



AGENDA FOR THE LICENSING SUB COMMITTEE B

Members of Licensing Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **26 March 2018 at 6.30 pm.**

Yinka Owa
Director of Law and Governance

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 16 March 2018

Membership

Councillor Alex Diner (Chair)
Councillor Aysegul Erdogan (Vice-Chair)
Councillor Diarmaid Ward

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 data-bbox="277 595 1193 624">If you have a Disclosable Pecuniary Interest* in an item of business:</p> <ul style="list-style-type: none"> <li data-bbox="336 629 1318 725">▪ if it is not yet on the council's register, you must declare both the existence and details of it at the start of the meeting or when it becomes apparent; <li data-bbox="336 730 1275 792">▪ you may choose to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency. <p data-bbox="277 797 1235 860">In both the above cases, you must leave the room without participating in discussion of the item.</p> <p data-bbox="277 898 1313 1028">If you have a personal interest in an item of business and you intend to speak or vote on the item you must declare both the existence and details of it at the start of the meeting or when it becomes apparent but you may participate in the discussion and vote on the item.</p> <p data-bbox="277 1066 1318 1653"> *(a)Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain. (b) Sponsorship - 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. (c) Contracts - 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. (d) Land - Any beneficial interest in land which is within the council's area. (e) Licences- Any licence to occupy land in the council's area for a month or longer. (f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest. (g) Securities - 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 data-bbox="277 1686 948 1715">This applies to all members present at the meeting.</p>		
5.	Order of Business	
6.	Minutes of Previous Meeting	1 - 12
B.	Items for Decision	Page
1.	Afasika Bar and Restaurant, 152 Seven Sisters Road, N7 7PL - Premises licence review	13 – 82 Finsbury Park

2. Ground Control Cafe, 61 Amwell Street, EC1R 1UR - New premises licence 83 – 104
Clerkenwell

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.

London Borough of Islington

Licensing Sub Committee B - 29 January 2018

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 29 January 2018 at 6.30 pm.

Present: **Councillors:** Alex Diner (Chair), Rakhia Ismail and Diarmaid Ward

Councillor Alex Diner in the Chair

181 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Alex Diner welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

182 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Aysegul Erdogan.

183 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Rakhia Ismail substituted for Councillor Aysegul Erdogan.

184 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

185 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

186 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 10 October 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

187 COACH AND HORSES, 26-28 RAY STREET, EC1R 4DJ - PREMISES LICENCE NEW AND VARIATION APPLICATIONS (Item B1)

The licensing officer reported that there were further documents circulated following despatch with the agenda. These would be interleaved with the agenda papers. He reported that there had been two temporary events reflecting the hours proposed from Tuesday 16 January to Sunday 21 January and from Tuesday 23 January to Sunday 28 January. These were for on sales only.

The licensing authority reported that they maintained their representation. They were happy with the proposed hours but had concerns over the use of the outside area and proposed a 9pm close for the rear garden and 10pm cut off time for taking drinks outside the front. The authority raised concerns over how the front area would be managed.

The noise officer, acting as a witness for the licensing authority, had submitted proposed conditions. She requested 8pm closure at the rear and 9pm at the front. She considered that a 10pm close for the rear area was far too late as the area was surrounded by flats with bedrooms facing onto the rear garden and noise would reverberate around the area. She stated that there should be no vertical drinking outside the front and alcohol should be ancillary to food in the rear garden. Lighting should also be moved to go in a downward direction. She considered that these conditions would be reasonable and proportionate.

The police stated that they had withdrawn their objection as the applicants had reduced their proposed hours.

The residents were in agreement with the comments made by the noise officer. Flats looked over the garden, the direction of the lights were already a problem and the noise at the front and the rear was already an issue. There had been a lot of noise over the weekend and even where only three or four people were having a conversation the noise would reverberate. The resident wanted the premises to succeed but could not see the business case for later hours when all restaurants in the area closed at 10.30/11pm. Another resident stated that extended hours would allow people on the street later at night regardless of the operator. There were no similar establishments with a late licence. Smokers would be outside and did not need a drink in their hand to cause disturbance. A management plan could not mitigate concerns. Residents were already experiencing lots of noise which was fundamentally around the licensing hours and not just drinking alcohol. One resident stated that customers had been outside at 1.30pm. Tables and chairs should be cleared and had not been until after 9 or 10pm. Lighting was an issue and had still not been rectified. Later closing meant later taxi collections at half past midnight. Residents considered the hours to be too late.

In response to questions, the residents stated that there had been more disturbance over the two weekends when the temporary event notices were on. Customers were having conversations on their phones and hanging around once the premises was closed. This was a very quiet residential street.

The applicant's representative stated that this was an application for a variation as well as a new application. It was noted that the application was for midnight on Fridays and Saturdays and not Saturdays and Sundays as stated on the report. The variation was to vary the plans and the applicant agreed an additional condition that the window in the back private dining room would be shut during licensing hours. With regard to the new application, the hours were within core hours and had been agreed with the police, they were reducing their New Year's Eve hours from their current licence and opening hours had been previously non-restrictive. The hours for the sale of alcohol were increased by half an hour on Sundays and one hour on Friday and Saturday. Regarding the conditions proposed by the noise officer he proposed that the outside rear area be closed at 10pm with no new customers after 9pm, there would be no vertical drinking or smoking in the rear garden, smokers would be out the front. He considered that the hours proposed were appropriate for a public house. The applicant had bought the pub and had invested in it significantly. They had been in dialogue with residents. He did not accept that it was their customers outside at 1am as they were closed. The hours at the temporary events had not gone beyond the hours requested and this was an experienced operations team. He considered that two out of three residents who backed onto the courtyard garden at the rear were agreeable to a 10pm closure. He stated it would be disproportionate to stop deliveries of consumables between 8pm and 8am and that this was essential to the business. Regarding the cumulative impact he stated that the premises sat outside the cumulative impact area in the previous policy, the licensing authority had no objection to the later hours, there was already a licence in place, the style of the premises, the robust management and the type of clientele were material and he considered that this could be made an exception to the policy.

In response to questions it was noted that off sales were sought in order to ensure that diners could take home wine which had not been finished and had been purchased with a meal. There were windows at the front of the first floor dining area and it was proposed to close the window at the rear to prevent noise outbreak. There was a maximum seating area for 12 people in the first floor dining area. It was agreed that there would be no smoking in the rear garden area. The off sales was sought in order to take wine home in a sealed

container, however, the applicant's representative did agree to the removal of off sales if this was a concern. The applicant's representative stated that there had been engagement with residents although there had been some initial problems. The garden had been used as a smoking area so it had been shut at 9pm so signs could be displayed. The garden area had been planted recently so he would be surprised if plants were already too tall. The plants would become a natural acoustic. He considered that there was evidence in emails that management had been proactive. He stated that the rear garden had been used for vertical drinking. There was a fairly wide curtilage outside which was part of the premises. The supervision of this area would be included in the management plan. The tables and chairs were within the curtilage and so no separate licence would be required for these. He would not want to see this area restricted unduly as this was an important part of the business. It would be difficult to remove the table from the first floor dining room if there was any event such as a wedding reception.

In summary, the licensing authority stated that concerns regarding the front area and how it would be controlled and customers dispersed remained.

The noise officer stated that the garden was previously virtually derelict and would now be a feature for customers with potential for noise disturbance. There was also greater potential for noise at the front. This was a quiet residential area, where traffic noise had faded from the main road and she would have concerns that customers would make a lot of noise to the distress of residents. She was concerned about deliveries of food in the small hours of the morning which would also disturb residents. She considered that there could be a condition for off sales to be limited to part consumed bottles of wine in sealed containers for customers to take home.

The residents stated that the crowd of customers outside would spread across the road and up the hill particularly in the summer. There would a large number of customers outside and they would need to be managed properly. The applicant had made no comments regarding dispersal which could be incredibly noisy as the noise bounced around the concrete areas.

The applicant's representative stated that he would be happy to agree the off sales condition and work with residents. Issues had been addressed as soon as they had been raised. A staff guide was detailed on page 84-89 of the agenda. There was already a licence in place. There had been no representation from the police or environmental protection. Significant conditions were proposed which were agreed as amended. There would be no new entry after 11 o'clock. This would be a more robust licence and risks were minimal.

RESOLVED

- 1) That the premises licence variation in respect of Coach and Horses, 26-28 Ray Street, London, EC1R 4DJ to change the layout of the premises in accordance with the submitted plan be granted.
- 2) That the application for a new premises licence, in respect of Coach and Horses, 26-28 Ray Street, London, EC1R 4DJ be granted to allow:-
 - a) The playing of recorded music between 10 am and 11pm on Sundays to Thursdays and between 10am and midnight on Fridays and Saturdays.
 - b) The supply of late night refreshment between 11pm and midnight on Fridays and Saturdays.

Licensing Sub Committee B - 29 January 2018

- c) The sale of alcohol, for consumption on and off the premises, between 10am and 11pm on Sundays to Thursdays and between 10am and midnight on Fridays and Saturdays.
 - d) Opening hours between 8am and 11.30pm on Sundays to Thursdays and between 8am and half past midnight on Fridays and Saturdays.
 - e) To extend the permitted hours for all licensable activities on New Year's Eve to 2am with opening hours until 2.30 am.
- 3) That the following conditions shall be applied to both the new licence and the variation licence.
- a) Conditions detailed on pages 141 and 142 of the agenda.
 - b) The following conditions detailed on the tabled document from the noise team with the amendments indicated.
 - Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
 - The sound insulation properties of the premises must be maintained and kept in good order.
 - Noise and/or odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
 - The rear garden shall be cleared of customers by **21:00**.
 - The rear doors to the garden area shall be locked using key operated locks at the specified closing time.
 - There shall be no entertainments in any outside areas.
 - There shall be no vertical drinking in the rear garden area or front outside area.
 - All outside furniture shall be fitted with rubber pads to the bottom of the legs to minimise noise when moved.
 - **Delete.** Staff shall wear soft soled shoes when working in the rear garden area.
 - Exterior lighting shall be directed away from residential properties.
 - Alcohol shall not be sold or supplied in the rear garden area otherwise than to persons taking table meals there and for consumption by such a person as ancillary to their meal.
 - The consumption of alcohol in the seating area at the front of the premises shall end at 21:00 hours.
 - **Delete.** After 20:00 hours smokers shall be directed to the front of the building and **substitute** 'Smoking is not permitted in the rear garden at any time. Notices in the rear garden will be displayed to that effect'.
 - Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 - Bottling out from the premises is prohibited between 20:00 hours and 08:00 hours.

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- There shall be no collections of refuse or deliveries of consumables between the hours of 20:00 and 08:00. There shall be no deliveries on Sundays or Bank Holidays
 - All fuel used for the charcoal grille shall be of the type approved on the schedule of DEFRA for use in smoke free zones i.e. compliant with BS3841. Appropriate documentation in relation to solid fuels in use shall be kept on site and available for inspection by authorised officers.
 - Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating entertainment is taking place ie live and recorded music.
 - In the event of a noise complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
- c) The following additional conditions:-
- The window in the back private dining room on the first floor will be shut during hours of operation.
 - Any off sales shall be limited to resealed, part consumed bottles of wine.

REASONS FOR DECISION

The Licensing Sub-Committee considered the application papers, the written submissions and the submissions made on the night from the Licensing Authority, the representative from the Noise Team, the Applicant's representative and the residents who made oral submissions.

The applications were for the variation of the existing licence to reflect the changes to the new layout of the premises and for a new licence in relation to the operating hours, the hours for selling alcohol and for the licence to provide authority to sell alcohol on and off the premises.

The premises are situated in the Clerkenwell Cumulative Impact Area.

The exceptions to the Clerkenwell Cumulative Impact Policy are that the applicant must demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

Factors to be considered are whether there is provision of flexible use of the premises, that the premises are not alcohol led, that the hours of operation are consistent with the framework hours, robust arrangements are in place to prevent vertical drinking, a demonstration of high standards of management specifically in relation to preventing public nuisance associated with waste management and littering.

The hours applied for in relation to the sale of alcohol, namely 10am to 11pm on Sundays to Thursdays and 10am to midnight on Fridays and Saturdays are within the core hours as set out in Licensing Policy 6 of the 2018-2022 policy.

The Licensing Sub-Committee accepted the concerns raised by the Noise Team representative and residents and the requirement of an off sales licence. The applicant submitted that the off sales licence was required to enable diners to take their unfinished wine bottles with them when they left the premises after their meal. The applicant agreed

that a condition could be added that provided that the off sales licence should be limited to sealed half consumed customers bottled of wine.

The Licensing Sub-Committee granted the applications with conditions which are attached to the decision. The Licensing Sub-Committee was of the opinion that the added conditions, specifically in relation to the rear garden and the front of the premises, were reasonable, appropriate and proportionate to uphold the licensing objectives.

The Licensing Sub-Committee noted that the applicant had undertaken to surrender the existing licence following the grant of the new application.

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**ELLIPSIS IMMERSIVE THEATRE, 132 GOSWELL ROAD, EC1V 7DY - NEW PREMISES
LICENCE APPLICATION (Item B2)**

The licensing officer reported that there were papers from the applicant's representative that had been circulated separately. These would be interleaved with the agenda papers. It was noted that the representation on page 174 of the agenda had been withdrawn as a bottling out condition had been agreed that stated there would be no bottling out between 10pm and 8am Mondays to Fridays and not on Sundays.

Local residents raised concerns that there had been two refused planning applications in recent months and Ellipsis only held the lease until October. The conditions allowed 75 people as a maximum number and they would like this number reduced. It was noted that the entrance was on Peartree Street which was a residential road and which already had a certain amount of noise which amplified. It was considered that even a small group of people could cause a disturbance 7 days a week. They raised concerns about taxi parking as there was limit space on a single width road. Users should be directed away from the venue, capacity limited to 60 users and the hours were too long and should be reduced with no opening on Sunday. They also raised concerns that this was an open ended application which was unrestricted and stated that concerns raised should be reflected in the conditions.

In response to questions, it was noted that capacity numbers were not restricted in conditions. It was considered that the hours for the sale of alcohol should end at 10pm. There should be a management plan to include flow of traffic and people. It was noted that the licence would be time limited. It was noted that bedrooms overlooked the narrow street and the late hours and the number of days a week that the events were held would be a concern. There would be new events every six minutes and they would be held until midnight which would have an impact. The street was very narrow and noise travelled as in a canyon. This was a narrow street and the whole of the main building opposite was residential.

The applicant's representative stated that this was an immersive theatrical experience with groups of 6 people at 10 minute intervals. There would be constant supervision by at least one member of staff. Each showing would last for 1 to 1 ½ hours and there would be a last entry time of 9.30 pm. This would be a time limited project. They were confident that the lease would extend after October but were not concerned if it did not run until after 2019. Noise assessments were ongoing. There were controls regarding noise outbreak and the additional papers detailed the dispersal policy, the lobby would be permanently staffed and could hold 24 people on arrival or departure. Patrons could be dispersed onto Goswell Road. This would be licensed with restrictive conditions. They had engaged in correspondence with the residents which they hoped had been a useful process. They would be looking for flexibility for the capacity numbers. The applicant's representative agreed that there could be a condition on the licence that the licence be surrendered when they left the premises.

