the staff could operate the CCTV system.

CRIS 2722677/13 Criminal Damage Sunday 13<sup>th</sup> October 2013 1340hrs. Redacted copy Exhibit SAH/6

Four males attended the venue. One of the males smashed a glass and all four left the scene. The suspects have never been traced. CCTV from the club failed to play even after new copies were given to police. The venue is a member's only club? Why do they not know the details of the four men?

2728601/13 GBH Sunday 29<sup>th</sup> December 2013 0220hrs Redacted copy Exhibit SAH/7

The victim was in the venue and was involved in an altercation with another male. The victim was then hit inside the venue. Others intervened and the victim left the venue but was followed out and the assault continued. Victim received a broken leg as a result of the assault. Again staff could not operate the CCTV system.

**INTEL REPORTS**

Intel NIRT00444554 Licensing visit by uniformed officers on Saturday 23<sup>rd</sup> November 2013 at 0300hrs. Form 695 completed. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. It is also noted that there were non-members in the venue and that there was no venue license on show. Exhibit Ref SAH/8

Signature: 

Signature witnessed by: .....

Continuation of Statement of **Steven HARRINGTON PC 425 NI** .....

Intel NIRT00445399 Licensing visit by uniformed officers on Saturday 14<sup>th</sup> December 2013 at 0210hrs. A Form 695 was completed and on this it is documented that there was only one SIA registered Door staff present at the venue. This is a breach of the current license conditions although this was not recognised at the time by the officers carrying out the visit. Exhibit Ref SAH/9

### **CAD REPORTS**

A computer aided despatch (CAD) message is created every time a member of the public contacts police via either the 101 or 999 system. In some cases there will be no further information other than a CAD message, as the request or call may not necessitate any further work. In the majority of cases they do lead to further work, the majority being crime reports. You can however have several CAD messages for one incident, such as multiple informants. Police officers will also create CAD messages if they need to attend a venue which would necessitate any form of risk, or to pass messages/requests to other boroughs. It is almost impossible to successfully interrogate the CAD system with any degree of precision due to its use of 'incident qualifiers'. Operators will always use the most important qualifier to initiate any CAD, so as to pass the information on to officers in the fastest possible manner. Therefore if there is a firearms incident in a public house, a firearms marker will be used, then perhaps a disturbance marker and not necessarily a licensed premises marker (the officer will know they are going to a licensed premises as it would state such in the address field). For that very reason, to search a CAD system purely on the qualifiers used for licensed premises will not necessarily give an accurate indication as to how many times police have been called to a venue. Again, officers attending a venue to carry out a licensing check for example, may not necessarily initiate a CAD incident, depending on their level of the perceived risk.

CAD NI/1789 Date Sunday 20/10/2013 03:27hrs


An emergency 999 call was received by Police from Mr TESFA. The opening codes for this call were ASB, Rowdy or inconsiderate behaviour and then Violence against the person. Three police units attended the location and the result was No Crime.

CAD NI/1510 Date Sunday 4/08/2013 02:29hrs

An emergency 999 call was made to Police by Mr TESFA. The opening code for this call was Violence against the person. Mr TESFA stated that there were a group of males fighting with his door staff trying to get in to the venue. This call was linked to another CAD 1491 04/08/2013 whereby the caller states that there are up to ten males fighting with weapons and they had all come out of the Marathon Restaurant.

Where I have found other CAD reports that have resulted in CRIS reports I have not put these as this would only be repetition.

Signature: .....



Signature witnessed by: .....



Continuation of Statement of **Steven HARRINGTON PC 425 NI** .....

CAD NI/1056 Date Sunday 04/05/2014 01:59hrs.

An emergency call was made to Police by a Mr Mc dermott who identified himself as door staff at the venue. He stated that there were several males throwing bricks and planks at the pub. Police attended and the result was that the Manager asked them to remove several drunk males from outside the venue.

I have viewed Council CCTV footage of this incident. The footage starts at 0200hrs. A group of males can be seen outside the venue but none are seen to throw any objects towards the venue or the door staff. The door staff seem to be very relaxed and do not appear to be under any threat from anyone present. It appears that there is some sort of disagreement between the males outside the venue and some other males who come out of the venue. A number of these males appear to be drunk, due to their bodily actions, unsteady on their feet. The door staff do not appear concerned by this and do not appear to get involved. Police are seen to arrive at 02:19hrs. They can be seen talking to some of the males outside for a while before the Police leave. Some of the males who appear to be drunk are allowed back in the venue by the door staff.

At no time during the footage are any items seen to be thrown at the venue or the door staff and it would appear that the only reason for the call was for Police to remove drunk males from outside, some of whom can clearly be seen coming out of the venue.

I have also viewed CCTV from inside the premises dated 17/11/2013. This CCTC shows an assault on a woman. A male pulls her hair, pulling her to the floor, he then stamps on her. Another male then slaps and punches this male knocking him to the floor. I Exhibit a copy of this CCTV as SAH/10

### **DIALOGUE**

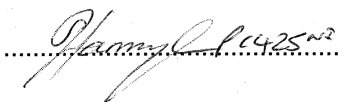
Mr & Mrs Tesfa were both invited in to the Council Offices to be interviewed on tape on 28th February 2014. Mrs Tesfa failed to turn up but Mr Tesfa did come in and was interviewed under caution regarding the issues being experienced at the venue. Mr Tesfa informed me that he had been involved with the premises for about ten years.

During the interview Mr Tesfa was of the opinion that once the people were outside of his venue that what they then did was nothing to do with him. It was pointed out to him that as the licensee of the premises he had a responsibility to ensure that his customers behaved themselves and that they left the area without disturbing local residents.

This review application is made on the grounds of Prevention of Crime and Disorder, to prevent further crimes being committed in and around this venue, to prevent public nuisance.

The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music and playing recorded music so is therefore a very comprehensive license which has a long list of Mandatory Conditions and also Conditions consistent with the operating Schedule and Conditions attached after a hearing by the Licensing Authority.

There have been a number of violent crimes at the venue over the last 18 months. All of these crimes have taken place after Midnight. These crimes have occurred after the license was reviewed and during a time when we would expect the licensee to be on top of any issues and dealing robustly with any incidents occurring in or around their venue which give rise to serious concerns over the ability of Mr & Mrs TESFA's ability to operate a safe, professional venue.

Signature:  .....

Signature witnessed by: .....

Continuation of Statement of **Steven HARRINGTON PC 425 NI** .....

The incident on the 29<sup>th</sup> December 2012 resulted in the victim receiving a broken leg. There are some serious questions to ask:

Where were the door supervisors during the assault?

The assault, some of which can be seen on council CCTV was being carried out metres from the entrance to the venue yet the door supervisors did not intervene. Why?

On Saturday 31st May 2014 Pc Conisbee attended the venue along with uniformed officers to carry out a Licensing Visit. Pc Conisbee issued a Closure Notice under Section 19 Criminal Justice and Police Act 2001 for a breach of license condition Annex 3 Condition 2. Conditions attached after a licensing hearing. There should be a minimum of 3 SIA trained door staff working on Friday and Saturday. During Pc Conisbee's visit there was only 1 working and his license had expired on 5th January 2014. See statement from Pc Conisbee.

I produce a copy Pc Conisbee's statement/Sec 19 Closure notice and the Form 695 as Exhibit SAH/14

### **SUMMARY**

The assault on the 29th December led to the victim sustaining quite serious injuries.

It does not appear that the door staff at the venue made any effort to intervene even though the persons involved had come out of the Marathon Restaurant.

The majority of the offences referred to in this statement involve violence. All of the violent offences have occurred after Midnight between Midnight and 4am.

The assault captured on CCTV SAH/10 on the 17th November 2013. I can find no record of Police being called to the venue and the female victim has not contacted police. This appeared to be a very violent assault with the male suspect appearing to stamp on the female victim who does appear to be unconscious after the assault. I have concerns that Police were never notified of this incident.

MARATHON RESTAURANT & BAR is a venue that appears to attract younger clientele. It would seem that the immaturity of these patrons coupled with the permitted intake of excessive amounts of alcohol are the reason for the disproportionate levels of violent crime associated with the venue. We the Police would expect the Premises license holder and the DPS to identify these issues and deal with them swiftly and appropriately by implementing measures such as, i) Increase the age limit of patrons, ii) Increase staff awareness and training in recognising drunkenness and the effects of alcohol, iii) Provide a more efficient door policy together with SIA registered door staff. The venue was reviewed in June 2012 and conditions were added to the license in an attempt to deal with the same problems we have now.

### **Police seek as a minimum the following:**

1. The venue is run as a restaurant only and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8 Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.

Signature: .....

*Steven Harrington PC 425 NI*

Signature witnessed by: .....

Continuation of Statement of **Steven HARRINGTON PC 425 NI** .....

3. On all days licensable activity is later than 11pm a minimum of 3 SIA registered door staff are employed from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full interior and exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

The Police invite the Sub-Committee to consider all options available to them in order to deal with this issue. Options include, reducing the hours the venue is open, installing further, tighter conditions and possible revocation of the license. All these are proportionate to promoting the licensing objectives.

*Henry PC425NI*

Signature: *Henry PC425NI* .....

Signature witnessed by: .....