In response to questions, it was noted that phones and wallets were taken at the start of the event and each group were led through six different rooms with different themes. There were pods for six with ten minute intervals. Patrons could be led out onto Goswell Road. It was considered that only a small proportion of theatre goers would stay in the bar area. They would manage the flow of patrons in a proactive manner. It was noted that the theatre would attract a different crowd to public houses in the area. This application fitted with the licensing policy exceptions, it was a new cultural experience, it was within policy hours, had robust controls, was not a late night venue and there had been universal silence from the responsible authorities.

In summary, the residents were concerned that the application depended on good will from the applicant. They would not want the applicant to breach their conditions and this was an opportunity to set boundaries. They raised concerns regarding the number of people, the hours and the use of the premises seven days a week. They would like the last entry ticket to be sold at 8.30pm. Normal levels of talking by patrons could still disturb residents. The applicant stated that this would be a theatrical experience and would be concerned if dispersal was agreed onto Goswell Road only.

RESOLVED

1) That the application for a new premises licence, in respect of Ellipsis Immersive Theatre, 132 Goswell Road, EC1V 7DY be granted to allow:-

- 1) The supply of alcohol for consumption on the premises from 10am to 11pm Sunday to Thursday and 10am to midnight Friday and Saturday.
- 2) Provision of regulated entertainment of plays, films, live music, recorded music and performance of dance from 10am to 11pm Sunday to Thursday and 10am to midnight Friday and Saturday.
- 3) Late night refreshment from 11pm to midnight Friday and Saturday.
- 4) Opening hours of the premises from 10am to 11.30pm Sunday to Thursday and 10am to half past midnight Friday and Saturday.
- 5) The premises licence will be time limited and lapse on 29 February 2020

2) That conditions detailed on pages 231 and 232 of the agenda be applied to the licence.

REASONS FOR DECISION

This was a new application for a premises licence in the Bunhill Cumulative Impact Area. Licensing Policy 2 and 3 and 6 were applicable.

The Licensing Sub-Committee considered all the written submissions and the oral submissions made at the hearing. The oral submissions were from the applicants' legal representative and various residents.

No written or verbal submissions were made by any of the responsible authorities to the application.

The application was for the premises licence to be time limited and to lapse on 29th February 2020.

The maximum number of customers permitted in the premises at any one would be 75 although it was envisaged as per the operating plan that the actual figure would be in the region of 36 people.

The business plan was for alcohol to be consumed by patrons after they had experienced a six phase sensory experience in various small theatre environments. The plan was for customers to be provided with a niche experience in very small groups to be followed, if they wished, by a couple of drinks at the end of the experience before they left the premises.

Condition 1 and 2 stipulated by the applicant on page 168 of the application papers, provided that the supply of alcohol shall only be to persons attending the premises for artistic and theatrical entertainment and that it shall be ancillary to the use of the premises as an artistic and theatrical entertainment venue.

The Licensing Sub-Committee fully considered the submissions made by the residents and the concerns that the licence could be used by subsequent owners with a completely different, noise creating business.

The Licensing Sub-Committee considered imposing a condition on the licence that the applicant would be required to surrender the licence when it sold the business or closed down.

The Licensing Sub-Committee concluded that the specific conditions offered by the applicant and imposed by the Licensing Sub-Committee, together with the fact that the licence is time limited until February 2020, were sufficient safeguards.

The Licensing Sub-Committee concluded for the reasons set out above, that the application fell within the exceptions to the Bunhill Cumulative Impact Policy and should be granted.

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THE LONG TABLE, OLD STREET YARD, (FRONTING 32-37 FEATHERSTONE STREET) EC1 - NEW PREMISES LICENCE APPLICATION (Item B3)

The applicant's representative had stated that a meeting had been held with residents who raised concerns with the ground floor hours. As a result, in respect of the ground floor, hours were reduced to 10.30 pm for the supply of alcohol.

The resident stated that the basement area would be an incubator for aspiring chefs with an entrance on Featherstone Street. In the planning consent the ground floor was described as a café and retail area with no mention of alcohol and had therefore received no objections. The resident was concerned about a bar opening onto Featherstone Street, with vertical drinking and no restrictions on alcohol being ancillary to food. He considered that conditions relating to no vertical drinking and alcohol being served ancillary with food be additions to the licence. He would also like to see a condition added regarding waiter service on the ground floor and he considered that with these changes there would be less disturbance on the street.

In response to questions, the resident stated he lived near to the venue and had bad experiences of the venue previously. This was a restaurant and should be happy to accept these conditions.

The applicant's representative stated that there was a plan of the premises at page 262 of the agenda. There were small kitchens and users would graduate to central kitchens. There was expected to be a named chef on the main table. The ground floor was a café bar/juice bar and a feeder bar for the downstairs operation. There was a condition to restrict vertical drinking on the ground floor. This area may be used for wine tasting. This would not be a late night bar and some vertical drinking was important. They would be happy to agree to table service throughout the ground floor.

In response to questions it was noted that the applicant would be working with the local business programme and schools.

In summary, the resident considered that the basement operation was praiseworthy but was concerned about vertical drinking, alcohol being served without food, the lack of table service and asked that these be additional conditions to the licence. The applicant's representative reminded the Sub-Committee that planning and licensing were separate regimes.

RESOLVED

- 1) That the application for a new premises licence, in respect of The Long Table, Old Street Yard (fronting 32-37 Featherstone Street) EC1 be granted to allow:-
 - a) The sale by retail of alcohol for consumption on and off the premises from 10am until 11pm Monday to Saturday and from 10am until 10.30 on Sundays and in respect of the ground floor 10am until 10.30 on Mondays to Sundays.
 - b) Opening hours from 10am until 11.30pm Monday to Saturday and from 10am until 11pm on Sundays.
- 2) That conditions detailed on pages 269 and 270 of the agenda shall be applied to the licence.

REASONS FOR DECISION

The Licensing Sub-Committee considered the application papers, the written representations by residents, the oral submission by the Applicants' representative and the oral submission by one resident.

The application was for a new premises licence within the Bunhill Cumulative Impact Area. The Licensing Sub-Committee noted that no representations had been made by the Responsible Authorities.

The business operated from the premises would be an enterprise and training company, providing a café and restaurant areas on the ground and lower ground floors. The hours requested were within the core hours and the off sales will be restricted to re-sealed bottles of wine.

The Licensing Sub-Committee was satisfied that the application if granted with the stipulated conditions, would fall within the exceptions to the Bunhill Cumulative Impact Policy. The Licensing Sub-Committee concluded that the business would support the wider cultural offer in the area, the hours were consistent with framework hours, and the application granted should not cause public nuisance or cause a negative cumulative impact.

The application granted with conditions was proportionate and reasonable taking all the representations into account.

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B AND D SUPERMARKET, 156 SEVEN SISTERS ROAD, N7 7PL - PREMISES LICENCE VARIATION (Item B4)

The licensing officer reported that a petition had been received in support of the application. The applicant had stated that he would amend the hour for sale of alcohol to 8am from 6am but the authority had not received this notification in writing.

The licensing authority reported that they were particularly concerned with the early start time and the impact on street drinkers, these hours were outside core policy hours and the applicant had not demonstrated how he could operate in the cumulative impact area. The

applicant would need to demonstrate how he would not add to the problems in the area and how he would operate after 11pm.

The police reported that 33% of crimes in the area took place after 11pm. They accepted that there were premises that were already in the area but they had seen nothing in the application about how the applicant would address the issues of cumulative impact in the area.

The licensee reported that 100 people had signed a petition in support of his application. The offences that took place after 11pm were not alcohol related offences. He had CCTV and supplied it straight away when required. He had passed underage tests.

In response to questions the applicant stated he had a refusal book and did not sell to underage or drunk people. He did not think that the sale of alcohol had an impact on the problems in Seven Sisters Road. He did not think that opening later would cause further problems.

The police asked if he could bring back the hours for the sale of alcohol to 11pm and the applicant stated that he would not be agreeable to doing that as it would create problems. There were 24 hour premises nearby.

RESOLVED

That the application for a premises licence variation, in respect of B & D Seven Sisters Road, N4 2DA, be refused.

REASONS FOR DECISION

The Licensing Sub-Committee considered the application papers, the written submissions and the oral submission from the applicant, the Licensing Authority and the Metropolitan Police.

The application was for a variation of an existing off premises licence to 6am until 1am the following day and for the opening hours to be the same. The applicant stated that if the sale of alcohol licence was not extended to the added hours, he would not require the opening hours to be extended as this would cause him potential danger from customers who would require him to sell them alcohol.

The premises are within the Finsbury Park Cumulative Impact Area.

The Licensing Authority was concerned primarily about the earlier opening hours and stated that this was when street drinkers would purchase alcohol. The Police were concerned that the extended later hours would exacerbate an already dangerous situation in that area.

The Licensing Sub-Committee was of the opinion that the applicant failed both in his application and in his submissions at the hearing to adequately address the cumulative impact issue and did not demonstrate why the operation of the premises with the extended hours would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The application for the variation was accordingly refused.

191 SPORTS BAR AND GRILL, UNIT E, COWCROSS PLACE, COWCROSS STREET, EC1M 6DH - TEMPORARY EVENT NOTICE (Item B5)

The Sub-Committee noted that this application had been withdrawn.

The meeting ended at 9.50 pm

CHAIR

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Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	26 March 2018		Finsbury Park

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: AFASIKA, BAR AND RESTAURANT, 152 SEVEN SISTERS ROAD, N7 7PL

1. Synopsis

- 1.1 This is an application by Islington Pollution Team 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 following licensing objective:
 - i) The prevention of public nuisance.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	Applicant
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	Yes – 2
Other bodies	No

3. Background

3.1 The premises currently holds a licence allowing:

- The sale of alcohol, from 09:00 until 00:00 Sunday, and from 09:00 until 05:00 the day following on Monday to Saturday.
- The playing of live music, recorded music, performance of dance from 09:00 until 00:00 Sunday, and from 09:00 until 05:00 the day following on Monday to Saturday.
- The provision of late night refreshment from 23:00 until 00:30 Sunday, and from 09:00 until 05:00 the day following

3.2 Brief Licensing History:

- This current licence for the permitted hours was granted on the 24th November 2005.
- The licence has subsequently been amended on both the 5 April 2016 and 27 January 2017 when the licence holder submitted minor variations to add conditions in respect of crime and disorder at the request of the Police.

3.3 The Papers are attached as follows:-

- Appendix 1: review form;
- Appendix 2: current premises licence;
- Appendix 3: representations;
- Appendix 4: map of premises location.

4. Planning Implications

4.1 The Planning Service has not submitted any adverse observations.

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

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

**Premises Licence Summary****Licensing Act 2003**

Premises licence number	LN/4407-090517	Date of original grant*	24 November 2005
--------------------------------	-----------------------	--------------------------------	-------------------------

**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
AFASIKA BAR & RESTAURANT			
152 SEVEN SISTERS ROAD			
Post town	London	Post code	N7 7PL
Telephone number	0207 272 7572		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor and basement
<ul style="list-style-type: none"> The provision of regulated entertainment by way of: The performance of live music The playing of recorded music The performance of dance The provision of late night refreshment The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities				
<ul style="list-style-type: none"> The provision of regulated entertainment for the performance of live music: 				
Monday	09:00	to	00:00	the following day
Tuesday	09:00	to	05:00	the following day
Wednesday	09:00	to	05:00	the following day
Thursday	09:00	to	05:00	the following day
Friday	09:00	to	05:00	the following day
Saturday	09:00	to	05:00	the following day
Sunday	09:00	to	05:00	the following day
<ul style="list-style-type: none"> The provision of regulated entertainment for the playing of recorded music: 				
Monday	09:00	to	00:00	
Tuesday	09:00	to	05:00	the following day
Wednesday	09:00	to	05:00	the following day
Thursday	09:00	to	05:00	the following day
Friday	09:00	to	05:00	the following day
Saturday	09:00	to	05:00	the following day
Sunday	09:00	to	05:00	the following day

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

Monday	09:00	to	00:00	
Tuesday	09:00	to	05:00	the following day
Wednesday	09:00	to	05:00	the following day
Thursday	09:00	to	05:00	the following day
Friday	09:00	to	05:00	the following day
Saturday	09:00	to	05:00	the following day
Sunday	09:00	to	05:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	00:30	the following day
Tuesday	23:00	to	05:00	the following day
Wednesday	23:00	to	05:00	the following day
Thursday	23:00	to	05:00	the following day
Friday	23:00	to	05:00	the following day
Saturday	23:00	to	05:00	the following day
Sunday	23:00	to	05:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00	
Tuesday	10:00	to	05:00	the following day
Wednesday	10:00	to	05:00	the following day
Thursday	10:00	to	05:00	the following day
Friday	10:00	to	05:00	the following day
Saturday	10:00	to	05:00	the following day
Sunday	13:00	to	05:00	the following day

Except on:

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

The opening hours of the premises:

Monday	09:00	to	00:30	the following day
Tuesday	09:00	to	05:00	the following day
Wednesday	09:00	to	05:00	the following day
Thursday	09:00	to	05:00	the following day
Friday	09:00	to	05:00	the following day
Saturday	09:00	to	05:00	the following day
Sunday	09:00	to	05:00	the following day

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

On supplies

Name, (registered) address of holder of premises licence

Afasika Bar & Restaurant Ltd,
Basement And Ground Floor
152 Seven Sisters Road
Islington
London
N7 7PL

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

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.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

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

8. The maximum number of persons accommodated at any one time in the premises shall not exceed the following: Basement and Ground Floor - 60
9. The premises shall not be used for entertainment under this licence until a report from a competent acoustic consultant as to the effectiveness of the automatic amplified music noise level limiting device has been received by this department and the licensee has been notified in writing accordingly. The report shall confirm that any steps or works necessary to ensure that the device is working effectively and restricting amplified noise to the approved maximum threshold noise level.
10. The premises shall not be used for entertainment under this licence until the premises complies with the Technical Standards for Places of Entertainment and the Standard Conditions for places of Entertainment and the licensee has been notified in writing accordingly.
11. 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 CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTease OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.
ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
12. Music of any kind must not be played on the ground floor of the premises.
13. All amplified sound on the premises is to be played via dedicated in-house permanently installed sound systems under the continual control of a working automatic amplified music noise level limiting device to a maximum threshold amplified noise level to the satisfaction of the Council.
14. The controls of the automatic amplified music limiting device are to be secured and made inaccessible to anyone except the licensee and a named nominated alternative. Musicians, DJs etc. are to be denied access to the controls of the automatic amplified music noise level limiting device.
15. The controls of the automatic amplified music noise level limiting device shall not be altered so that the maximum threshold amplified noise level is increased without the prior approval in writing of the Council. Council approval to increase the maximum threshold amplified noise level of the automatic amplified music limiting device shall not be granted without the prior submission to, and acceptance by the Council. The licensee shall submit a copy of a report to the Council from a competent acoustic consultant assessing the impact of increasing the maximum threshold amplified noise level, and confirming the implementation of any works or steps necessary to ensure that such a change will not result in undue disturbance or nuisance to occupiers of neighbouring or nearby residential premises.
16. The name and contact telephone number of the person(s) in charge of the premises shall be displayed on the premises in a prominent position so that it can be seen from outside the premises, so that residents have the opportunity to telephone the person in charge of the premises if the patrons are causing a nuisance.
17. 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 to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

18. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

- a. All crimes reported to the venue
- b. Any complaints received
- c. Any incidents of disorder
- d. Any faults in the CCTV system
- e. Any visit by a relevant authority or emergency service
- f. All ejections of patrons
- g. All seizures of drugs or offensive weapons
- h. Any refusal of the sale of alcohol

19. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

20. No drinks shall be taken outside.

21. A Challenge 25 proof of age scheme shall be in place at the premises.

22. Personal licence holder present at all times licensable activity takes place.

23. There will be at least one SIA registered door supervisor employed under the following criteria

- Fridays and Saturdays when the premises is open after midnight. They will be employed from 2230hrs till 30 minutes after closing time.
- Whenever the basement area is open for customers after midnight. They will be employed from 2230hrs until 30 minutes after closing time.