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LM/3122-160812		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>  MARATHON  193A CALEDONIAN ROAD			
<b>Post town</b>	London	<b>Post code</b>	N1 0SL
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b> Not Applicable
--

<b>Licensable activities authorised by the licence</b> <b>Groung Floor</b> <ul style="list-style-type: none"><li>• The provision of regulated entertainment by way of: The performance of live music The playing of recorded music The performance of dance</li><li>• The provision of entertainment facilities for: Making music Dancing</li><li>• The provision of late night refreshment</li><li>• The sale by retail of alcohol</li></ul>
--

<b>The times the licence authorises the carrying out of licensable activities</b>				
• The provision of regulated entertainment for the performance of live music:				
Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day
• The provision of regulated entertainment for the playing of recorded music:				
Monday	00.00	to	24.00	
Tuesday	00.00	to	24.00	
Wednesday	00.00	to	24.00	
Thursday	00.00	to	24.00	
Friday	00.00	to	24.00	
Saturday	00.00	to	24.00	
Sunday	00.00	to	24.00	

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

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of entertainment facilities for making music:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of entertainment facilities for dancing:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	03.00	the following day
Friday	09.00	to	03.00	the following day
Saturday	09.00	to	03.00	the following day
Sunday	09.00	to	03.00	the following day

- The provision of late night refreshment:

Monday	23.00	to	02.30	the following day
Tuesday	23.00	to	02.30	the following day
Wednesday	23.00	to	02.30	the following day
Thursday	23.00	to	02.30	the following day
Friday	23.00	to	02.30	the following day
Saturday	23.00	to	02.30	the following day
Sunday	23.00	to	01.00	the following day

- The sale by retail of alcohol:

Monday	10.00	to	02.00	the following day
Tuesday	10.00	to	02.00	the following day
Wednesday	10.00	to	02.00	the following day
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	12.00	to	00.30	the following day

Except on:

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

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

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

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

If there are no permitted hours on the following day, midnight on 31<sup>st</sup> 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 Wassihun Yimenu Tesfa

Mrs Alla Tesfa


**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**

Mr Wassihun Yimenu Tesfa

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**  
LN/201100313 –London Borough of Enfield

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

  
Service Manager (Commercial)

20/11/12  
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. [Insert conditions consistent with premises operating schedule.]
2. sdfds
3. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
  - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
  - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - h) the taking of alcohol from the premises by a person residing there; or
  - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
4. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:



- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

5. The sale of alcohol is not authorised after midnight on any day on which music and dancing is not provided after midnight.

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

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

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

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

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

6. 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

7. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:

- ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
- ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
- ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.

8. A sound limiter shall be set and maintained on the premises and levels in the ground floor shall not exceed the following:\*

- **97dB(linear) Leq (5mins)**
- **95 dB(A) Leq (5mins)**

9. All readings to be taken at the front section of the premises between the bars with the sound level meter facing the speakers at a distance of 3 metres and a height of 1.5 metres.

10. A notice shall be displayed in the premises asking patrons to leave quietly and this notice shall be displayed in Ethiopian and English.

11. At least one door supervisor, registered with the SIA, shall be employed when the license is in operation to assist with ensuring that patrons leave the premises quietly and that noise breakout is minimised.
12. The licensees shall take steps to ensure that the internal double doors shall not be opened at the same time as the external double doors at the premises.
13. The licence shall be subject to the Council's standard conditions for Places of Entertainment
14. The licence shall be subject to the Council's technical standards for Places of Entertainment
15. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
  - Ground Floor 100
- 16.

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

1. The licensee shall use polycarbonate drinking vessels.
2. A minimum of three SIA trained door supervisors on Friday and Saturday.
3. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
4. The DPS shall ensure that he and all staff receive training appropriate to the running of a licensed premises.
5. That last admittance to the premises shall be 1.00am from Monday to Sunday.
6. That there shall be no admittance to the premises after 11pm on Fridays and Saturdays unless patrons have been searched by premises staff.
7. That there shall be no admittance to the premises other than to members and their guests as defined under the membership rules, after 11pm from Monday to Sunday.
8. The licensee shall participate in the Pubwatch scheme.

### **Annex 4 – Plans**

Reference Number: 88571-10/04/06

**ADDITIONAL CONDITIONS D:**  
**APPLICABLE TO PREMISES USING DOOR SUPERVISORS**  
These Conditions do not apply to cinemas or to theatres.

**Log-book**

**D2** The *Licensee* shall maintain an accurate and up-to-date *log-book* in respect of all *Door Supervisors* employed on the *premises*. This shall comprise three distinct parts recording:

- (i) the name, address, telephone number and any registration number of each *Door Supervisor* (whether employed directly by the *Licensee* or through an agency); the name, address and telephone number of the agency providing the supervisor where the supervisor is not employed directly by the *Licensee*; and
- (ii) the name and any registration number of each *Door Supervisor*; the dates and times of commencement and finishing of work; the signature of the *Door Supervisor* in respect of both entries; and
- (iii) details of any incident in which the *Door Supervisor* is involved, including any calling of the police and any police action taken.

**Note:** This could form part of the general incident or Fire *log-book* for the *premises*.

**Note:**

- (1) A specimen *Door Supervisor log-book* is shown in Appendix D1.
- (2) *Licensees* are referred to BS 7960 (*Door supervisors/stewards – Code of practice*) for guidance.

## SPECIMEN DOOR SUPERVISOR LOG-BOOK

## PART 1

Name of Door Supervisor			
Address of Door Supervisor			
Telephone number of Door Supervisor			
Registration number of Door Supervisor			
Name of Agency (if Door Supervisor not directly employed by the Licensee)			
Address of the Agency			
Telephone number of the Agency			

## PART 2

Name of Door Supervisor			
Registration number of Door Supervisor			
Date and time of commencing work			
Signature of Door Supervisor to confirm entry			
Date and time of finishing work			
Signature of Door Supervisor to confirm entry			

## PART 3

Name of Door Supervisor			
Date of incident			
Time of incident			
Details of incident			
Were the police called?			
Details of any police action taken			

NOTE: This part of the *Door Supervisor log-book* may be combined with the general incident *log-book* for the *premises* (on which see Appendix 4.)

**ADDITIONAL CONDITION GO:**  
**APPLICABLE TO THE KEEPING OF GOOD ORDER**

**Good order**

- GO1** The *Licensee* shall not permit conduct on the *premises* that is likely to cause disorder or a breach of the peace or drug misuse. In particular the *Licensee* shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;
  - (ii) the offer of any sexual or other indecent service for reward;
  - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
  - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

**Note:** In connection with drug misuse *Licensees* are referred to the *Licensee's National Drug Certificate Handbook*, published by the British Institute of Innkeeping.

**ADDITIONAL CONDITIONS SX:**  
**FOR PARTICULAR CONTROL OVER STRIPTease OR SIMILAR**  
**ENTERTAINMENT INVOLVING NUDITY**

**SX1**    **(a)**    The *premises* shall not be used for any purpose which, but for this licence, would require a sex establishment licence.

**Note:** The definition of a sex establishment is set out in Appendix SX1.

**(b)**    This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

**Note:** The Conditions to be attached to any approval for the waiver of this Condition are set out below.

**SX2**            Not applicable

**CONDITIONS TO PERMIT ENTERTAINMENT INVOLVING STRIPTEASE AND/OR  
NUDITY AND/OR SEXUAL STIMULATION  
(WAIVER OF SPECIAL CONDITIONS SX1 or SX2)**

<b>Definition</b>	<b>SX3</b>	All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.
<b>General</b>	<b>SX4</b>	Only activities to which the <i>Council</i> has given its <i>consent</i> shall take place.
	<b>SX5</b>	The <i>approved</i> activities shall take place only in the areas designated by the <i>Council</i> and the <i>approved</i> access to the dressing room(s) shall be maintained whilst striptease entertainment is taking place and immediately thereafter.
	<b>Note:</b>	The <i>Council</i> will not permit the striptease to be in a location where the performance can be seen from the street.
	<b>SX6</b>	The striptease entertainment shall be given only by the performers/entertainers and the audience shall not be permitted to participate.
	<b>SX7</b>	Whilst striptease entertainment is taking place no person under the age of 18 shall be on the <i>premises</i> . A clear notice shall be displayed at each entrance to the <i>premises</i> in a prominent position so that it can be easily read by persons entering the <i>premises</i> with the following words:  NO PERSON UNDER THE AGE OF 18 WILL BE ADMITTED
	<b>SX8</b>	Except as permitted by Additional Condition SX10, the <i>Licensee</i> shall not encourage, or permit encouragement to be made to the audience to throw money at or otherwise to give gratuities to the performers.

**ADDITIONAL CONDITIONS FOR TABLESIDE DANCING**

<b>SX9</b>	Entertainment under this <i>consent</i> may be provided solely by dancers to customers seated at table in the <i>approved</i> part of the <i>premises</i> .
<b>SX10</b>	There shall be no physical contact between customers and the dancers other than the transfer of money or tokens at the beginning or conclusion of the performance.
<b>SX11</b>	CCTV shall be installed to cover all the areas where dancing will take place.
<b>SX12</b>	Whilst dancing takes place not less than (insert approved number) <i>Door Supervisors</i> shall be employed in that part of the <i>premises</i> used for dancing.

**DEFINITION OF SEX ESTABLISHMENT**

*Sex encounter establishment* means:

- (a) *premises* at which performances, which are not unlawful, are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the *premises* (whether by verbal or any other means); or
- (b) *premises* at which any services, which are not unlawful, and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) *premises* at which entertainments, which are not unlawful, are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) *premises* (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principle purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity.

*Sex cinema* means:

any *premises*, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.



**Williams, John**

---

**From:**  
**Sent:** 29 May 2014 15:35  
**To:** Licensing  
**Cc:** Tomashevski, Katie  
**Subject:** Re Marathon Nightclub 193a Caledonian Rd London N1 0SL

Hi,

I live opposite the Marathon Nightclub.

Over the years I have been bothered at first by music noise from the above venue & now by shouting & fighting by its patrons.

The landlord of the Marathon has obviously tried hard, he has reduced the music noise & has tried to reduce shouting & fighting by having more/bigger security.

The problem is still the shouting & fighting...There are too many patrons standing in the streets outside during & after opening hours.

The average age of the clientele seems to have dropped over the years..too many drunk young men sorting out their differences outside the venue by fighting.

At 3am on the Cally plenty of cars drive up & down but hardly any people are walking around.. I believe this also has a bearing on the amount of trouble..would they openly brawl if they were at the

crowded N1 Angel? Maybe its because" its only down the Cally " that it been able to continue for so long..This for many years has been the view I suspect of many in the Police & Islington Council.

Also I must make the proviso that in all the years of watching this stuff from the flat I have never seen the patrons assault a member of the public..they just seem to want to fight each other.

I would not like the landlord of the Marathon to loose his license to trade..can a way be found to further reduce the levels of trouble so everybody can have quieter & stress free evenings.

I also make the request not to reveal personal details of mine wherever possible.

[REDACTED]  
[REDACTED]  
London [REDACTED]

## Licensing Authority Representation

### Licensing Act 2003

#### MARATHON BAR AND RESTAURANT 193A CALEDONIAN ROAD LONDON N1 0SL

I am submitting a representation of behalf of the Licensing Authority in respect of the application to review the premises licence by the Police.

The grounds for the representations are:

Preventing crime and disorder

Prevent public nuisance.

### Licensing Policy Considerations

*Licensing Policies 9 & 10  
Licensing Policy 30*

*Management standards and operating schedule  
Review of Licences*

### Reasons

The Licensing Authority has serious concerns over the Licensees ability to manage the premises within the terms and conditions of the premises licence.

The premises were subject to a review application in June 2012 which resulted in a number of additional conditions being added to the premises licence. In November 2012 the Licensee was invited to attend the Officer Panel to review management arrangements following a fight involving customers at the premises. Since this time we have received complaints from residents regarding fighting outside the premises on 2 further occasions and complaints about loud music.

Licensing Officers have investigated these complaints and established that conditions, imposed after the last review hearing, are not being adhered to, in particular:

- CCTV has not been forthcoming when requested, and on occasions not working
- The membership has not been properly implemented; there are no membership rules; there are no member lists; no restrictions on the number of guests that a member may bring to the premises, no membership criteria and no record kept of members addresses,
- Non-members being admitted to the premises
- Council CCTV indicated customers being admitted to the premises after 1am contrary to the no readmissions after 1am
- Lack of control by the licensee over the 2 contracted door supervisors,
- Discrepancies in the door supervisors records, including inadequate records for the door supervisor employed directly by the licensee

The Licensee has been advised to consider changing the style of operation to that of a restaurant and to reduce the hours of operation but they have been unwilling to make this change.

### Recommendations

The Licensing Authority has serious concerns over the licensee's ability to effectively manage a late night premises of this type. The level of crime and disorder incidents linked to the venue has been significant and there is little confidence that lessons have been learned.

The standard of management is poor; the licence conditions attached to the licence following the review in 2012 are not being fully implemented and the licensee is unwilling to change

the style and hours of operation. The premises has already been subject to one review application therefore the Licensing Committee is asked to consider revoking the premises licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons  
Service Manager (Commercial)  
Janice.gibbons@islington.gov.uk

28 May 2014

Mr W Y Tesfa and Mrs A Tesfa  
Flat 2  
193 Caledonian Road  
London N1 0SL

This matter is being dealt with by:  
**Anne Brothers**

Noise Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201445428  
Your ref:

Date: 28 May 2014

Dear Mr and Mrs Tesfa

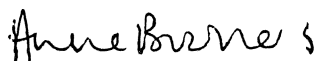
**PREMISES LICENCE REVIEW APPLICATION, MARATHON, 193A CALEDONIAN ROAD,  
LONDON N1 0SL. LICENSING ACT 2003**

Please find enclosed a copy of the Noise Team representation in relation to the premises  
licence review application from the Police.

The representation is self-explanatory.

If you have any queries, please do not hesitate to contact me at the above office.

Yours sincerely,



**Anne Brothers**  
**Principal Technical Officer**  
cc. Katie Tomashevski, Licensing Officer  
Mr Tesfa via e mail: [wtesfa12@googlemail.com](mailto:wtesfa12@googlemail.com)



## Islington Licensing Authority Licensing Act 2003

### REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

<b>Your Name</b>	Anne Brothers	
<b>Job Title</b>	Noise Liaison Officer	
<b>Postal and email address</b>	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
<b>Contact telephone number</b>	020 7527 3047	
<b>Name of the premises you are making a representation about</b>	Marathon	
<b>Address of the premises you are making a representation about</b>	193A Caledonian Road	
<b>Which of the four licensing Objectives does your representation relate to?</b>	Yes Or No	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
To prevent public nuisance		We are in receipt of intermittent calls in relation to noise nuisance from amplified music at the premises and fighting outside. Please see attached sheet for details.
<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	<b>Reduce the hours of trading to a restaurant licence. i.e.</b> Sunday to Thursday close at 23:30 Friday and Saturday close at 00:30 Committee may be minded to require a closing down plan to be implemented by condition.	

Signed: Anne Brothers Date: 28 May 2014

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to [licensing@islington.gov.uk](mailto: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**

## Summary

Noise Team has been in receipt of intermittent complaints over the years in relation to noise from amplified music and fighting outside Marathon.

Residents in private rented accommodation in close vicinity of the premises are mainly transient however and they tend to move on after calling in. One resident in nearby social housing also reports fighting outside the premises but he fails to use the Noise Service as directed therefore it is very difficult to assist.

## Details of visits carried out in the past 12 months

Date/Time	Details	Outcome
3/11/13, 02:15 onwards	Proactive visit	<p>Visited to watch closing time to see where the customers went as claimed by another licensee in the vicinity. Some customers went north but we had a look and they were gathered at the bus stop by the garage presumably to get buses home. Some customers went south.</p> <p>The premises didn't really empty out until just gone 03:30 – but entertainments are permitted until later than the bar which is supposed to close at 02:00.</p> <p>Some comings and goings were noted as follows:</p> <p>0240: Small group of people outside on arrival but we had to drive around a bit to find a suitable parking space. When we returned, they were gone and there was just a couple of DS's outside.</p> <p>0250: Just saw a young man in a red top go in. Hadn't previously seen him go out previously – but we had only been here a short while.</p> <p>Couple of men returned from having a smoke. Had seen them come out 10 minutes earlier. Man came out and walked away. Another man came out and was talking to the DS's on the door. Noted some breakout of sound when the door opens.</p> <p>0300: Man out. Walked away north. Two women out. Noted drunk white male outside for the past 15 minutes talking to the DS's.</p> <p>2 men out followed by another man. Very glamorous female approached and went inside.</p> <p>Noted that DS's have seen us sitting in the car (just south) and they know we are watching them.</p> <p>Saw a male with a female going in from Copenhagen Street side of the premises – they may be returning as we can't see that side of the premises from our vantage point.</p> <p>Female just came out with two men – they have got their coats on to leave. They walked away north.</p> <p>0305: Can't hear the music anymore.</p> <p>4 people standing outside and another group standing just north of Copenhagen Street. Can't say if they came out as a delivery van parked in front of us and temporarily blocked the view.</p> <p>0307: 6 men now outside.</p> <p>0308: Group that were standing just north of the junction have just walked away south. Didn't look like their customers.</p> <p>0310: 2 women out with coats.</p>

		<p>Group outside 6 men and 2 women just walked away north. 3 men came out and walked away south. Lone man went north. 0320: main exit of people from Marathon. Not noisy, not too many people. A few went north but they were waiting at the bus stop near the garage.</p> <p>We got a call so we had to leave at that point.</p>
11/1/14, 23:40	Proactive visit	<p>Visited to measure sound levels. On entry a man was playing keyboards. Premises has been completely refurbished front of house, the old decor has been completely removed along with the arch/partition that formerly separated the bar area from a rear area in the bar.</p> <p>Spoke to the licensee Mr T. Told him I had come along to measure sound levels inside. He told me the limiter was not connected but his musician would go and get it. While the man who had been playing keyboards went off to get the limiter we withdrew to the lobby area and I asked Mr T why the limiter had to be retrieved from somewhere before I could measure. He told me it was put away and they got it out and connected it when they needed to – when performers are playing.</p> <p>We went back inside and I saw the keyboard player wrestling with a wooden box and some leads. I was told the limiter was inside the box. I asked where it is placed when in use and it was moved to underneath the keyboards on the floor. I asked if I could have a look at the limiter, the box was enclosed and there was no vision screen. Mr T upturned the box, showing me it was padlocked. The box was quite badly manhandled while I was there.</p> <p>We went back outside and I told Mr T the limiter should be permanently hardwired into the sound system so that all amplified sound was routed through it. It had previously been in a side room near the bar, why had it been moved? No explanation was given; he shrugged his shoulders a few times and didn't make any sense when talking about the control of the volume. I explained there should be designated power points so the musicians could plug into the limiter and all amplified sound should be controlled by it. The musician seen playing the keyboards on entry, although not loud was not limited.</p> <p>We returned inside and the limiter was connected but the sound had cut off. I was asked what was I doing by one of the customers and I decided to make a tactical withdrawal to allow them to get some sound back on again and to avoid any potential hostility from the customers to our presence.</p> <p>I told Mr T the limiter must be hardwired into the electrical circuit and not moved around at all, it was not a portable piece of equipment. All amplified sound must be limited. I told him he must get this sorted out and get the system recalibrated by the end of the week and before trading next weekend. He told me he will contact Shaun Murkett.</p> <p>Took his e mail details to confirm findings in writing on Tuesday.</p>

I attach a copy of a warning letter I sent after the visit in January 2014 when the limiter as required by the premises licence was not in place. A calibration certificate from an accredited acoustic consultant from a recalibration carried out subsequent to the visit in January is also attached.