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

N/A

Annex 4 – Plans

Reference Number: ISL 89794

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

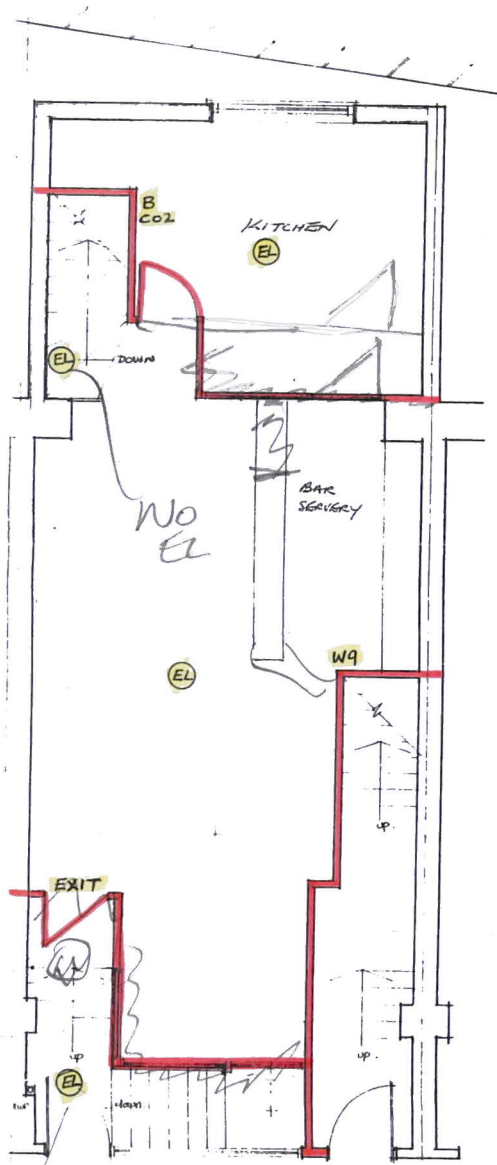
Tekle Tesfamariam Kidane

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

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 2 of annex 2 of this licence.

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

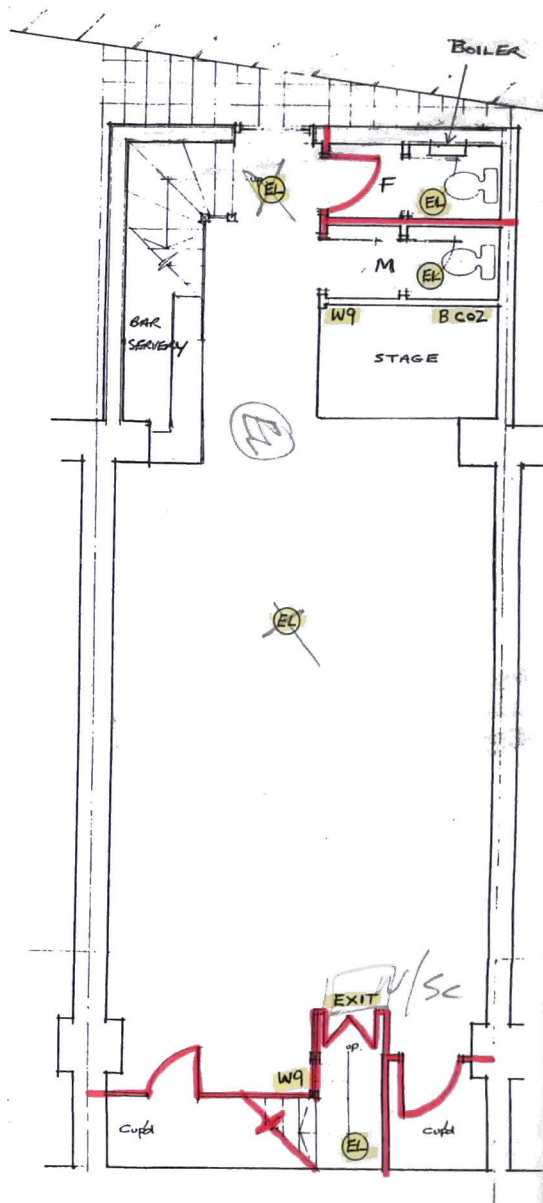
Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk



NON maintained

Ground Floor

Page 22



Basement



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I **Anne Brothers**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Afasika

Basement and Ground Floor

152 Seven Sisters Road

Post town **London**

Post code (if known) **N7 7PL**

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

Afasika Bar & Restaurant Limited

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

LN/4407-090517

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 Anne Brothers on behalf of the Pollution Team 3 rd Floor 222 Upper Street London N1 1XR
Telephone number (if any) 020 7527 3047
E-mail address (optional) anne.brothers@islington.gov.uk

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

Please tick one or more boxes

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

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

This application is made with reference to the licensing objective of the prevention of public nuisance.

Pollution Team has been in receipt of numerous calls regarding noise from this premises over the past 12 months (There are further calls dating back to September 2016) and despite intervention the noise continues to be reported and witnessed.

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

History

This premises has traded for many years. We have a note of a variation application made in September 2005 to extend the hours of the premises from a closing time of midnight Monday to Wednesday, 02:00 Thursday to Saturday and 00:30 on Sundays (for sale of alcohol) and public music and dancing until midnight on Monday to Wednesday and 02:00 Thursday to Sundays.

We have another premises licence in the archive dated February 2013 that gives trading hours until 05:00 Monday to Sunday so the premises varied further later on. These are the current trading hours for the premises.

We have a record dated June 2015 when the current DPS Mr Kidane made an enquiry regarding the transfer of the premises licence to his name. I attach a copy of an advisory e mail sent by a licensing officer, Katie Tomashevski to Mr Kidane dated 19/6/15 in relation to this enquiry. The premises licence transferred to Mr Kubrom Yohannes Naizghi who stated he was the owner on the application form in July 2015.

I have seen a copy of a Licensing Officers panel decision letter dated 8 February 2016 in relation to Police matters at the premises. Mr Kidane is mentioned in that letter as a silent partner at the premises and is noted as being present at the meeting. I have copies of noise warning letters sent to the previous licensee, dated October, November and December 2016 that lead to another Licensing Officers panel meeting in January last year. I attach copies of those letters and the Licensing Panel decision letter dated January 2017. Mr Kidane was present at that meeting and is named in the notes in the letter.

The reason for this information is that I believe Mr Kidane who is listed as the current DPS and the sole director of Afasika Bar and Restaurant Limited has been at least partially responsible for the premises before his company officially took over in January 2017.

The licence transferred to the current operator Afasika Bar and Restaurant Limited with the current DPS, Mr Kidane in January 2017. I attach a copy of a company search for the licensees. Mr Kubrom, the previous licensee resigned on 21 September 2016 and Mr Kidane took over on the same date.

Current Noise Issues

We have been aware of noise calls in relation to Afasika since September last year when the licence was held by Mr Kubrom. The premises licence transferred on 27 January this year to the current licensee and DPS, Mr Kidane.

In addition to the previous calls in 2016 we were in receipt of noise calls through 2017. The calls related to noise from customers outside the premises and loud amplified sound. Unwanted noise from amplified sound was first witnessed in April 2017. **A summary of all calls and actions taken is attached.**

We were then contacted by a resident in Berriman Road on 24 October 2017 who was reporting noise from customers as they left the premises in the early hours of Monday morning and sometimes during midweek in Berriman Road. The resident stated the people in the street have a total disregard for the residents and the situation was out of control.

On 6 November I got a completed diary sheet from the resident detailing disturbances through October. There were 5 significant incidents of noise recorded on the diary sheet in the main

occurring just after 04:00 continuing for between 20 minutes and half an hour. The noise reported was loud voices and fighting on one occasion.

The Police informed me that Park Guard/Night Safe had been tasked with monitoring the premises on their behalf.

On **6 November** the out of hours service received a call from a local resident in connection with noise nuisance from amplified sound at the premises. The officers attended the resident's home at approximately 00:30 on 6 November and they reported they witnessed noise nuisance from amplified sound.

On **8 November** I wrote to the licensees in relation to noise nuisance arising from the playing of loud amplified sound and customers outside in the vicinity. (Copy attached).

On **10 November** I visited Afasika in the evening with my colleague, Licensing Officer Carol Jones. I measured sound levels in the basement as follows:

Ref	Linear	"A"	125 Hz	63 Hz
19 (23:36)	104.2	94.2	82	100.4
20 (23:37)	105.8	95.2	83.2	103.4
Agreed max	91	84	83	86

The levels were elevated to the above levels by adjusting the volume control on a speaker in the basement, the limiter that was seen was not effective in compressing the sound levels down to the agreed maximums. I explained to Mr Tekle Kidane the DPS that there should be a guard on the volume control on the speaker so that it could not be adjusted and that the limiter should be recalibrated so as to control the sound levels so they did not exceed the maximum levels agreed.

On **14 November** I received an e mail from another resident in Berriman Road in relation to people noise outside that he alleged were customers from Afasika. I informed him of the referral to ParkGuard/NightSafe and advised him to call the out of hours service if there was noise during their duty times. I also informed him I had visited the premises on 10 November and discussed matters of noise outside with the licensee/DPS.

On **14 November** I served a Section 80 noise abatement notice in respect of amplified sound under the provisions of the Environmental Protection Act 1990 on the licensees and the DPS. (Copy attached). This was as a result of service of notice by the out of hours team on "The owner, Afasika" in the early hours of the morning on 13 November (copy attached). The re-service of the notice was to serve it on the proper persons who were responsible for the nuisance namely the licensees and the DPS.

I wrote to the Licensees again on **16 November** summarising the details of my visit to the premises on 10 November. The letter warned that enforcement action could be taken if we continue to receive calls in relation to noise nuisance. (Copy attached)

On **16 November** I received a telephone call from Mr Kidane, the DPS. I told him that due to continuing noise he should reduce the volume of sound until the sound systems have been recalibrated I warned him of the range of possible enforcement action available to us if noise nuisance continues. I gave him details of the acoustic consultant previously used by the premises in order to assess maximum levels of sound.

On **20 November** I received a report from the out of hours service that further noise had been witnessed on 18 November.

On **20 November** I sent another letter to the licensees in relation to the contravention of the Section 80 noise abatement notice served. I quoted a noise condition on the premises licence regarding the prohibition of music of any kind on the ground floor of the premises and I requested they remove any sound equipment from the ground floor immediately. I warned them again of enforcement options available to the Council should noise nuisance continue. (Copy attached).

On **24 November** I telephoned the DPS Mr Kidane to discuss the letter sent and in relation to another report of noise the previous evening. I told him to remove the sound system from the ground floor.

We did not receive any further calls in relation to noise from Afasika until 6 January. I was notified of this on 8 January. The out of hours report states the noise heard from the resident's home was again in contravention of the Section 80 noise abatement notice.

On **8 January** I received a call from the resident who informed me they had been away all of December only returning in the new year which may explain why we did not receive any calls in relation to noise nuisance in December.

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

- The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both for the accommodation of persons frequenting the premises.
- The premises shall not be used for entertainment under this licence until a report from a competent acoustic consultant as to the effectiveness of the automatic amplified music noise level limiting device has been received by this department and the licensee has been notified in writing accordingly. The report shall confirm that any steps or works necessary to ensure that the device is working effectively and restricting amplified noise to the approved maximum threshold noise level.
- Music of any kind must not be played on the ground floor of the premises.
- All amplified sound on the premises is to be played via dedicated in-house permanently installed sound systems under the continual control of a working automatic amplified music noise level limiting device to a maximum threshold amplified noise level to the satisfaction of the Council.
- The controls of the automatic amplified music limiting device are to be secured and made inaccessible to anyone except the licensee and a named nominated alternative. Musicians, DJs etc. are to be denied access to the controls of the automatic amplified music noise level limiting device.
- The controls of the automatic amplified music noise level limiting device shall not be altered so that the maximum threshold amplified noise level is increased without the prior approval in writing of the Council. Council approval to increase the maximum threshold amplified noise level of the automatic amplified music limiting device shall not be granted without the prior submission to, and acceptance by the Council. The licensee shall submit a copy of a report to the Council from a competent acoustic consultant assessing the impact of increasing the maximum threshold amplified noise level, and confirming the implementation of any works or steps necessary to ensure that such a change will not result in undue disturbance or nuisance to occupiers of neighbouring or nearby residential premises.

Comments on the relevant conditions

1. I believe the kitchen has been removed. Licensing visited some time ago and found a full sized snooker table in the room where the kitchen was previously located. (this was raised by the out of hours team some time ago due to noise complaints arising from the use of the rear room for gaming)

2. In relation to the condition requiring an acoustic report. I found an acoustic report from Shaun Murkett, accredited acoustic consultant dated 20 May 2000. This was commissioned by a previous licensee at the premises. A limiter was installed as a result of the survey and recommendations were made to improve the construction of the building in order to further contain music noise breakout. Various options for improvements were laid out in the report but I do not know if any of these recommendations were carried out by the previous licensees.

The sound system will have changed since the original report was written. The premises has changed hands a few times since then. A sound measurement that was found to be satisfactory and is mentioned in the report for the basement floor at the time of the original report in 2000 was 84 dB(A), 86 dB @ 63 Hz and 83 dB @ 125 Hz.

(The hours of trading permitted by the Licensing Committee in 2000 for music and dancing under the old licensing regime were until midnight Monday to Sunday.)

3. I attach a recent calibration certificate dated 17/11/17 from Shaun Murkett in relation to sound levels in the basement. I have not been informed by the licensees if the requested guarding has been put on the volume control of the speaker in the basement.
4. I attach listings of all calls received in 2016/17 in connection with noise from the premises or customers outside the premises.
5. I am informed by Licensing that the condition on the premises licence that states: "Music of any kind must not be played on the ground floor of the premises." is not enforceable before 23:00 due to the deregulation of live and recorded music. Noise nuisance has been witnessed due to the playing of amplified sound on the ground floor before 23:00.

Recommendations

Remove the deregulation of live and recorded music from this premises licence in order to enforce the relevant condition in relation to the playing of music on the ground floor.

Reduce the hours of trading back to the following:

Sunday to Thursday	08:00 – 23:00
Friday and Saturday	08:00 – midnight.

This is compatible with the suggested hours for Public Houses and Bars and Restaurants, Cafes and Coffee Shops in the Licensing Policy documents for 2018 – 2022 (Licensing Policy 6)

I also recommend that the hours should be restricted as above until the premises is subjected to a full acoustic survey and suitable works of sound insulation are installed to the satisfaction of the Pollution Team and sound levels are suitably restricted. Only after such works have taken place can Pollution Team consider any extension of hours.

Please tick ✓ yes

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

If yes please state the date of that application

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

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

Please tick ✓ yes

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

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 Anne Brimers .
Date 15 January 2018.
Capacity Norse Liaison 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

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.

Noise Calls, Afasika 2016/17

Date/Time	Details	Outcome
7/4/16 daytime enquiry	This 'restaurant' is more like a club, it is open well after 2am and they continuously play loud music either a live band or a dj set. I have complained to them many times, and all they tell me is to come in for a drink, which is not what I want to hear. This has been going on non stop now. It has been well over a month. This needs urgent action	Advisory e mail sent
29/9/16 daytime enquiry	Excessive sleep disturbing noise coming from restaurant and bar Afasika on seven sisters road. This incidence happened on the night of 28th September and went on until around 4am. However these nights of excessive noise happen regularly.	Advisory e mail sent
6/10/16	Warning letter sent	Copy attached
22/11/16	Reminder letter sent	Copy attached
5/12/16, 00:04 Anon caller	afasika restaurant playing very loud music.	Arrived at 02:01. No music heard. Cm12 Departed 02:16 02:16: On further investigation we could hear music from Afasika restaurant (152 Seven Sisters Road)- music heard when door was opened. AF and RR approached establishment. Spoke to security guard. Asked them to turn music down and ask people to leave quietly. They have license to play music until 4am. Agreed. Complied immediately and apologised. CM07 departed 02:26.
12/12/16	Second reminder letter sent	Copy attached
3/12/16	File note of telephone conversation with licensee a week previously.	Gave details of acoustic consultant previously engaged for this premises who could provide calibration certificate.
23/12/16	Calibration certificate received	Copy attached
13/2/17 daytime enquiry	I am writing to report anti-social behavior by a restaurant/bar called Afasika, which is next door to where I live. Every Sunday night they have very loud club music on that vibrates through the walls of the building. (I am on the top floor and can hear it). This is not the first time I have reported them on	Advisory e mail sent

	this matter and they continue to play music excessively loud.	
3/4/17 daytime enquiry	Further report of noise outside call times for OOH: Sadly I am writing to you again inform you that Afasika were making a considerable amount of noise last night. The music became very noticeable at 3:15am affecting both myself and my flatmate on the floor below. I did not call because I was able to sleep until then, by which time I assumed the officers are no longer around to witness this? I'm not convinced their sound system calibration is effective. Is there anything that can be done to address this?	Advisory e mail sent
30/4/17, 01:14	noise -very loud music coming from licenced property and noise coming through walls and comp on 3rd floor can hear noise. E mail received from the same caller: Afasika Restaurant/Bar, 152 Seven sisters road, are currently having some club night. I have been in contact with one of your colleagues Anne Brothers several times about the unbearable amount of noise they make and she suggested I contact at the time it's happening so an officer can witness. I have been on the phone for ten minutes but nobody is answering so I am emailing now as its is happening. Can an officer please come to witness this noise as this has been ongoing for months and they are not stopping this.	Called Complainant at 01:25. C advised that the restaurant next door is having a club night and music is booming into his flat. A visit was agreed. Arrived at 01:35. An assessment was made in the bedroom area which is located on the 3rd floor. Music was audible and constant and the continuity at this level is likely to disturb sleep. Officers conducted further assessments from outside Afasika. Music was audible from outside with the door shut but the music was not booming as described by C and music was often drowned out by passing traffic. Spoke with the owner who was informed of the issue. He stated he had a sound limiter installed last week and has been in contact with Anne Brothers Re this. He was asked to lower the volume and agreed to do so. CM08
16/8/17, 22:53	The volume of the music in the local over the night weekends is getting to higher weekend after weekend. I live in a 3rd flat closer and I can hear	c/b @ 23.36 left message on voicemail Vste @ 02.40 three men outside the bar entrance door opened with music heard on street.

	the music and vibrations really loud, so I would like to know if the place is correctly enabled to be used as a disco-bar. If it is noisy enough over the weekend, I consider unacceptable to have the same noises during the week from 8pm until 3-4am.	Spoke to men outside who said they were closing observed them shutting down bar as we left. CM12
20/8/17, 23:18	Second complaint. The bar located on number 152, has the music too loud over the weekend, until 4-5 morning. Sometimes even during the week. I would consider check if the room is registered to have that volume in the music because I can hear it from 3rd floor as much as vibrations. Also people drinking and smoking in my entrance door... disgusting that I feel intimidated to go out.	Called @ 23:22 left a message. Arrived 23:33 checked the premise no loud music no one outside. CM12
10/9/17, 23:49	Please don't call me and send police during Friday-Saturday-Sunday evening and night until 3 am. Having drunk men shouting in my door entrance is awful.	arrived at 00:30 area searched no trace of any drunk person around, officers spoke to staff at the bar and they have not seen any body particularly drunk . only one person smoking not intoxicated , drove round the block, no one seen. CM12
25/10/17, daytime enquiry	As one problem goes another one appears, once again the street (Berriman Road) is being disturbed by unacceptable noise levels, this time it's Afasika 152 Seven Sisters rd. I have to get up for work at 5.30 am, most Monday mornings I get woken up between 4 - 4.30 am from Afasika customers who have been drinking from Sunday night. It is not only Sunday/Monday it can also be midweek. They have a total disregard for the local residents and it's out of control. As you can imagine this is a huge problem for me as it impacts on my work due to broken sleep,	Advisory e mail sent along with diary sheet
5/11/17, 23:20	The Afasika Bar at number 152 is making a lot of noise, the music is very loud and is disturbing the neighbours. On-going problem. Please call the neighbour regarding this matter.	Telem at 00:05 - spoke to comp who said the noise is still on going and request a visit. Vstem at 00:16 - made assessment comps bedroom / livingroom area. Heard bass music emanating from the premises below even with the passing traffic on Seven Sisters Road the noise is still audible. In my opinion the noise witnessed

		will prevent an average person from sleeping so I deem the noise to be SNN. We went spoke to the licensee and made him aware of the complaint. The entrance door was shut and had security outside. We entered the premises and observed two different music playing one on the ground floor and the other in the basement floor. The music on the ground floor was audible in comps flat. The music on the ground floor was turned off straight away upon request. Rang back comp and gave update who also confirmed that the noise has now ceased. Cm07. Left location at 00:55.																				
8/11/17	Warning letter sent (copy attached)	Visited in the company of Carol Jones.																				
10/11/17	Late evening proactive visit to Afasika	<p>Large wood framed bench seat was blocking the main access via the front staircase so we made the licensee move it away. It was blocking the main fire exit. he told us the bench there stops his customers using the door up as that lets a lot of sound leak out. Discovered that massive excess on the agreed sound levels is possible as there is a volume control on the main speaker (think there is only one) and that renders the limiter (also seen - AVC2 - not contained in any secure box - just on the floor under the DJ console) pretty useless as it does not compress the sound. explained to the licensee (Mr Kidane) that a guard needs to be put on the rear of the speaker so the volume control cannot be adjusted.</p> <p>need a new calibration certificate and works to be carried out and/or replacement of the speaker.</p> <p>Sound (elevated) levels as follows:</p> <table><tr><td>Ref</td><td>Linear</td><td>"A"</td><td>125 Hz</td><td>63 Hz</td></tr><tr><td>19 (23:36)</td><td>104.2</td><td>94.2</td><td>82.0</td><td>100.4</td></tr><tr><td>20 (23:37)</td><td>105.8</td><td>95.2</td><td>83.2</td><td>103.4</td></tr><tr><td>Agreed max</td><td>91</td><td>84</td><td>83</td><td>86</td></tr></table> <p>Also discussed noise from customers outside and in Berriman Road, suggested his DS could escort people away from the vicinity and certainly past Berriman Road.</p>	Ref	Linear	"A"	125 Hz	63 Hz	19 (23:36)	104.2	94.2	82.0	100.4	20 (23:37)	105.8	95.2	83.2	103.4	Agreed max	91	84	83	86
Ref	Linear	"A"	125 Hz	63 Hz																		
19 (23:36)	104.2	94.2	82.0	100.4																		
20 (23:37)	105.8	95.2	83.2	103.4																		
Agreed max	91	84	83	86																		

11/11/17, 01:32	bar afasika loud people playing snooker and music	<p>Need to send a letter and make it clear to him he's in danger of possible review.</p> <p>Called comp @02:01 arranged a visit arrived @02:17 and we could hear faint sound of music coming from afasika bar on the ground floor. We entered into the communal stair well to access the comps flat on the first floor and the music and bass was vibrating the walls and the floor. We entered the comps flat at the rear of the property and assessed in the comps sleeping area and the music and bass was vibrating the floor and we could feel it under foot the level was unreasonable and would prevent the average person from sleeping. We couldn't hear any noise from the playing of snooker. We exited the comps flat and as we also received a call from the tenant at the front of the property we made a assessment in the comps sleeping area and the music was clearly audible and we could feel the bass underfoot as well. We exited the flat and exited and approached the bar on the ground floor and spoke with the door supervisor and asked for the manager after a couple of minutes the manager came and spoke with us we made him aware of the complaints and asked to see his license which he showed us.</p> <p>He told us that Anne Brothers had visited him already at midnight we advised him to lower the music which he said he would do he also said that they have a limiter in place we told him that this needs to be checked and we will be passing this info onto Anne. As the comp said there was snooker noise earlier we asked if he had a table and he confirmed this and showed us to a back room and there was a full size snooker table in what looked like an old kitchen no one was playing.</p> <p>The music was coming from the basement.</p> <p>We also advised them to make sure that people noise outside the front smoking area was kept to a minimum and if there is noise then the door supervisor needs to tell them to keep it down which the manager and the door supervisor agreed. CM07 left @03:10</p> <p>As above (a second resident called in about the same issue)</p>
11/11/17, 02:01	afasika bar , music is very loud	

11/11/17, 03:30	loud music from afasika , as the officers left they started the music again	03:50. Called comp from outside as 3 men had come out of the restaurant for a cigarette. We agreed that we would call again once they had gone back inside in order to preserve to comps anonymity. One of the men started pushing the metal barriers against the front of the restaurant indicating that it was about to close. We called again at 03:50 once they had gone back inside. We listened from the bedroom area. We could hear a very faint bassy beat from music which the comp felt was no longer unreasonable. Music stopped after approx 4 minutes. Said we would pass the info on to the licensing officer. CM12 departed 04:02	Advisory e mail sent.
12/11/17, daytime enquiry	I have been following your messages with my neighbour REDACTED about the noise in our street from customers from Afasika night club. REDACTED has forwarded me a copy of the diary you sent me. After a very noisy Saturday night, undoubtedly from people coming out of the club, I would like to begin logging incidents. How many do there need to be before I send them to you, and before you contact the owners of the club? I have no idea why drunken customers decide to hang around in the street but it has been a regular thing. I hope either you or the local police can out pressure on the owners to take more responsibility for their customers. I look forward to hearing from you soon.		
13/11/17, 01:35	Loud music from the bar/restaurant	vste 02:28. vste. loud music witnessed. a statutory nuisance has occurred. due to multiple warnings over the weekend. notice served cm04	Copy of out of hours service abatement notice attached.
14/11/17	ABR served S.80 abatement notice on proper persons responsible for the noise	Copies attached. 1. Served on Licensees, Afasika Bar and restaurant Limited 2. Served on DPS, Mr Tekle T Kidane	

16/11/17	Letter sent detailing proactive visit carried out on Saturday 11 November 2017	Copy attached.
17/11/17, 23:11	loud music coming from asfasika	Called back report at 00.04hrs report said the noise stopped. Cm12
17/11/17	Recalibration carried out	New calibration certificate dated 17/11/17 attached.
18/11/17, 21:33	Afasika bar restaurant below our flat plays music so loud today that you can feel the vibes on the floor of our flat and drives us crazy. Could you please take action?	Called back @ 21.44 agreed to visit. Arrived @ 22.06 loud music heard in corridor area and stairwell leading to caller's bedroom, in caller's bedroom loud bass type noise heard from restaurant below. Noise is unreasonable and C can not escape from it. Noise heard had been going on at the level witnessed from 5.pm according to C, but they did know we have a service at that time. At 22.22 approached restaurant and spoke to Manager, we made him aware of our findings and that the music witnessed was a snn and reminded him that a notice had been served a week ago. He said that they use the first floor of the bar (which is directly beneath the caller's bedroom) till 23.00 hours then after that time, use the basement floor for further entertainment he claimed that he was unaware of the music played being a nuisance and that the basement area has a sound limiter which was installed yesterday (Friday), he agreed to turn the music off. Left @ 22.29 CM07
19/11/17, 20:52	Too loud music from the bar underneath the flat.	Called 2108 arranged vst arrived at 2132 monitored the noise in comps flat nothing unreasonable heard also monitored from the street outside no asb issues seen cm12
19/11/17, 23:07	Too loud music from Afasika bar restaurant.	Called 2309 arranged recall called again 2328 arranged recall vst 2341 however the music could not be heard in comps flat monitored but the music never went back up advised comp to call back if the noise gets louder cm12
20/11/17	Warning letter sent re: contravention of S.80	Copy attached.
22/11/17, 00:11	Too loud music is not letting us sleep	Called 0018 arranged recall called again 0112 arranged vst arrived 0124 however the noise has now stopped advised comp to call back if the noise restarts cm12
23/11/17, 22:52	Too loud music from bar Afasika	Called comp @ 22:55 arranged a visit. Arrived @ 23:08 we entered into the comps communal stairs and could hear bassy music we then entered the comps flat at the front of the property on the first floor we assessed in with the windows closed and could hear passing traffic and we could still hear the faint sound bassy music

		coming from below. The music was constant throughout the visit but reduced very slightly when traffic passed outside. The level wasn't a breach of the section 80 notice but an annoyance. We deemed it necessary to approach the premise on the ground floor. We exited the comps flat and entered the premise and spoke with the owner the music inside wasn't extremely loud but as the speakers were positioned up high next to the ceiling in the ground floor bar this could be the reasons why music is audible in the comps flat upstairs we explained that the level needs to be reduced which he agreed and the music was turned off. The owner asked what level he could play the music when he has more customers we advised him that the levels need to be reasonable and that would not affect neighbouring properties. CM10 left @ 23:36
24/11/17	File note re: call to Mr Kidane re continuing reports of noise	Notes pasted below: Called Licensee Mr Kidane regarding yet another report of noise last night - again from the use of a sound system on the GF. Told him speakers must be removed from GF in accordance with Licence condition and as stated in letter sent to him on Monday this week. had to repeat myself a few times so he fully understood. Called back reporter at 23.17hrs who said the noise is still continuing arrange visit. Visited flat 2 at 23.30hrs made an assessment from the bedroom / kitchen can hear continues thumping of bass noise coming from below. In my opinion the noise witnessed is unreasonable and will prevent the average person from sleep. Visited noise source spoke to the owner a black male made him aware of the issues and asked for the music to be turned off and he complied. CM02 left location at 23.41hrs
3/1/18, 22:53	Music too loud from the bar under the flat.	Tic 2055hrs arranged a visit. Vst 2058hrs listened from studio flat of C. I could hear a beat of music and could also feel some vibration under foot. There was some foreign language vocals along with the beat of the music. C lives in a very small studio flat above the source. There was no background noise in Cs property but I still feel that the level of noise amounts to a breach of notice. It clearly shows that no acoustic solutions have been implemented by the bar. The beat was continuous throughout the 7 minutes I was
6/1/18, 20:41	Music too loud from bar under the flat.	