In addition I am pasting an e mail complaint received from a local resident with their personal details redacted in relation to an alleged fight outside the premises in December last year:

**From:** REDACTED  
**Sent:** 31 December 2013 01:52  
**To:** Brothers, Anne  
**Subject:** The Marathon

Hi,

On Saturday/ Sunday morning 28th/29th December...fighting broke out again between patrons of the Marathon Nightclub

Approx 02.10 Groups of young men fighting & shouting outside Marathon..this moved across Cally road to my side of Copenhagen St.. then moved down Cally in vicinity of 24 hr shop.

Nightclub security flagged down passing police car.then more police in attendance..Police calmed situation then left.

Youths then allowed back into Marathon.

Approx 02.30 Marathon customers fighting again..this time fighting down Copenhagen St towards York way..could just about see a man lying in middle of road being kicked by two others...Tenants in flats shouting to leave man alone.

Fighters removed from scene by other customers from Marathon in vehicles

Police return too late.

4 am Marathon still open????

Don't bother really reporting these incidents anymore as nothing seems to change...My train was delayed so I was very late back in the house & therefore not asleep.

Keep being invited to Council meetings discussing in effect how Cally can be made a nicer place to live!!!!!! Not really looking forward to New years Eve with the Marathon as neighbours.

And if I could arrange to live somewhere else at the weekends I would. the thought of all this noise & trouble puts me on edge.

Yours,

XXXXXXXXXXXXXXXXXXXXXXX





# ISLINGTON

Mr W Y Tesfa and Mrs A Tesfa  
Flat 2  
193 Caledonian Road  
London N1 0SL

Noise Team  
222 Upper Street  
London N1 1XR  
T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/

This matter is being dealt with by:  
**Anne Brothers**

Your ref:

Date: 14 January 2014

Dear Mr and Mrs Tesfa

**LICENCE CONDITIONS, MARATHON, 193A CALEDONIAN ROAD, LONDON N1 0SL.**  
**LICENSING ACT 2003, ENVIRONMENTAL PROTECTION ACT 1990**

There is a noise condition on the premises licence for Marathon as follows:

1. A sound limiter shall be set and maintained on the premises and levels in the ground floor shall not exceed the following:\*

- 97dB(linear) Leq (5mins)
- 95 dB(A) Leq (5mins)

2. All readings to be taken at the front section of the premises between the bars with the sound level meter facing the speakers at a distance of 3 metres and a height of 1.5 metres.

I visited on Saturday 11 January in order to check on maximum sound levels at the premises. The limiter was not connected to the sound system. A musician was playing keyboards at the time I entered the premises and Mr Tesfa sent him to retrieve the limiter in order to connect it to the keyboards that were in use.

The man came back with the limiter a few minutes later. It was contained in a wooden locked box. The man attempted to connect the limiter but the power to the sound system failed at that point and no sound came out of the keyboard. The limiter box was on the floor under the keyboards.

I asked to see if the limiter was inside the box via a vision screen and Mr Tesfa turned the box over but I could not see inside the locked box.

The limiter must be hardwired into the sound system and kept remotely from the keyboards or other amplification equipment such as DJ decks and the like. Previously the limiter was kept in a room to the left hand side of the bar near the door to the kitchen.

You should contact an accredited acoustic consultant and get advice from them regarding the proper installation of the limiter. As stated above it must be hardwired into the sound system, any visiting performers should then plug into the limiter via a designated power point by the performance area.

You must get these works carried out prior to next weekend. All amplified sound must be routed through a permanently installed limiter.

**Provide a calibration certificate that states the sound levels quoted above will not be exceeded. Please note we require one minute measurements, not five minute measurements as stated on your licence.**

**The calibration certificate should contain the following information:**

Date of calibration.

Make and model of the limiter installed.

Make and model of amplifier/sound distribution system.

Serial number of the limiter.

Location of the limiter and floor plan showing location of speakers.

Specified maximum sound levels with one minute Leqs at the Linear, "A" weighted, 63 and 125 Hz frequencies.

Details of the measurement point.

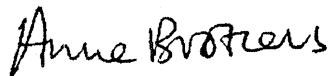
Details of the security arrangements for the limiter and other components.

Details of the sound level meter used during recalibration.

Calibration details for the sound level meter used.

Name and contact details of acoustician.

Yours sincerely,



**Anne Brothers**

**Principal Technical Officer**

cc. Katie Tomashevski, Licensing Officer

Mr Tesfa via e mail: [wtesfa12@googlemail.com](mailto:wtesfa12@googlemail.com)

## Certificate of calibration.

Jan 2014

This is a certificate of calibration for the sound controlling equipment installed at the Marathon Restaurant, 193a Caledonian Rd. Islington N1 OSL, under the management of Mr. Tesfa. The noise limiting device installed is an AVC 2 Formula Sound controller limiter, serial no. 017628 for the live music part of the main sound system, to control internal sound levels in the bar.

The musical instruments were connected to the Mackie CFX 12 mixer and then to the AVC sound limiter, then to the power amplifier, an EP 2500. In the front bar dance area there were 2 large sized Peavey BWX loudspeakers, on stands, chained in position.

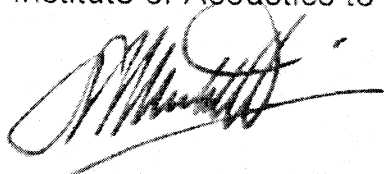
To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, a limit on the internal sound levels from amplified music has been agreed.

The AVC 2 sound controller limiter has been set to an internal music sound level limit of:-

96 dB Leq 1 min. linear, 87 dBA Laeq 1 min, 92 dB at 63 Hz; 90 dB at 125 Hz.  
Measured at around center of bar, near opening between areas, at 2 m from the nearest loudspeaker.

This calibration was made with a Bruel and Kjaer type 1 2260 sound level meter in accordance with relevant British Standards, at around 5 pm on the night of 17<sup>th</sup> January 2014, and previously witnessed acceptable and inaudible by the resident, the Local authority noise team, owner Tesfa, and Shaun Murkett.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to service and re-calibrate the devices annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.



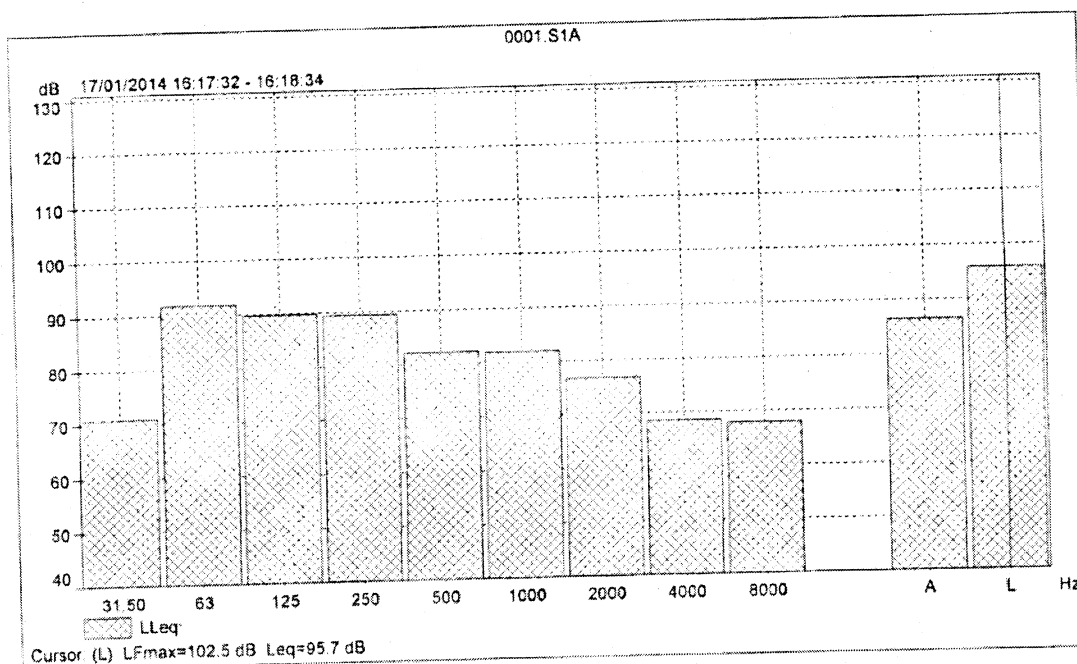
Shaun Murkett 17<sup>th</sup> January 2014

1 Clissold Road, Stoke Newington, London N16 9EX  
t: 020 7923 7275 m: 07956 367598  
e: murkett@acl.com

www.sh Shaun Murkett-acoustics.co.uk

Managing Director and Principal Consultant: Shaun Murkett, BSc, C.Eng, MIEE, MIOA

Registered Company no 3701442



Octave frequency spectrum of sound of music measured at centre of bar, under old archway, at 2 metres from main loudspeakers .