		<p>making my assessment. The noise was intrusive and disturbing the comp from working on their computer. Just for the several minutes I was assessing I found the beat to be very very annoying as it was repeating over and over. The level of the noise would prevent sleep and study. C said it has been at this level since 1700hrs and at times it was louder. After about 7 minutes the noise lowered and then re started with a different beat but the noise was still intrusive and vibration could be felt under foot. Entered the bar and the same beat and music was audible. It seemed very loud in the bar considering there was only 8 people inside. I spoke to a female and requested she lower the music immediately which she done. I asked to speak to someone in charge and she said it wasn't her. She made a phone call and said a male would arrive in 5 minutes. Whilst waiting for the male I noted that the speaker was on a shelf near the ceiling which could be part of the problem. There didn't appear to be any other speakers. Whilst we waited for someone in charge to attend we called the comp to see if they could still hear the music. They said that the level at that time was fine. A male named Tekle attended and I advised him to remove the speaker from being so close to the ceiling. I also advised that for the rest of the night the volume should not be turned up any louder. I also made him aware that there could be serious implications if he does not adhere to the abatement notice already served. CM02.</p>
7/1/18, 18:56	Music too loud from bar under the flat	<p>Called back reporter at 19.16hrs who said the noise is still continuing arrange visit. Visited flat at 19.39hrs made a assessment from the can hear low level thumping of bass noise coming from below. In my opinion the noise witnessed is not unreasonable it's annoying. Cm16</p>
7/1/18, 21:31	Too loud music from bar under the flat	<p>Called Complainant at 21:45. C advised that loud music can be heard throughout his studio flat. A visit was agreed. Arrived at 21:55. Upon entering the C studio flat officers could immediately hear tribal type music that consisted of a constant beat. This beat was also felt vibrating throughout the property. C is unable to escape the noise emanating from the venue. Officers are satisfied</p>

		that both the airborne and structural transmission of noise emanating from venue is unreasonable and therefore a breach of notice. Upon entering the venue the same type of tribal music was heard and was considered to be booming. Conversation was not possible until the owner lowered the volume. A speaker was seen attached to a wall and officers believe this to be the cause for the structural transmission of noise. It was agreed with the owner that the music would be reduced immediately. Officers called back the C who confirmed that the revised level in music was acceptable and no longer causing him a disturbance. CM02
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CM08: Noise witnessed, potential statutory nuisance. Refer to case officer.

CM12: Investigation, no action required

CM07: Noise witnessed, potential SN, lowered.

CM10: ASB witnessed. Refer to case officer

CM02: Contravention of Notice witnessed

CM16: Investigation, advice given

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

T 020 7527 3233
F 020 7527 3430
E terrie.lane@islington.gov.uk
W www.islington.gov.uk

Our ref: ppd/lic/tl
Your ref:

Kubrom Yohannes Naizghi

This matter is being dealt with by:
Terrie Lane

26 January 2017

Dear Sir,

LICENSING OFFICER PANEL – 22 DECEMBER 2016

RE: AFASIKA 152 SEVEN SISTERS ROAD LONDON N7

Thank you for attending the officer panel on 22 December 2016.

You met with Jan Hart Service Director, PC Steve Harrington and Niall Forde licensing officer.

You attended with Daniel Afewerqci and Tekle Kidane, apologies for any spelling mistakes. The following are the notes taken at the meeting including agreed measures:

JH opened the meeting by explaining that this was an informal and open discussion whereby licensees are asked to come in for a discussion when any problems are identified in the hope that a serious enforcement issue will not have to take place. She added that she hopes everyone present can agree on steps to be taken to resolve the issues.

JH explained that this meeting was being held to due to the following incident(s):

- Noise complaints. Non-compliance with noise conditions, require acoustic survey and system calibrated.

JH: you have a condition on your licence about noise control and the problem is we are receiving complaints and the conditions are not being complied with. We might have to be in a position to review the licence if we cannot find a way forward. Anne Brothers is at the end of her tether as she cannot see any progress. We need a new acoustic report – (A new one is handed over for the limiter). Sean Murkett needs to provide this to Anne.

NF: Did he get into the residential property?

RL: Yes.

NF: Where is the limiter?

RL: In the basement behind the DJ area. It is secured with a lock. We have a box and it is locked.

NF: Sean has been doing acoustic reports for years and Anne would be happy if he has set the levels and it is locked away and it cannot be overridden. 90 degrees isn't that high. Have you had anything in there since the limiter has been in?

RL: Yes, we had last night.

JH: So you know once you exceed that limit it will cut off the music.

RB: Yes, we understand that.

NF: If Anne gets that report she should be happy.

RB: We also asked if we could get something between the floors from us and upstairs.

NF: It is difficult with those buildings as they are narrow and so might be hard to do anything structural.

JH: This is very good and please in the future don't take us to the point where we have to call you in.

JH: We will check if Anne has received this report. Action: NF.

NF: You need to keep control of the box and it cannot be tampered with by your customers or DJ. You are also the only venue on that stretch of Seven Sisters Rd that has a late licence. It has taken a long time to get to this and you have been in breach and trading for nearly 12 months. The limiter wasn't locked away and it was sat on the floor.

RB: We trusted the DJ and now we have locked it away.

NF: Everything must run through that system and DJ's or performers cannot plug in their own equipment to separate systems.

RB: We would like to remove the condition of having one door staff on site.

JH: This is a separate discussion for after Christmas.

SH: My answer would be no because of the area and problems in the past. We can talk in the New Year and visit the venue to have a look.

NF: You need to submit wording of why you want to change the condition for door security.

Please contact me at the above address if you have any queries regarding this letter and contact Niall Forde if you wish to change any of the conditions on the licence. In my absence please contact the Licensing Duty Line on 020 7527 3031

Yours sincerely

Terrie Lane
LICENSING MANAGER



ISLINGTON

Afasika Restaurant and Bar Limited
152 Seven Sisters Road
London
N7 7PL

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/170034964/33459
Your ref:

This matter is being dealt with by:
Anne Brothers

Date: 8 November 2017

Dear Sir

NOISE NUISANCE ARISING FROM THE PLAYING OF AMPLIFIED SOUND. ALLEGED NOISE NUISANCE FROM CUSTOMERS IN THE VICINITY, AFASIKA, 152 SEVEN SISTERS ROAD, LONDON N7. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003.

I have to write to you about the above issues.

We are receiving calls from residents in the vicinity and as far away as Berriman Road in relation to the conduct of your customers outside.

A resident in Berriman Road alleges that your customers are frequent visitors to the area and often cause a lot of noise in the street, arguing and fighting. Other residents closer to you allege that men from the premises hang around outside their street doors and are intimidating.

Last weekend officers were called out and witnessed noise nuisance from loud amplified sound from Afasika.

The officers visited at approximately 00:30 on 6 November and witnessed noise nuisance from amplified sound at Afasika from a nearby resident's home. They visited Afasika and noted there were two sound systems in use at the time of their visit, on the ground floor and in the basement. The ground floor sound system was turned off on request.

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

- Music of any kind must not be played on the ground floor of the premises.
- All amplified sound on the premises is to be played via dedicated in-house permanently installed sound systems under the continual control of a working automatic amplified music noise level limiting device to a maximum threshold amplified noise level to the satisfaction of the Council.
- There will be at least one SIA registered door supervisor employed under the following criteria
 - Fridays and Saturdays when the premises is open after midnight. They will be employed from 2230hrs till 30 minutes after closing time.
 - Whenever the basement area is open for customers after midnight. They will be employed from 2230hrs until 30 minutes after closing time.

If there is a sound system on the ground floor this should be removed immediately. All staff must be informed of the above noise condition that forbids any music on the ground floor.

In addition, in relation to the alleged noise outside and up the road I have to request that you pay attention to the conduct of your customers outside while the premise is in operation and when they leave the premise.

We look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the above legislation. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is a potential unlimited fine. In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Yours faithfully,



Anne Brothers
Principal Technical Officer



Niall Forde, Licensing Officer

ENVIRONMENTAL PROTECTION ACT 1990, section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

To OWNER, AFASIKA
152 SEVEN SISTERS ROAD
N17 7PL

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 the London Borough of Islington being satisfied of the "[existence] [likely [occurrence] [recurrence]] of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as AFASIKA

[HEREBY REQUIRE YOU as the [person responsible for the nuisance] [owner] [and/or] [occupier] of the premises from which the noise is or would be emitted] [to abate the nuisance] [immediately] [within] and to prevent its likely [occurrence] [recurrence]. You are therefore required to:

Take all reasonable steps to ensure that no amplified music from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.

IN the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, [the noise to which this notice relates is [likely to be of a limited duration, such that suspension would render the notice of no practical effect]] [the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to an unlimited fine. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 13th November 2017
Time Served: 02:35
(Address to which all communications should be sent)
ASB and Environmental Services
222 Upper Street
London N1 1XR
Tel: 020 7527 7272

(Signed) A Fuller
(Name) A Fuller
(Title) DDH Officer
(The officer appointed for this purpose)

N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

* Delete text in square brackets as appropriate ** Currently unlimited, subject to alteration by Order

Afasika Bar and Restaurant Limited
Basement and Ground Floors
152 Seven Sisters Road
London N7 7PL

Pollution Team
222 Upper Street
London N1 1XR
T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/170034964
Your ref:

This matter is being dealt with by:
Anne Brothers

Date: 14 November 2017

Dear Sir

This letter does not form part of the attached Notice

**SECTION 80 IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC. AFASIKA. 152
SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL PROTECTION ACT 1990**

Please find enclosed a Notice served on you under the above legislation today. The notice is self-explanatory.

I visited the premises in the very early hours of Friday 10 November and advised Mr Kidane in respect of the control of amplified sound. I established at the time of my visit that the sound system was capable of exceeding the maximum music levels permitted at the premises which are as follows:


91 dB linear
84 dB (A)
83 dB at 125 Hz and
86 dB at 63 Hz.

The measurement point was in the centre of the dance floor in the basement.

In order to reduce the likelihood of further noise nuisance I have to request you contact your acoustic consultant without delay in order for the sound system to be recalibrated. As discussed with you last weekend, you need to get a guard put on the volume control at the back of the speaker so that the volume cannot be increased. Discuss this with the acoustic consultant. I enclose a copy of his calibration certificate for your ease of reference.

I have to warn you that in the event of further noise nuisance being witnessed a fixed penalty fine of £400 may be imposed upon you. I must also inform you that, should the noise nuisance recur and be witnessed by an officer of this division, we may start legal proceedings against you. Where a nuisance persists following the service of a notice, we are also authorised to apply for a warrant to enter premises (using force if necessary) to remove any equipment used to cause the nuisance. In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance. This could have serious consequences for your business.

Yours faithfully,

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

Anne Brothers
Principal Technical Officer

ENVIRONMENTAL PROTECTION ACT 1990, section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

To Afasika Bar and Restaurant Ltd
152 Seven Sisters Road
London N7 7PL

An identical copy of this Notice has also been served on:



TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 the London Borough of Islington being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as

Afasika, Ground and Basement, 152 Seven Sisters Road, London N7 7PL

HEREBY REQUIRE YOU as the person responsible for the nuisance and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to:

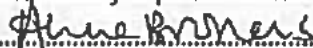
Take all reasonable steps to ensure that no amplified music from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.

IN the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, the noise to which this notice relates is likely to be of a limited duration, such that suspension would render the notice of no practical effect and the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to an unlimited fine. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 14 November 2017

(Signed) 

(Name) Anne Brothers.

(Address to which all communications should be sent)

Pollution Team
222 Upper Street
London N1 1XR
Tel: 020 7527 7272

(Title) Noise Liaison Officer

The officer appointed for this purpose)

N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

* Delete text in square brackets as appropriate ** Currently unlimited, subject to alteration by Order

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

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

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

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

- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

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

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/170034964
Your ref:

Date: 14 November 2017

Tekle Tesfamariam Kidane

This matter is being dealt with by:
Anne Brothers

Dear Mr Kidane

This letter does not form part of the attached Notice

**SECTION 80 IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC. AFASIKA. 152
SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL PROTECTION ACT 1990**

Please find enclosed a Notice served on you under the above legislation today. The notice is self-explanatory.

I visited the premises in the very early hours of Friday 10 November and advised you in respect of the control of amplified sound. I established at the time of my visit that the sound system was capable of exceeding the maximum music levels permitted at the premises which are as follows:

91 dB linear
84 dB (A)
83 dB at 125 Hz and
86 dB at 63 Hz.

The measurement point was in the centre of the dance floor in the basement.

In order to reduce the likelihood of further noise nuisance I have to request you contact your acoustic consultant without delay in order for the sound system to be recalibrated. As discussed with you last weekend, you need to get a guard put on the volume control at the back of the speaker so that the volume cannot be increased. Discuss this with the acoustic consultant. I enclose a copy of his calibration certificate for your ease of reference.

I have to warn you that in the event of further noise nuisance being witnessed a fixed penalty fine of £400 may be imposed upon you. I must also inform you that, should the noise nuisance recur and be witnessed by an officer of this division, we may start legal proceedings against you. Where a nuisance persists following the service of a notice, we are also authorised to apply for a warrant to enter premises (using force if necessary) to remove any equipment used to cause the nuisance. In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance. This could have serious consequences for your business.

Yours sincerely,

Anne Brothers

**Anne Brothers
Principal Technical Officer**

ENVIRONMENTAL PROTECTION ACT 1990, section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

To Tekle Tesfamariam Kidane

An identical copy of this Notice has also been served on

Afasika Bar & Restaurant Ltd, 152 Seven Sisters Road

London N7 7PL

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 the London Borough of Islington being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as:

Afasika, Ground and Basement, 152 Seven Sisters Road, London N7 7PL

HEREBY REQUIRE YOU as the person responsible for the nuisance and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to:

Take all reasonable steps to ensure that no amplified music from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.

IN the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, [the noise to which this notice relates is likely to be of a limited duration, such that suspension would render the notice of no practical effect and the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to an unlimited fine. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 14 November 2017

(Signed) *Anne Brothers*

(Name) **Anne Brothers**

(Address to which all communications should be sent)

(Title) **Noise Liaison Officer**

Pollution Team

The officer appointed for this purpose)

222 Upper Street

London N1 1XR

Tel: 020 7527 7272

N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

* Delete text in square brackets as appropriate ** Currently unlimited, subject to alteration by Order

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

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

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

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

- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -

- (a) an appeal is brought against an abatement notice served under section 80 or 80A of the 1990 Act, and -
- (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

- (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,

(3) where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Afasika Bar & Restaurant Limited
Basement and Ground Floor
152 Seven Sisters Road
London
N7 7PL

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/170033459
Your ref:

This matter is being dealt with by:
Anne Brothers

Date: 16 November 2017

Dear Sir

**NOISE NUISANCE ARISING FROM THE PLAYING OF AMPLIFIED SOUND. ALLEGED
ANTI-SOCIAL BEHAVIOUR AND CUSTOMER NOISE OUTSIDE. SECTION 80
ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003. AFASIKA
RESTAURANT, 152 SEVEN SISTERS ROAD, LONDON N7.**

I served a Section 80 noise abatement notice on you and the named DPS, Mr Kidane earlier this week. This letter is to discuss the outcome of my visit to Afasika in the company of Carol Jones, Licensing Officer late last Friday night.

Access to the basement via the front stairs down was obstructed by a wood framed upholstered bench that was placed across the access door at basement level. The stairs were also cluttered with a couple of child car safety seats. Mr Kidane was instructed to move the wooden bench and not obstruct the door in future as it is designated as a fire exit. He was also instructed to remove the clutter from the stairs. Mr Kidane explained to us that he preferred to block the front basement entrance as if it was used regularly it allowed the transmission of amplified sound out of the basement.

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

- The premises shall not be used for entertainment under this licence until a report from a competent acoustic consultant as to the effectiveness of the automatic amplified music noise level limiting device has been received by this department and the licensee has been notified in writing accordingly. The report shall confirm that any steps or works necessary to ensure that the device is working effectively and restricting amplified noise to the approved maximum threshold noise level.

I measured sound in the basement last weekend after adjusting the sound levels in order to measure the higher sound levels that are achievable in the basement. I noted a sighting of an AVC2 compressor type limiter but there is a volume control on the reverse of the speaker by the door and it was easy to increase the volume control on the speaker and the limiter was not effective in restricting the volume of sound inside the premises.

I measured sound levels as follows:

Ref	Linear	"A"	125 Hz	63 Hz
19 (23:36)	104.2	94.2	82.0	100.4
20 (23:37)	105.8	95.2	83.2	103.4
Agreed max	91	84	83	86

You will note that the agreed maximum sound levels were significantly exceeded.

I explained to Mr Kidane that the sound system needs to be recalibrated without any delay. The volume control on the rear of the speaker should be guarded by a shield so that it cannot be accessed by anyone. The limiter was on the floor under the mixing console. The limiter should be contained and secured against tampering.

I also discussed issues regarding alleged noise and anti-social behaviour from customers outside your premises and as they left the area by Berriman Road just to the north. We have had multiple calls from residents in relation to this. You must control your customers outside the premises and request they respect the neighbourhood as they leave. Your door supervisor should actively supervise customer's behaviour outside the premises with a view to potentially barring customers if they cause nuisance outside.

I sent a copy of the most recent calibration certificate with the abatement notice earlier this week. Contravention of the Notice is a criminal offence. I therefore strongly advise you that until you get the system recalibrated so as not to exceed the agreed sound levels (in bold on the table above) you should only play out music at lower levels of sound.

I have to warn you again that in the event of further noise nuisance being witnessed a fixed penalty fine of £400 may be imposed upon you.

I must also inform you that, should the noise nuisance recur and be witnessed by an officer of this division, we may start legal proceedings against you.

Where a nuisance persists following the service of a notice, we are also authorised to apply for a warrant to enter premises (using force if necessary) to remove any equipment used to cause the nuisance.

In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance. This could have serious consequences for your business.

Please send me a copy of the calibration certificate once the necessary works have been carried out. In addition, please send me a photograph of any guarding you install on the volume control of any speakers you have in use in the basement floor. I have to remind you again that the playing of any amplified sound on the ground floor is not permitted by the premises licence.

Yours faithfully,

Anne Brothers

Anne Brothers
Principal Technical Officer

cc.

Nia [REDACTED] Licensing Officer.

Certificate of calibration. Nov 2017

This is a certificate of calibration for the sound controlling equipment installed at the Afasika Bar, 152 Seven Sisters road, Islington, N7 7PL, under the management of Kubrom. The noise limiting device installed is an AVC D Formula Sound controller sound limiter, serial number 027113 for the sound system, to control internal sound levels in the **basement restaurant bar**.

The sound system comprised CDj decks and a pro FX mixer, connected to the sound limiter, then to a pair of active EV ZLX 12P medium sized full range loud speakers near the DJ, mounted on speaker stands.

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

The AVC D sound controller limiter has been set for the ground floor to an internal music sound level limit of:-

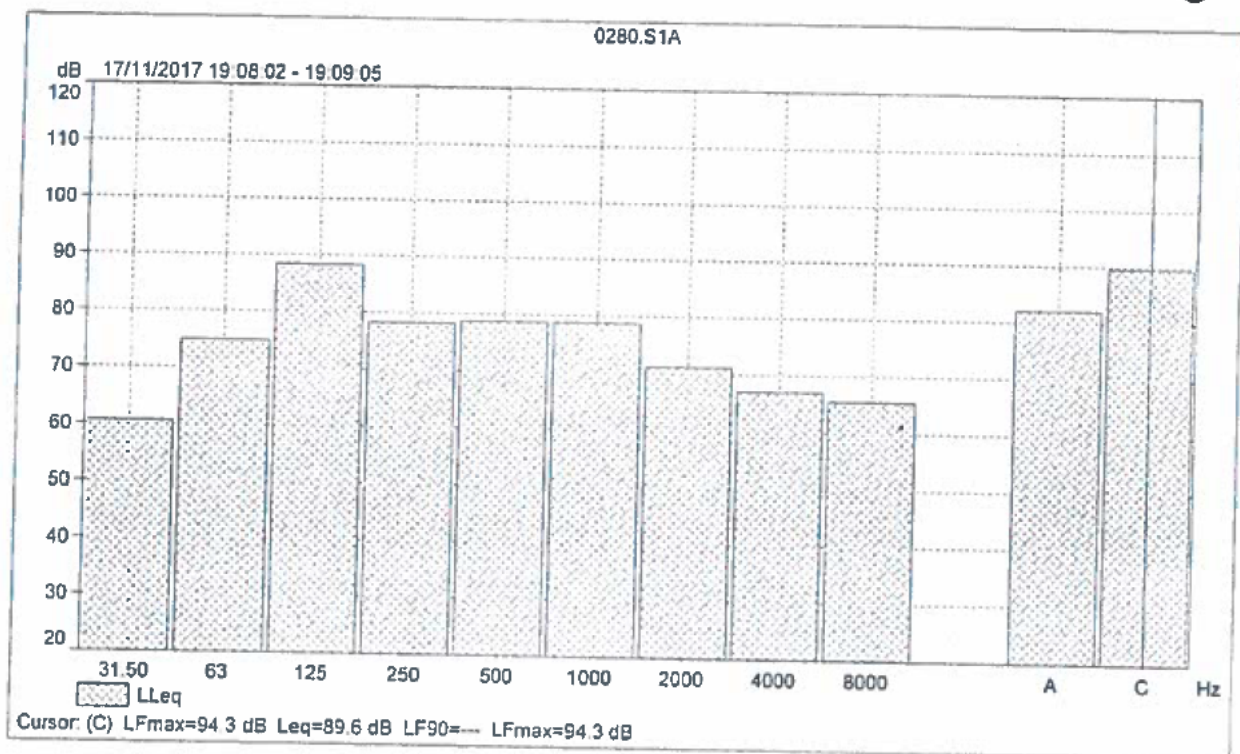
90 dB Leq _{1 min.} linear, 84 dBA Laeq _{1 min.}, 78 dB at 63 Hz; 87 dB at 125 Hz. Measured at around center of bar, near dj, at rear, at 2 m from the nearest loudspeaker.

This calibration was made with a Bruel and Kjaer type 1 2260 sound level meter in accordance with relevant British Standards, at around 8 pm on the evening of 17th November 2017, for inaudibility in residents, as agreed with noise team, and witnessed by the bar manager, and Shaun Murkett, and with the acceptance of the residents who were monitoring previously, and to be confirmed by members of the Local authority noise team as convenient.

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 17th November 2017





Octave frequency spectrum of sound of music measured
in main basement music room, near dj, around centre of dance floor,
at about 2 metres from nearest speaker.

Sound limiter calibration.

Afasika bar, 152 Seven Sisters road, Islington, London.

17th November 2017

Sound level 90 dB LCeq 1min, (84 dBA LAeq. 1min.)

© Shaun Murkett
Acoustic Consultants Ltd.
tel 020 7923 7275



ISLINGTON

Afasika Bar and Restaurant Limited
Basement and Ground Floor
152 Seven Sisters Road
London N7 7PL

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/170033459
Your ref:

This matter is being dealt with by:
Anne Brothers

Date: 20 November 2017

Dear Sir

CONTRAVENTION OF SECTION 890 NOISE ABATEMENT NOTICE, AFASIKA, 152 SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.

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

- Music of any kind must not be played on the ground floor of the premises.

The out of hours service was called on Saturday night and witnessed music noise that contravened the abatement notice served on you under the provisions of the Environmental Protection Act 1990 last week. Since service of the Notice I have had a telephone conversation with the DPS Mr Kidane and informed him of enforcement options available to the Council if the noise nuisance continues.

I am also informed that your acoustic consultant Shaun Murkett has visited the premises and has recalibrated the limiter that controls the volume of music in the basement although further works are required to secure the limiter and place guarding on the back of any speakers in the basement so that the limiter cannot be overridden or tampered with.

I believe the music witnessed on Saturday night was being played out on the ground floor. Please heed the above noise condition on the premises licence and remove any sound equipment from the ground floor immediately.

We look forward to your co-operation in this matter but must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. Failure to comply with the Section 80 notice served on you is a criminal offence. The maximum penalty for an offence that happens on commercial premises is a potential unlimited fine.

I must also inform you that, should the noise nuisance continue and be witnessed by an officer of this division, we may start legal proceedings against you. Where a nuisance persists following the service of a notice, we are also authorised to apply for a warrant to enter premises (using force if necessary) to remove any equipment used to cause the nuisance. In addition, your premises licence may be called in for

review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Yours faithfully,

Anne Brothers

**Anne Brothers
Principal Technical Officer**

cc:

Nia

[Redacted]



ISLINGTON

Afasika Bar and Restaurant Limited

152 Seven Sisters Road

London N7 7PL

This matter is being dealt with by:

Anne Brothers

Pollution Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/180001090

Your ref:

Date: 15 January 2018

Dear Sir

**PREMISES LICENCE REVIEW APPLICATION. AFASIKA, 152 SEVEN SISTERS ROAD,
LONDON N7 7PL. LICENSING ACT 2003.**

Please find enclosed an application for a review of the premises licence for Afasika. The review application is self-explanatory.

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

Your Licensing Officer is Niall Forde. If you want to discuss this with him, his direct line number is 020 7527 3227.

Yours faithfully,

Anne Brothers
Principal Technical Officer

Licensing

From: Tomashevski, Katie
Sent: 19 June 2015 12:31
To: REDACTED
Subject: 152 Seven Sisters Road

Dear Mr Kidane,

Please find attached the forms requested to transfer the licence and vary the Designated Premises Supervisor.

- You confirmed to me today on the phone that [REDACTED] is no longer involved with the premises and that you have not obtained his consent to transfer the premises licence. I advised you that you must show that you have made every effort to obtain his consent before the Licensing Authority will consider transferring the licence. I also advised you that as [REDACTED] is no longer at the premises no alcohol can be sold.

I must warn you that you must not use the premises for licensable activities. You are liable for prosecution if the premises continue to contravene current licence conditions. A person found guilty of such an offence is liable to an unlimited fine and or 6 months imprisonment. Any breaches could result in the Council instigating legal proceedings. I must inform you that any contraventions will result in enforcement action being taken against both you and any responsible person involved in unlicensed activity at the premises.

Kind regards,
Katie Tomashevski
Licensing Officer
222 Upper Street
London N1 1XR
Tel: 020-7527-3882



Pollution Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/160030490

Your ref:

Date: 6 October 2016

Kubrom Yohannes Naizohi

This matter is being dealt with by:
Anne Brothers

Dear Sir

ALLEGED NOISE NUISANCE FROM AMPLIFIED SOUND, AFASIKA BAR AND RESTAURANT, 152 SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003

We are in receipt of calls from local residents alleging noise nuisance from your premises. There are noise conditions on the premises licence for Afasika as follows:

- The premises shall not be used for entertainment under this licence until a report from a competent acoustic consultant as to the effectiveness of the automatic amplified music noise level limiting device has been received by this department and the licensee has been notified in writing accordingly. The report shall confirm that any steps or works necessary to ensure that the device is working effectively and restricting amplified noise to the approved maximum threshold noise level.
- Music of any kind must not be played on the ground floor of the premises.
- All amplified sound on the premises is to be played via dedicated in-house permanently installed sound systems under the continual control of a working automatic amplified music noise level limiting device to a maximum threshold amplified noise level to the satisfaction of the Council.
- The controls of the automatic amplified music limiting device are to be secured and made inaccessible to anyone except the licensee and a named nominated alternative. Musicians, DJs etc. are to be denied access to the controls of the automatic amplified music noise level limiting device.
- The controls of the automatic amplified music noise level limiting device shall not be altered so that the maximum threshold amplified noise level is increased without the prior approval in writing of the Council. Council approval to increase the maximum threshold amplified noise level of the automatic amplified music limiting device shall not be granted without the prior submission to, and acceptance by the Council. The licensee shall submit a copy of a report to the Council from a competent acoustic consultant assessing the impact of increasing the maximum threshold amplified noise level, and confirming the implementation of any works or steps necessary to ensure that such a change will not result in undue disturbance or nuisance to occupiers of neighbouring or nearby residential premises.
- No drinks shall be taken outside.