Marathon bar, 193 a Caledonian Road, Islington, London N1

17th January 2014,

Sound limiter calibration.

Music Sound level 96 dB Leq linear 1min , ( 87 dBA LAeq. 1 min.)

© Shaun Murkett  
Acoustic Consultants Ltd.

tel 020 7923 7275

**Suggested conditions recommended by the Police (if revocation not determined)**

1. The venue is run as a restaurant only and all restaurant licensing conditions are implemented.
2. The hours of licensable activities to mirror those suggested in the Council Licensing Policy 2013-2017 Licensing Policy 8 Restaurants - 11pm - Sunday to Thursday and Midnight - Friday & Saturday.
3. On all days licensable activity is later than 11pm a minimum of 3 SIA registered door staff are employed from 9.30pm until half an hour after closing.
4. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full interior and exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

**Suggested conditions recommended by Noise Officer (if revocation not determined)**

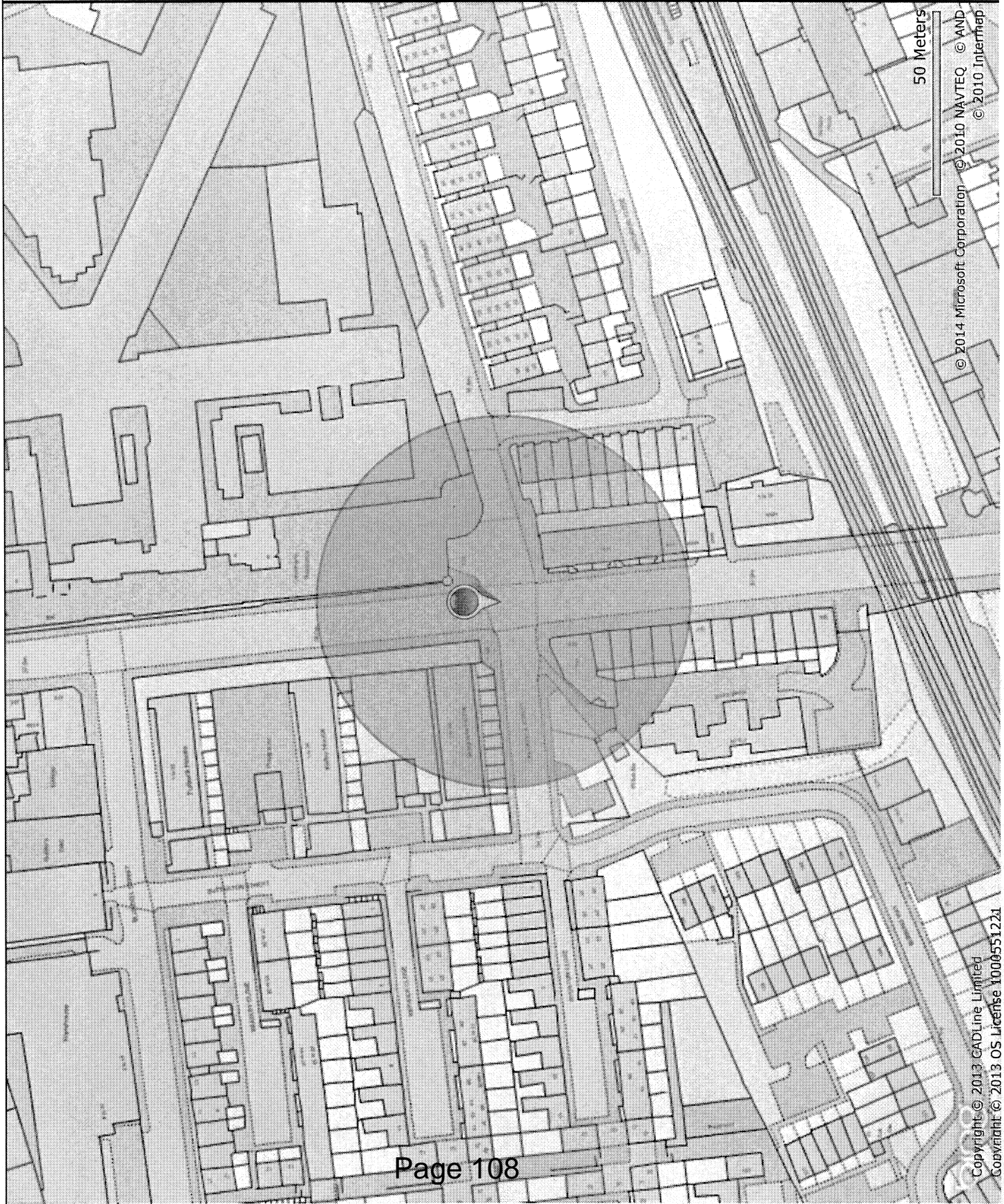
9. Reduce the terminal hours of trading to 23:30 on Sunday to Thursday and 00:30 Friday and Saturday.
10. Implement a closing down plan.

**Title : 193a  
Caledonian Road,  
London n1 0SL**

**Islington Borough  
Boundary**

**Printed by :  
RO RO**

**Printed at :  
18-06-2014**





# Agenda Item 9



## ISLINGTON

Environment & Regeneration  
Municipal Office, 222 Upper Street, London, N1 1XR

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 July 2014		Finsbury Park

Delete as appropriate		Non-exempt
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**Subject:** PREMISES LICENCE NEW APPLICATION  
TIERRA, 45 STROUD GREEN ROAD, LONDON, N4 3EF

### 1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The application is for a licence to allow:
  - the sale of alcohol for consumption on and off the premises: 12:00 to 23:00 on Monday to Saturday and 12:00 to 10:30 on Sunday.

### 2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No

Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: one
Other bodies	No

### **3. Background**

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3: applicant's letter sent in response to the representation; and
- Appendix 4: suggested conditions and map of premises location.

3.2 One local resident submitted a representation.

### **4. Planning Implications**

4.1 The Planning Service has reported that premises application is consistent with the lawful planning use of the premises.

### **5 Recommendations**

5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.

5.2 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 3)
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)
- iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

### **6 Conclusion and reasons for recommendations**

6.1 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 as appropriate 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 19/6/14

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

## Application for a premises licence to be granted under the Licensing Act 2003

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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I/We:** Pradera Tapas Bars Limited

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

<b>Postal address of premises:</b>
45 Stroud Green Road
Finsbury Park
London
N4 3EF
<b>Rateable value: 9300</b>

### Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

- a) an individual or individuals
- b) a person other than an individual
  - i. as a limited company,
  - ii. as a partnership
  - iii. as an unincorporated association or
  - iv. other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) the proprietor of an educational establishment
- f) a health service body
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) the chief officer of police of a police force in England and Wales

COMMERCIAL LICENSING

02 MAY 2014

☒ PUBLIC PROTECTION DIVISION  
222 UPPER ST. LONDON N1

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- 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)

<b>Details of Main Applicant:</b>		
<b>Title:</b>	<b>Surname:</b>	<b>Forename(s):</b>
<b>I am 18 years or over:</b>		<input type="checkbox"/> (please tick)
<b>Address:</b>		
	<b>Daytime phone:</b> <b>Evening phone:</b>	

**(B) OTHER APPLICANTS** (fill in as applicable)

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:

<b>Name:</b>
Pradera Tapas Bars Limited
<b>Registered number (where applicable):</b>
04175744
<b>Address:</b>
14 High Street
Hornsey
London
N8 7BP

<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>
Limited company

### Part 3 – Operating Schedule

When do you want the premises licence to start?	01 May 2014
If you wish the licence to be valid only for a limited period, when do you want it to end?	

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

The premises, previously known as The Mezbaan, a restaurant serving Indian cuisine is in the process of being renamed as Tierra, a Spanish restaurant with up to 70 seats.

The premises is situated at number 45 on the south side of Stroud Green Road, 0.4 miles from Finsbury Park Station and is adjacent to other retail shops, cafes and fast-food restaurants. There are residential premises above and on the opposite side of the road from the restaurant.

The premises is rectangular with the main entrance in the centre of the frontage. Updated plans (attached) for the premises detail a serving counter/buffet to be situated against the right-hand wall as you enter. The seating area extends down the left-hand wall and to the rear of the buffet counter.

Access to the kitchens will be provided to the rear-left of the restaurant area. Toilet facilities are provided to the middle-left of the premises. A store room, cold-stores and office are to be positioned to the rear of the restaurant behind the kitchen. These, and the kitchen are linked to the street via a separate corridor and fire exit.

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

What licensable activities do you intend to carry on from the premises?

**Provision of regulated entertainment:**

- a) plays ☐
- b) films ☐
- c) indoor sporting events ☐
- d) boxing or wrestling entertainment ☐
- e) live music ☐
- f) recorded music ☒
- g) performances of dance ☐
- h) anything of a similar description to that falling within (e), (f) or (g) ☐

**Provision of entertainment facilities:**

- i) making music ☐
- j) dancing ☐
- k) entertainment of a similar description to that falling within (i) or (j) ☐

**L) Provision of late night refreshment**

☐

**M) Supply of alcohol**

☒

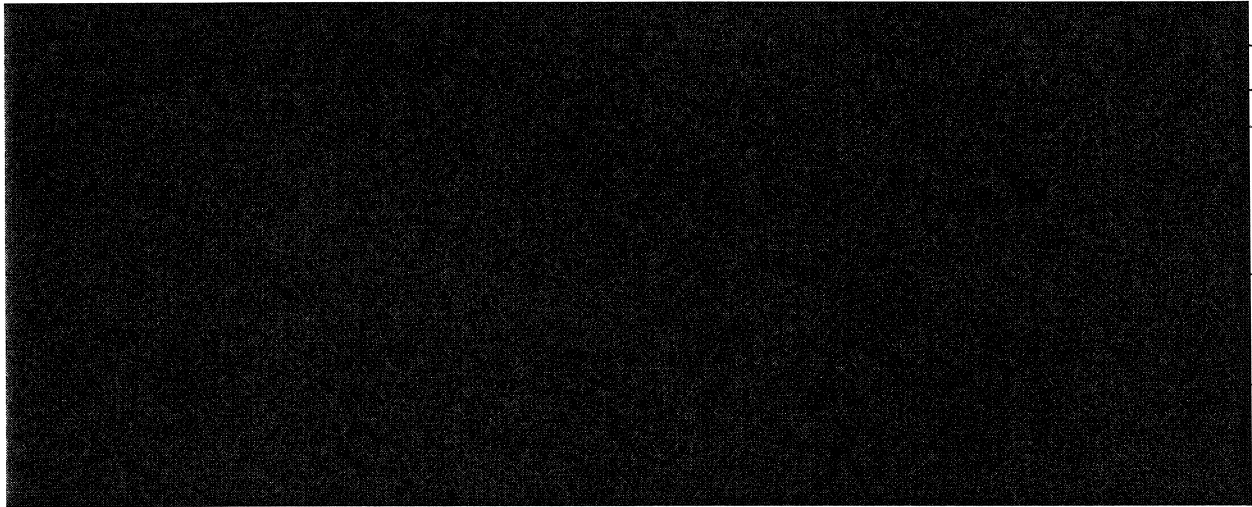
F

Recorded music Standard days & times (Please read guidance note 6)			Will the performance of recorded music take place indoors or outdoors or both – please tick (Please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	23:30	Please give further details here (Please read guidance note 3)		
Tue	12:00	23:30	Recorded music to be played on a daily basis.		
Wed	12:00	23:30	State any seasonal variations for the performance of recorded music (Please read guidance note 4)		
Thur	12:00	23:30	Christmas eve/day: 12:00 -24:00 New Year's eve: 12:00 - 03:00		
Fri	12:00	23:30	Non standard timings. Where you intend to use the premises for the performance of recorded music at different times to those listed in the column on the left, please list (Please read guidance note 5)		
Sat	12:00	23:30	Christmas eve/day: 12:00 -24:00 New Year's eve: 12:00 - 03:00		
Sun	12:00	10:30			

**M**

Supply of alcohol Standard days & times (Please read guidance note 6)			Will the supply of alcohol be for consumption: (please tick) (Please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	12:00	23:00	State any seasonal variations for the supply of alcohol (Please read guidance note 4)	Both	<input type="checkbox"/>	
Tue	12:00	23:00		Christmas eve/day: 12:00 -24:00 New Year's Day: 12:00 - 03:00		
Wed	12:00	23:00				
Thur	12:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (Please read guidance note 5)			
Fri	12:00	23:30				
Sat	12:00	23:30		Bank holidays - 12:00 until 23:30.		
Sun	12:00	10:30				

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

# 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)

There are no activities which may give concern to children.

# O

Hours premises are open to the public Standard days & times (Please read guidance note 6)			State any seasonal variations for the supply of alcohol (Please read guidance note 4)  Christmas eve/day: 12:00 -24:00 New Year's eve: 12:00 - 03:00
Day	Start	Finish	
Mon	12:00	24:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (Please read guidance note 5)  Christmas eve/day: 12:00 -24:00 New Year's eve: 12:00 - 03:00
Tue	12:00	24:00	
Wed	12:00	24:00	
Thur	12:00	24:00	
Fri	12:00	24:00	
Sat	12:00	24:00	
Sun	10:30	23:00	



## 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)

1. The Applicant has considered Islington Council's Statement of Licensing Policy 2013-2017, dated 1 February 2013

2. Legal advice has been sought in relation to this application and the following legislation has been considered as part of this application to vary Premises Licence 894: The Licensing Act 2003 and Regulations (as amended), Section 182 Guidance, Health and Safety at Work Act 1974, Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003, Clean Neighbourhoods and Environment Act 2005, Violent Crime Reduction Act 2006, Police Reform and Social Responsibility Act 2011 etc.

3. The Applicant is aware of and shall comply with the five new mandatory conditions introduced under the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, namely (1) prohibition of irresponsible drinks promotions (on sales only) (2) restrictions on one person dispensing alcohol directly into the mouth of another (on sales only) (3) the provision of free tap water (on sales only), (4) requirements for age verification policies to be established in relation to the sale and supply of alcohol, including photo-identification for persons appearing to be under 18 years of age (on and off sales); and (5) requirements for alcohol to be sold or supplied in small measures (on sales). In addition there will be no sale of alcohol without the purchase of food and no vertical drinking on the premises; customers waiting for their tables at the bar area will be provided with seating.

3. An Environmental Noise Investigation Assessment and Report dated will be carried out prior to the premises changing hands. Contact will be made with Environmental Health prior to submission of this application

4. The Applicant has made contact with the Local Fire Authority and a Fire and Emergency Planning Risk Assessment has been carried out

5. The premises licence will be permanently displayed on the glass front door of the premises

b) The prevention of crime and disorder

Proof of Age Cards:

A proof of age policy to the satisfaction of the police and the Local Authority will be in place

Drunkenness and violent or anti-social behaviour on the premises:

These shall not be tolerated and anyone suspected of or engaging in the same shall be asked to leave and the police contacted, if necessary

**Theft:**

Crime prevention notices will be displayed warning customers of the prevalence of crime which may target them, e.g. "bags should not be left unattended", "watch out for pickpockets".

**Maintenance of smoke-free environments:**

The premises shall comply with all non-smoking legislation

**Bottles and Glasses:**

Alcoholic and soft drinks will be served in plastic or toughened glasses

No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time

No customers will be permitted to take open containers of alcoholic or soft drinks from the premises

**General:**

A policy will be in force for the management of large groups, ie hen and stag parties. The group will be required to nominate a responsible person to liaise with staff

The premises shall keep an incident book and record details of all instances of public disorder

Staff shall receive regular training a minimum of four times a year to ensure that the prevention of disorder is in sharp focus, to be made available to the Licensing Authority or Police upon request.

Staff shall implement a dispersal policy outside the premises within the Applicant's direct control

**c) Public safety**

The installation and maintenance of fire cylinders

Regular review of general fire precautions to comply with current legislation

Applicants to carry out regular fire risk assessments to identify any risks and precautions to be taken in compliance with current legislation

Exits are to be kept unobstructed with non-slippery even surfaces, free of trip hazards and easily identified

Internal gangways between chairs and tables are to be kept unobstructed

Doors at emergency exits are regularly checked to ensure that they function satisfactorily and a record of the check kept

First Aid:

Adequate and appropriate supply of first aid equipment and materials will be available on the premises

The first aider will be trained to deal with drug and alcohol related problems

General:

Free drinking water will be made available at all times the premises is open to the public (with a sale)

d) The prevention of public nuisance

The Applicant shall conduct regular risk assessments on noise levels outside the premises

Staff shall implement a litter clearing policy outside the premises as within the definition of 'immediately outside'

Staff shall place a sign at the exit encouraging patrons to be quiet and respect the needs of local residents

e) The protection of children from harm

All customers attempting to purchase alcohol who appear to be under the age of 18 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photo card, full driving licence or a passport

The Applicant shall run the "No ID, No Sale" or similar campaign

A refusals book, or similar record, shall be kept at the premises in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book or other form of record, shall be made available for inspection by any police officer, community support officer or authorised person upon demand

Children under the age of 16 may be present in the restaurant with an accompanying adult but are otherwise not permitted beyond 19:00


## Final Checklist

- I have made or enclosed payment of the fee ☒
- 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 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 CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