- The Licensee shall provide at least one SIA registered Door Supervisor to minimise the impact of customers arriving at and leaving the premises.

I have found an old acoustic report on file that was commissioned by a previous licensee. The report specifies the volume of amplified sound permitted in the basement that should not cause a noise nuisance to residents in the vicinity.

The maximum levels of sound quoted in the report are as follows:

91 dB linear
84 dB (A)
83 dB at 125 Hz and
86 dB at 63 Hz.

The measurement point was in the centre of the dance floor in the basement.

In order to reduce the likelihood of further complaints regarding amplified sound I strongly urge you to appoint an accredited acoustic consultant in order to recalibrate the sound system at the premises so you will not exceed the sound levels quoted above. You should contact the Institute of Acoustics in order to appoint someone to carry out the recalibration, their contact details are pasted below:

Institute of Acoustics

77A St Peter's Street
St Albans
Herts
AL1 3BN
Tel: 01727 848 195
Fax: 01727 850553
www.ioa.org.uk
email: ioa@ioa.org.uk

Any calibration certificate should include the following details:

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 Leq's 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.

Once any recalibration of the sound system has been carried out please provide me with a copy of the calibration certificate for my files here.

In the event of there being no noise limiter at the premises and until the sound system has been recalibrated you should cease playing out music at any elevated levels of sound and restrict the volume to lower levels of sound.

We look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the above legislation. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is £20,000. In addition, your

premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Please contact me on receipt of this letter to discuss noise control at the restaurant.

Yours sincerely,

Anne Brothers

Anne Brothers
Principal Technical Officer





ISLINGTON

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/160030490
Your ref:

Kubrom Yohannes Nalzghi
[REDACTED]

This matter is being dealt with by:
Anne Brothers

Date: 22 November 2016

Dear Mr Nalzghi

**ALLEGED NOISE NUISANCE FROM AMPLIFIED SOUND, AFASIKA BAR AND
RESTAURANT, 152 SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL
PROTECTION ACT 1990. LICENSING ACT 2003**

I wrote to you on 6 October in relation to the above. I enclose a copy of the letter sent for your ease of reference.

To date I have not had any response from you. Please contact me upon receipt of this letter to discuss noise control at Afasika.

Yours sincerely,

Anne Brothers

Anne Brothers
Principal Technical Officer
[REDACTED]

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/160030490
Your ref:

Date: 12 December 2016

Kubrom Yohannes Naizghi


This matter is being dealt with by:
Anne Brothers

Dear Sir

NOISE NUISANCE FROM AMPLIFIED SOUND. AFASIKA BAR AND RESTAURANT, 152 SEVEN SISTERS ROAD, LONDON N7 7PL. ENVIRONMENTAL PROTECTION ACT 1990 MINDED TO. LICENSING ACT 2003

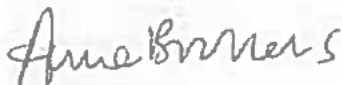
I refer to my previous letter dated 6 October this year. I enclose a copy for your ease of reference. I also wrote to you again on 22 November in relation to the same matter.

I have to inform you that we have now witnessed noise nuisance arising from music being played at Afasika.

Please contact me within 5 working days of the date of this letter, that by next Monday 19 December to discuss how you intend to comply with the noise conditions on the premises licence.

We look forward to your co-operation in this matter but must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the provisions of the Environmental Protection Act 1990. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is a potential unlimited fine. **I have to inform you that in the event of further noise nuisance being witnessed, Notice may be served without further warning.** In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance

Yours faithfully,



Anne Brothers
Principal Technical Officer


Encl: Copies of previous correspondence dated 6/10/16 and 22/11/16



Shaun Murkett

Acoustic Consultants Ltd.

Certificate of calibration. Dec 2016

This is a certificate of calibration for the sound controlling equipment installed at the Afasika Bar, 152 Seven Sisters road, Islington, N7 7PL, under the management of Kubrom. The noise limiting device installed is an AVC D Formula Sound controller sound limiter, serial number 027113 for the sound system, to control internal sound levels in the **basement restaurant bar**.

The sound system comprised CDj decks and a pro FX mixer, connected to the sound limiter, then to a pair of active EV ZLX 12P medium sized full range loud speakers near the DJ, mounted on speaker stands.

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

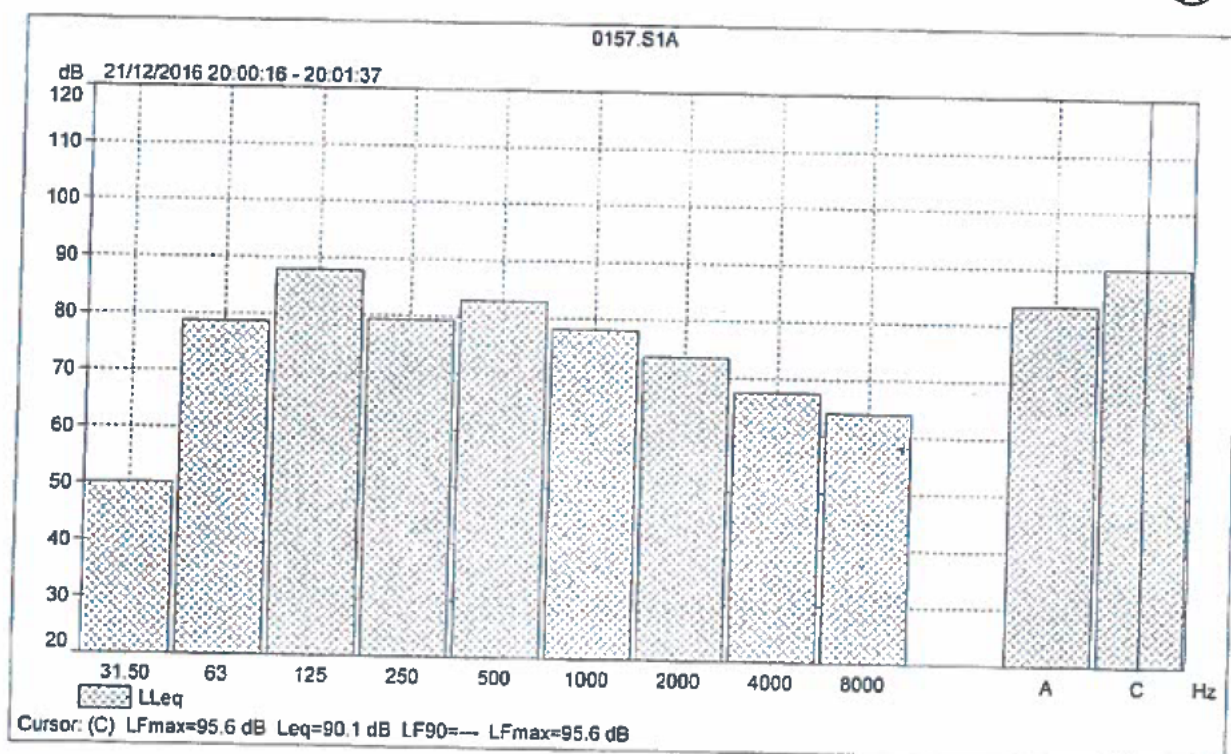
The AVC D sound controller limiter has been set for the ground floor to an internal music sound level limit of:-

90 dB Leq _{1 min} linear, 84 dBA Laeq _{1 min}, 78 dB at 63 Hz; 86 dB at 125 Hz. Measured at around center of bar, near dj, at rear, 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 8 pm on the evening of 21st December 2016, for inaudibility in residents, as agreed with noise team, and witnessed by the bar manager, and Shaun Murkett, and with the acceptance of the residents who were monitoring, and to be confirmed by members of the Local authority noise team as convenient.

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 21st December 2016



Octave frequency spectrum of sound of music measured
in main basement music room, near dj, around centre of dance floor,
at about 2 metres from nearest speaker.

Sound limiter calibration.

Afasika bar, 152 Seven Sisters road, Islington, London.

21st December 2016



Sound level 90 dB L_{Ceq} 1min, (84 dBA L_{Aeq} 1min.)

Licensing Authority Representation

Licensing Act 2003

Application: Afasika, 152 Seven Sisters Road, London, N7 7PL

I am submitting a representation on behalf of the Licensing Authority in respect to the review application submitted by Islington Council's Pollution Team in relation to the above premises.

The premises currently have a licence for the following across the ground floor and the basement;

- The sale of alcohol, from 09:00 until 00:00 Sunday, and from 09:00 until 05:00 the day following on Monday to Saturday.
- The playing of live music, recorded music, performance of dance from 09:00 until 00:00 Sunday, and from 09:00 until 05:00 the day following on Monday to Saturday.
- The provision of late night refreshment from 23:00 until 00:30 Sunday, and from 09:00 until 05:00 the day following.

Note: The entertainment area is in the basement as the licence does not permit the playing of music on the ground floor.

The grounds for the representation are:

- Public nuisance
- Public Safety

Licensing Policy Considerations

Licensing Policies 9 & 10 Standards of Management

Licensing Policy 30 Review of Licences

Issues of Concerns

The Licensing Authority supports the Pollution's Team application to review the premises licence, as it believes that the management of the premises is undermining the licensing objectives.

Following a number of complaints from residents starting in 2016, the Pollution Team alerted the Licensing Team about breaches of licence conditions, specifically around the use of the equipment to limit the noise levels at the premises.

Licensing and Pollution Officers have tried to work with the premises, in order to avoid formal enforcement action. This work included inviting the premises into Licensing Officer panel in December 2016 to speak to them about their conduct and offer support on improving their operation and compliance.

As a result of the aforementioned panel meeting, the premises made an application for a minor variation to add additional conditions onto the premises licence, which were recommended by the Police Licensing Team.

Licensing Officers have visited the premises on a number of occasions. The main reason for the visits was concerning issues in respect of noise prevention and responsible management at the premises following noise complaints from residents local to the premises.

In addition to complains about music noise from the premises, the Licensing Team have also received complaints about noise from people leaving the premises and noise from people playing pool at a table in a back room at the premises.

When Officers investigated the allegation of the noise from the pool table, Officers found the premises had amended the premises layout of the premises on both the ground floor and in the basement. The main change was moving the kitchen to create the room for the pool table. The room the pool table is in is not large enough to fit the table and people around it safely. The changes made inside the premises mean that the premises layout does not reflect the layout on the plans held on file. At the time of writing this representation, no application has been made to rectify this inconsistency.

This inconsistency from the prescribed premises layout on the plan held on file and the actual layout of the premises, resulted in officer serving a closure notice on the premises licence holder on 17 November 2017. The closure notice required the licence holder to cease using unlicensed area, and to fully comply with the terms and conditions of the licence.

To date the premises has yet to submit a minor variation to amend the premises layout.

Summary and recommendations

The licensing Authority is concerned about the structural suitability of the premises to operate as a late night music venue. Officers have visited the premises regularly late at night and have witnessed that music is clearly audible to the staircase of the next door flats.

The Licensing Authority recommends that the measures suggested in the Pollution Team's application are fully implemented, and also that the licence holder submitted a new plan to show the current premises layout.

Terrie Lane
Licensing Manager
Islington Council

11 February 2018

020 7527 3233

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 **Petros LOIZOU**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 232007**.....

This statement (consisting of: **1**..... 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: 23/02/2018.....

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

I am Police Constable Petros Loizou Police Licensing Officer for Islington. This statement is in relation to my research and investigation of Afasika 152 Seven Sisters Road N7 7PL.

I have provided a separate report documenting the crime and intel reports.

Afasika restaurant has been the scene of a number of crimes over the past 12 months, the most recent incident occurring on 28th January 2018. The levels of violence are wholly disproportionate to similar well -managed venues in the area. The venue does not open regularly however on the occasions it is open there are reports of assaults. All these assaults involve violence with injury and occur after midnight and on nearly all the occasion involved patrons who are intoxicated.

On THURSDAY 22ND DECEMBER 2016 an Officer Panel was held at 222 UPPER ST N1 for the Afasika Restaurant. The meeting was arranged to discuss noise complaints. Non-compliance with noise conditions, require acoustic survey and system calibrated. It appears the issues with noise have continued.

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.

Afasika is a venue that appears to attract clientele who over indulge in alcohol. In the majority of incidents officers have observed patrons to be intoxicated. It would seem the permitted intake of excessive amounts of alcohol is 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;

Signature: Signature witnessed by:

Continuation of Statement of **Petros LOIZOU**

1. Reduce the hours for both basement and ground floors to 09:00 to 00:30 Monday to Sunday (with all licensable activities to cease at midnight - allowing 30 minutes drinking up time).
2. Increase staff awareness and training in recognising drunkenness and the effects of alcohol. A full training log to be maintained and made available to the police and/or R/A upon request.
3. Increase SIA staff to a minimum of 3 at all times when premises is open for licensable activities.
3. Provide a schedule of operating and dispersal policy around SIA staff, to be endorsed by the police, evidencing more efficient door policy and documenting shift times and details for all SIA accredited staff on duty.
4. Cease any and all vertical drinking on the premises. All alcohol to be sold only to seated patrons and by waitress service.

On Saturday 3rd February 2018 Ps Joseph 259CN of the Islington Licensing Team conducted a full Licensing compliance visit at AFISIKA BAR & RESTAURANT 152 SEVNE SISTERS ROAD N77PL

The DPS in charge was Mr Tekle Tesfamariam KIDANE (licence no LN/16951- issued by Islington Council). His contact no [REDACTED]

The following issues were identified during this visit

1. There were no records/reports on the CCTV maintenance as requested in the premises license.
2. CCTV does not record for 31 days as requested in the premises license. It has only 18days worth of recordings
3. The CCTV camera that covers the front door is obstructed by a newly installed canopy and therefore rendered useless.
4. No training records available for inspection.
5. Security logs are incomplete.

In addition to the above, when the two door staff were asked the maximum capacity of the premises neither of the door staff knew the exact number, which is 60.

While carrying out this visit I saw the door staff refuse entry to at least five males but made no record of this at all.

The above demonstrates that the venue is not operating in accordance to its licensing conditions. Despite visits by the police and council the DPS has not demonstrated that he can rectify or indeed improve in how the venue operates.