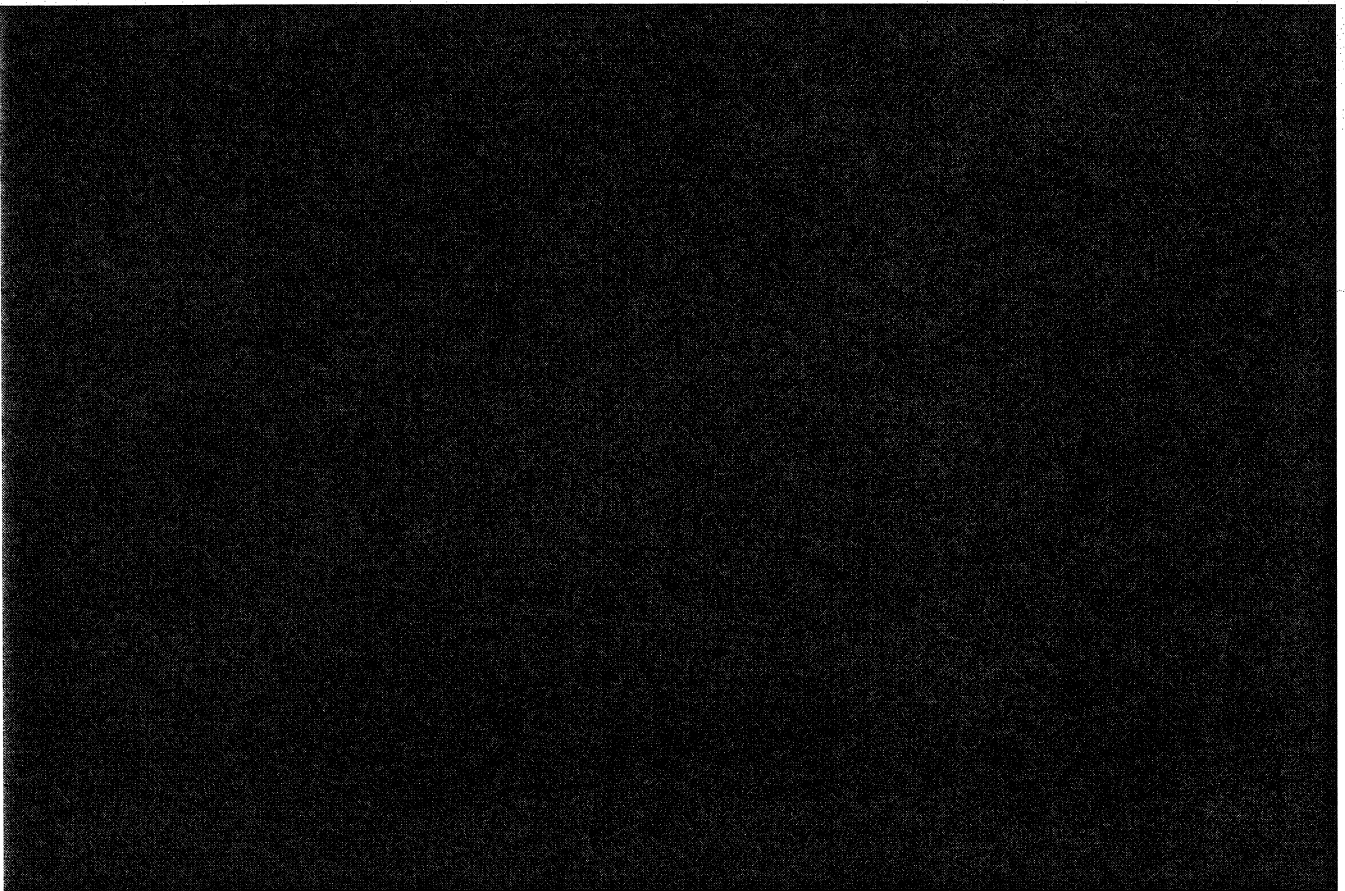
**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	11/4/2014
Capacity	Applicant

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

Signature	
Date	
Capacity	

## Consent of Individual to be Specified as Premises Supervisor



Personal licence issuing  
authority (if any):

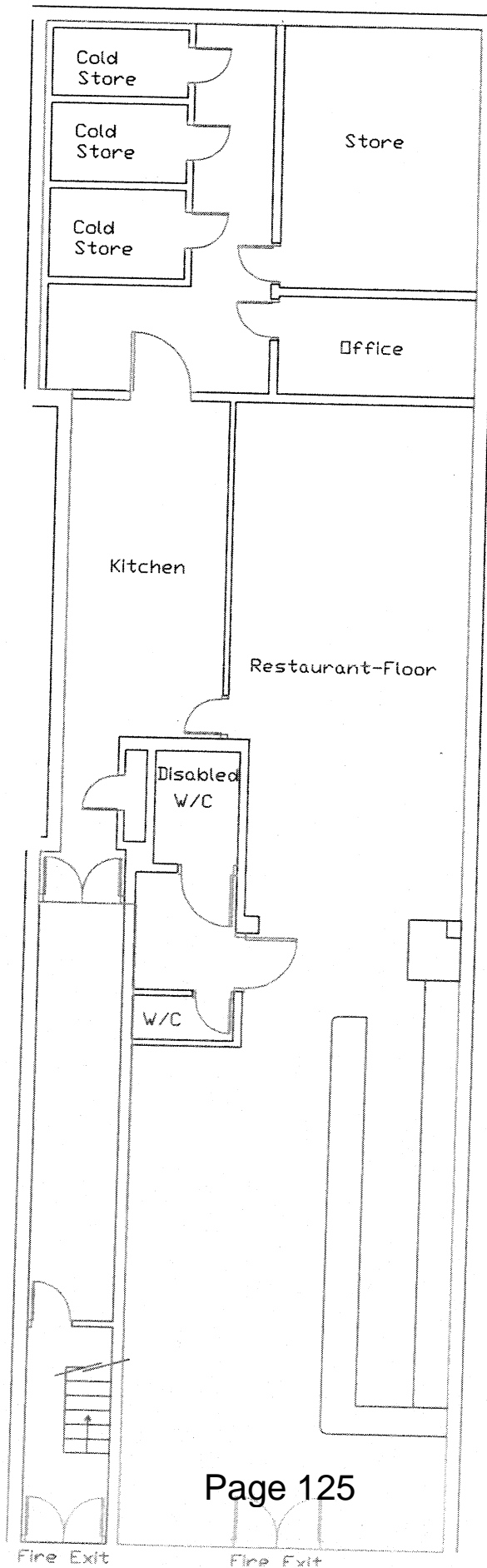
Personal licence issuing authority: Waltham Forest

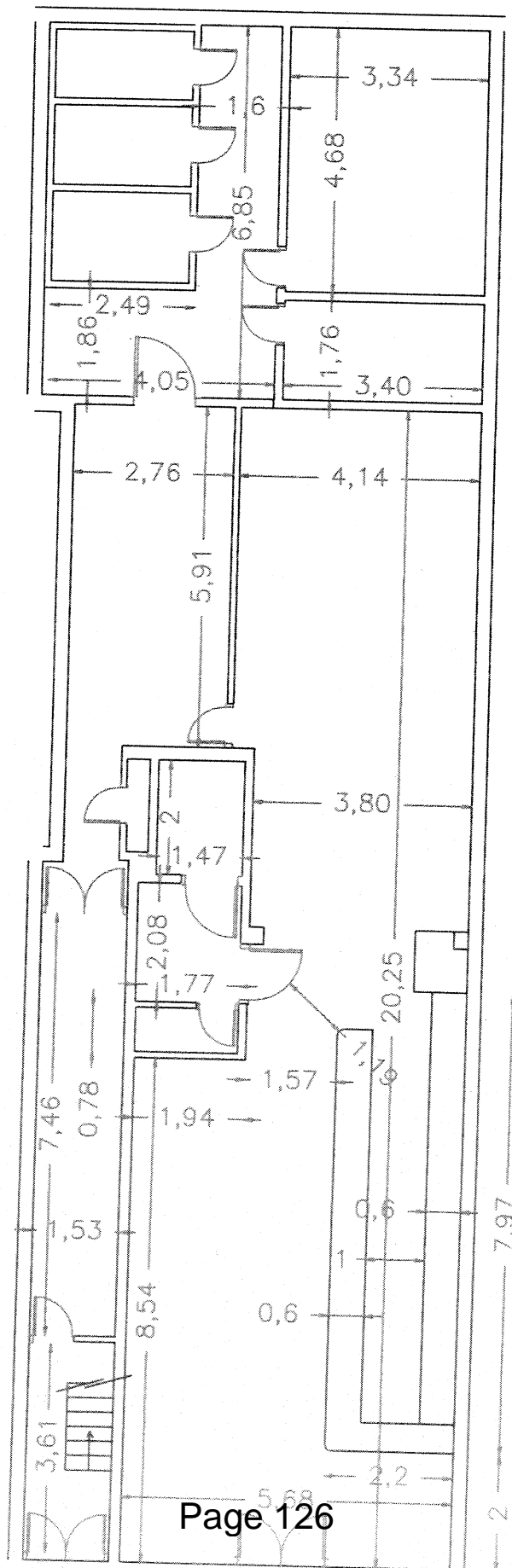
Signed:

A handwritten signature in black ink, appearing to read 'Hamid Fallahnia'.

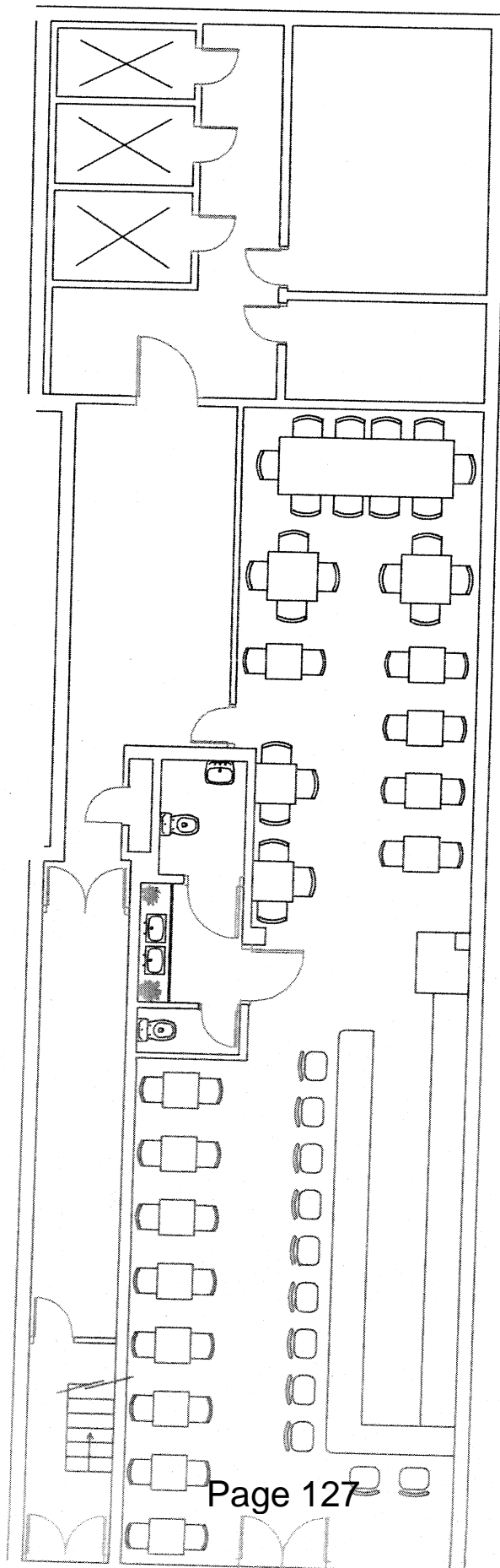
Print Name: HAMID FALLAHNIA

Date: 11/4/2014









Dear Sir/Madam,

My name is \_\_\_\_\_ I am writing regarding the new license application reference number: WK/20145651 for the address 45 Stroud Green Road N4 3EF.

Stroud Green Road, though a high street, has a dense residential population living above commercial properties and on the side roads. On this road we already have unacceptable levels of crime. By approving this application the council would be inviting more alcohol related crimes to the area. This also applies similarly to the amount of noise this place is going to bring to the area by playing music till late and again drunk people leaving the place at 23:30 and causing a lot of noise and nuisance to the residents of the area.

I oppose the approval of this application based on the above explanations. The approval of this application will bring nothing but alcohol related crimes, noise and it will jeopardise public safety.

I wish my identity to be kept anonymous.

Many Thanks



**Pradera Spanish restaurant**  
14 High Street,  
Hornsey,  
London N8 7PB  
Tel: 020 8340 9400

Date: 3<sup>rd</sup>, June, 2014

Dear Sir/ Madam,

**Re.: Tierra, 45 Stroud Green Road, N4 3EF**

I am writing with regards to the objections made to our application for premises license for the above property.

I would like to address the police authorities objections first.

- a- The sale of alcohol shall be ancillary to a seated table meal.
- b- Alcohol will only be served to customers who have purchased a substantial table meal in the premises.
- c- There shall be no vertical drinking.

As we have indicated on page 8, section 3, "There will be no sale of alcohol without the purchase of food and no vertical drinking on the premises; customers waiting for their tables at the bar area will be provided with seating". Furthermore, I would like to emphasize on the fact that the business is a restaurant in nature, therefore alcohol, which are mainly exclusive wines, will be served with substantial meals. The customers only consume alcohol with their meals while seated.

- d- There shall be no alcohol for consumption off the premises.

As outlined on page 9 of application, "Bottles and Glasses - No customers will be permitted to take open containers of alcoholic or soft drinks from the premises". However, we extend the proposal to the following; no alcoholic drinks, open or closed, shall be sold to customers for consumption off the premises and the sale of alcohol is entirely for consumption on the premises accompanied with substantial food.

- e- The premises shall install and maintain a comprehensive CCTV system as the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points to be covered enabling frontal identification of every person entering in any light condition. The CCTV shall continuously record during all service hours and shall be stored locally for a minimum of 31 days with date and time stamping. Recordings shall be made available to police or authorised officer within 24 hours of request. There shall be a member of staff on duty at all times when staff are on the premises who is able to operate the CCTV system.

We agree to the above condition and will provide a CCTV system which covers all the entrances and record at least for the hours that we operate. Recordings will be stored for 31 days with date and time and will be available to authorities within 24 hours of request.

#### Hours

The hours requested are outside those suggested in the Islington Licensing Policy. It is suggested that the licensing hours are reduced to:

Monday to Saturday - 1200 midday to 0000 (midnight)

Sunday – 1200 – 2230

We will comply with the suggested reduced hours. In addition, we will operate until 23.00 on Christmas Eve and until midnight on New Year's Eve and will be closed on Christmas day and on New year's day.

With reference to the notes made by Eryka Bancroft, Senior Environmental Health Officer (Noise), we would like to make the following amendments;

We would like to withdraw the use of Recorded music. I must point out that it was a misunderstanding on our behalf; what we want to have in the restaurant is a background or ambiance music and not loud music, which is unsuitable for a restaurant.

With regards to dispersal policies, as we will be operating as a restaurant, we do not anticipate many problems. However we have reviewed council's guidelines and will stop the sale of alcohol 30 minutes before the closing time. That will be implemented by introducing more lights, switching the music off and issuing customers' bills with sweets. We will display announcements and ask customers to leave quietly. We will work with at least 3 cab offices, in order to find transportation for customers quickly. We will ask customers to wait inside the restaurant until the arrival of their transportation.

With regards to deliveries, we will comply with the condition proposed and negotiate with our suppliers a suitable time to fall between the suggested hours of 10.00 to 17.00, with no deliveries on Sundays and Bank Holidays.

With regards to bottling out and refuse disposal, we accept the hours suggested with no disposals on Sundays and Bank Holidays.

With regards to smoking outside restaurant, although we have not experienced a large number of smokers outside our other two restaurants and therefore there has never been nuisance to the neighbors, but we comply and agree that the number of smokers outside the restaurant should be kept down to a reasonable number and provide suitable bins for their litter.

With regards to noise and vibration, as we will not play loud music and only admit maximum 70 diners, no nuisance is forecasted. However we do agree that there should be no noise or vibration emanating from the premises.

Finally, I would like to thank you for your attention to the matter. If there are any other areas that need further discussions, please do not hesitate to contact me.

Yours truly,

H. Fallahnia  
Pradera

1. The premises shall enforce a proof of age scheme to the satisfaction of the Police and Local Authority.
2. Drunkenness and violent behaviour on the premises shall not be tolerated and anyone suspected or engaging in this type of behaviour shall be asked to leave and if necessary the Police shall be contacted.
3. Alcoholic and soft drinks shall be served in plastic or toughened glasses.
4. No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time.
5. No customers carrying open or sealed bottles or glasses will be permitted to leave the premises at any time.
6. A policy will be in force for the management of large groups, i.e. hen and stag parties. The group will be required to nominate a responsible person to liaise with staff.
7. The premises shall keep an incident book and record details of all instances of public disorder.
8. Staff shall receive regular training a minimum of four times a year to ensure that the prevention of disorder is in sharp focus, records to be made available to the Licensing Authority or Police upon request.
9. Staff shall implement a dispersal policy outside the premises with the applicant's direct control.
10. There shall be a regular review of general fire precautions to comply with current legislation.
11. The licence holder shall carry out regular fire risk assessment to identify any risks and precautions to be taken in compliance with current legislation.
12. Exits shall be kept unobstructed with no slippery uneven surfaces, free of trip hazards and easily identified.
13. Internal gangways between chairs and tables are to be kept unobstructed.
14. Doors at emergency exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
15. Adequate and appropriate supply of first aid equipment and materials will be available on the premises.
16. The first aider will be trained to deal with drug and alcohol related problems.
17. The licence holder shall conduct regular risk assessments on noise levels outside the premises.
18. Staff shall implement a litter clearing policy immediately outside the premises.
19. Staff shall place a sign at the exit of encouraging patrons to be quiet and respect the needs of local residents.
20. All customers attempting to purchase alcohol who appear to be under the age of 18 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photo card, full driving licence or a passport.
21. The licence holder shall run the "No ID, no sale" or similar campaign.
22. A refusals book, or similar record, shall be kept at the premises in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book or other form of record, shall be made available for inspection by any police officer, community support officer, or authorised person upon demand.
23. Children under the age of 16 may be present in the restaurant with an accompanying adult but are otherwise not permitted beyond 19:00.

24. The premises shall install and maintain a comprehensive CCTV system as the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points to be covered enabling frontal identification of every person entering in any light condition. The CCTV shall continuously record during all service hours and shall be stored locally for a minimum of 31 days with date and time stamping. Recordings shall be made available to police or authorised officer within 24 hours of request. There shall be a member of staff on duty at all times when staff are on the premises who is able to operate the CCTV system.
25. The sale of alcohol shall be ancillary to a seated table meal.
26. Alcohol will only be served to customers who have purchased a substantial table meal in the premises.
27. There shall be no vertical drinking.
28. The Premises Licence Holder will prepare and implement a dispersal policy to the written approval and satisfaction of the Council's Noise Service.
29. Deliveries shall not take place on Sundays or Bank Holidays.
30. Deliveries should only be made between the hours of 10:00 and 17:00 on other days.
31. Bottling out and refuse disposal shall not take place Sundays or Bank Holidays.
32. Bottling out and refuse disposal shall only take place between the hours of 10:00 and 17:00 other days.
33. The number of smokers outside the premises shall be kept to reasonable numbers at all times.
34. A suitable container shall be provided for smoking litter.
35. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

**Title : Tierra, 45  
Stroud Green Road,  
N4 3EF**

**Islington Borough  
Boundary**

**Printed by :  
RO RO**

**Printed at :  
17-06-2014**