Signature: Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|--|-----|--------------------------|----|--------------------------|------------------------------|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

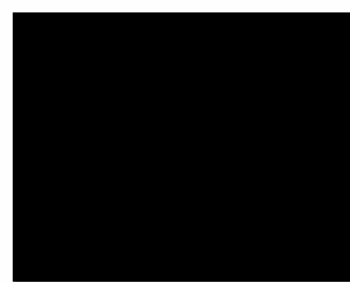
Address and telephone number if different from above:

Statement taken by (print name): **PC 757 NI 232007 Petros LOIZOU** Station: **ISLINGTON**

Time and place statement taken:

~~CONFIDENTIAL~~

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



21/01/2018

I would like to make a representation regarding the licence review of :

Afasika Bar and Restaurant
152 Seven Sisters road
Islington London
N7 7PL.

We have contacted Anne Brothers about the nuisance that the customers of Afasika cause in Berriman rd.

We are constantly woken up by noise, this typically happens between 3am and 5am but is not restricted to these times.

Often it is 5am on a Monday, this as you can imagine is a very bad start to anyones working week and the lack of sleep is affecting our ability to work at full capacity.

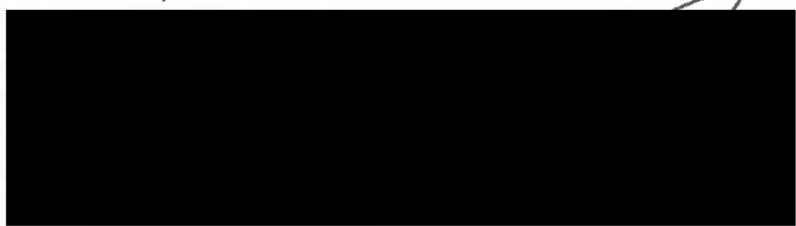
It is unacceptable that that a local business can cause so much disruption and distress to the local community.

We have not reported every case as it would almost be a full time job to do so. Arguments and fighting are common place and we often see people urinating in the street and we have had enough!

I am also aware that my neighbours have had problems and a motor bike has been kicked over in the early hours. This indecent has a crime number.

We can't see how this establishment is entitled to hold a Licence that allows people to leave so early in the morning and cause so much nuisance and disorder to the local community.

Thank you,



Licensing Act 2003 representation pro-forma

Should you wish to comment on the licence application please use this form to help you.
Please feel free to attach additional sheets.

You do not have to make any comment, and comments may be made in support of as well as against the application, providing they refer to one or more of the licensing objectives (please see the guidance notes for further advice).

Premises Name and address 152 Seven Sisters Road, N7 FPL (Basement & Ground Floor)
AFASIKA BAR - RESTAURANT

Your Name

Interest

(E.g. resident)

Your Address

Email:

Telephone

Please comment on the licensing objectives below relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed:

Public Nuisance

Unsuitable premises for playing music. No sound proofing.

The music is playing constantly from early afternoon till 3.00-4.00pm 7 days

per week. It is impossible to sleep during night hours because the floor of the room vibrates to the music.

Especially during Friday-Saturday-Sunday drink people fighting in the street.

Several times after the visit of council officers for noise inspection he turns the music up again.

Crime and Disorder

Protection of Children from Harm

Public Safety

Very often people fighting in the street during night hours. Some times they've been throwing objects to bar windows (like bottles - rubbish etc.)

I wish my identity to be kept anonymous Yes/No – YES

We will treat representations as anonymous where there is a genuine reason to do so; if you wish your name and address details to be withheld then please explain the reason:

The situation in the bar is quite 'wild', and the owner is very often fighting with customers ~~as~~ I believe that my identity should be kept anonymous for safety reasons.

Copies of this representation will be sent to the applicant, or their agent/solicitor, including name and address details (but other personal contact information such as telephone numbers and email addresses will be removed) unless you have specifically requested anonymity. Copies of this representation will be included in a report that will be available to the public and will be published on the internet; however the published on-line version of the report will have name and address details removed.

Signature _____

Date 30/01/2018

Please ensure name and address details completed above

Return to:

Licensing Service
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR
licensing@islington.gov.uk

or send by email to:

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Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	26 March 2018		Clerkenwell

Delete as appropriate		Non-exempt
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Subject: NEW PREMISES LICENCE APPLICATION
RE: GROUND CONTROL CAFÉ, 61 AMWELL STREET, LONDON EC1R 1UR

Synopsis

- 1.1 This is an application for a new premises licence under the Licensing Act 2003.
- 1.2 The application is to allow:
 - i) The sale by retail of alcohol for consumption on the premises from 12:00 until 20:30 Monday to Sunday.
 - ii) Opening hours, from 12:00 until 20:30 Monday to Sunday.
- 1.3 The premises is not currently licensed, but has been operating as a coffee shop to the times listed above since DATE. The application is to allow sales of alcohol with alcohol with meals.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No - Conditions Agreed
Noise	No – Conditions Agreed
Health and Safety	No

Trading Standards	No – Conditions Agreed
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes – Two residents
Other bodies	Yes – A local business owner

3. Background

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premises location.

3.2 The premises are located in the Clerkenwell Cumulative Impact Area. However, the terminal hour of the premises complies with those recommended within the policy. Similarly, the Policy's 4, 5 and 6 look at the merits of an application, and whether they are justified in departing from the policy, especially where premises which are not alcohol-led.

3.3 The Licensing Authority received three letters of representation in opposition to this application. These were from two local residents and a local business owner.

3.4 The applicant has accepted conditions from the Police and Islington's Noise and Trading Standards service. As a result of this acceptant, none of the Responsible Authorities made any representations to the application.

3.5 On receipt of the representations, the representors were advised of the terms and conditions which would be in place if a licence was granted. Two of the representors confirmed they still wanted to go ahead with their representation.

4. Planning Implications

4.1 The Planning Service has reported that there is no outstanding planning issues in relation to this premises, or enforcement cases open in relation to the property.

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. conditions recommended by Responsible Authorities deemed appropriate by the Committee (see appendix 3); and
 - iii. any additional conditions deemed appropriate 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 it considers 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 12/3/18

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

OK to proceed
 CLERKENWELL
 C.I.T. TL
 11/2/18

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We GROUND CONTROL CAFES LIMITED

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description GROUND CONTROL 61 AMWELL STREET			
Post town	LONDON	Postcode	EC1R 1UR

Telephone number at premises (if any)	020 7502 1201
Non-domestic rateable value of premises	£6000

Part 2 – Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | X | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name GROUND CONTROL CAFÉ'S LIMITED
Address 446A GREENS LANE PALMERS GREEN LONDON N13 5XD
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) 020 8807 4546
E-mail address (optional) NICK.ZAVROS@ZMA.UK.COM

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
01/03/2018

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

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)
THIS IS A SMALL CAFÉ SITUATED AT STREET LEVEL ON AMWELL STREET WITH SEATING FOR 12 INSIDE AND FOR 8 OUTSIDE. WE CURRENTLY SERVE COFFEE, SOFT DRINKS, SOUPS AND SANDWICHES AND ARE LOOKING TO EXPAND OUR MENU AND TO INCLUDE THE SERVING OF ALCOHOL WITH MEALS SERVED ON THE PREMISES DAILY FROM 12:00 – 20:30.

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

N/A

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☐

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

X

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) N/A <u>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</u> (please read guidance note 6) N/A		
Mon	12:00	20:30			
Tue	12:00	20:30			
Wed	12:00	20:30			
Thur	12:00	20:30			
Fri	12:00	20:30			
Sat	12:00	20:30			
Sun	12:00	20:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name POLLY HAMILTON	
Date of birth 21/04/1944	
Address 10 ST. HELEN'S GARDENS LONDON	
Postcode	W10 6LR
Personal licence number (if known) 14-145152-1	
Issuing licensing authority (if known) RBKC	

□□□□

K

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 9).
THIS IS A CAFÉ RESTAURANT APPLICATION FOR AN ALCOHOL LICENSE AND NO OTHER ACTIVITIES, OTHER THAN DINING, ARE PLANNED.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) N/A
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) N/A
Mon	12:00 -----	20:30 -----	
Tue	12:00 -----	20:30 -----	
Wed	12:00 -----	20:30 -----	
Thur	12:00 -----	20:30 -----	
Fri	12:00 -----	20:30 -----	
Sat	12:00 -----	20:30 -----	
Sun	12:00 -----	20:30 -----	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE ARE AN ESTABLISHED CAFÉ AND MEMBER OF THE LOCAL COMMUNITY. WE BELIEVE THAT PROVIDING AN INCREASED MENU AND ALCOHOL WILL CONTRIBUTE POSITIVELY TO THE LICENSING POLICY GOALS OF ENCOURAGING SOCIALISING OPPORTUNITIES, PARTICULARLY FOR THOSE LIVING IN THE NEIGHBOURHOOD.

b) The prevention of crime and disorder

THE STAFF ARE CONSCIOUS OF THE LOCAL ENVIRONMENT AND ARE FULLY TRAINED TO DEAL WITH ANY OBJECTIONABLE BEHAVIOUR. ALCOHOL WILL ONLY BE SERVED TO PATRONS WHO ARE SEATED AND EATING.

c) Public safety

WE WILL ENCOURAGE OUR PATRONS TO LEAVE THE PREMISES IN AN ORDERLY MANNER AND BE RESPECTFUL OF OUR NEIGHBOURS. CCTV IS BEING INSTALLED ON THE PREMISES.

d) The prevention of public nuisance

SIGNAGE TO LEAVE QUIETLY; THE LIMITED SIZE OF THE PREMISES WILL MEAN THAT CROWDS WILL NOT GATHER THERE.

e) The protection of children from harm

CHILDREN WILL NOT BE SERVED ALCOHOL AND THERE ARE NO OTHER ACTIVITIES HAPPENING ON THE PREMISES OTHER THAN THE SERVING OF FOOD.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> ● [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). ● The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
--------------------	--

	proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	
Capacity	COMPANY DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.

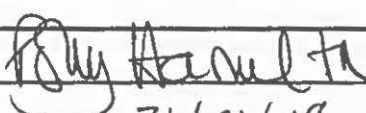
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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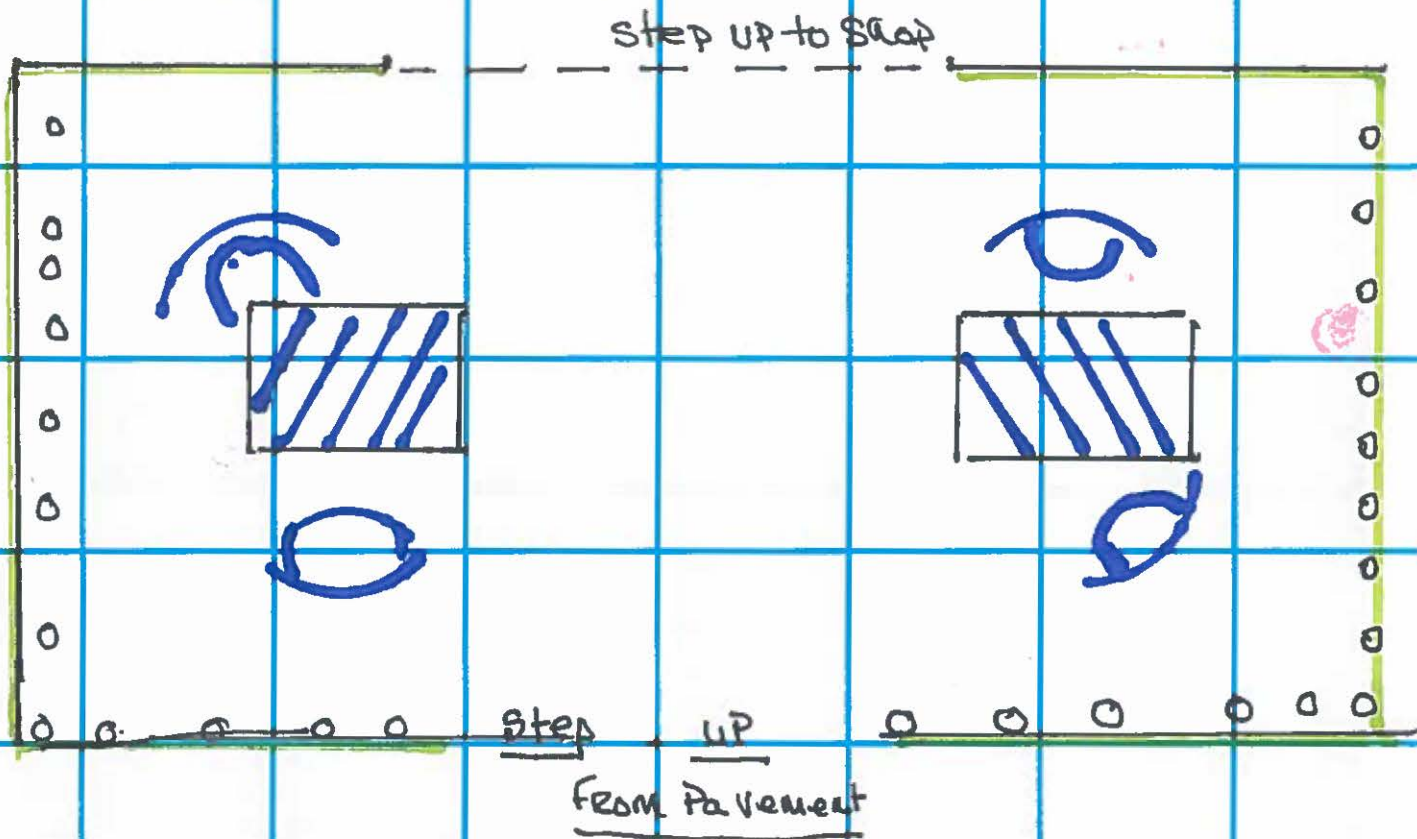
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	31/01/18
Capacity	Company director



Ground Control TERRACE



 TABLES & chairs.

 RAILINGS.

Squares = 50cm

4 Squares = 1 metre

Floor Plan 3 PAGES

The Red



FE in the toilet area is the Fire Extinguisher

The Green



SD Dot is the smoke Detector (On wall above toilet door)

Williams, John

From: [REDACTED]
Sent: 27 February 2018 19:43
To: Licensing
Subject: Re ;Ground Control application, 61 Amwell Street, EC1R 1UR

Dear Sir/Madam,

i am writing to object to the application at 61 Amwell Street for an alcohol license on the grounds of:

- 1 The amount of drugs in the area has dropped considerably since the pub (Amwell Arms) has ceased to operate, this new venue will attract a new source of revenue for the old dealers, we are terrified at them returning to our streets
- 2 The sale of alcohol will encourage anti social behaviour as the premises is very small & would spill on to the streets causing nuisance to local neighbours & public alike
- 3 We believe that public safety would be compromised as a coffee shop they have 2 tables directly outside & a further 4 on the public footpath (especially in the warmer times of the year), with the terms allowing from 12-8-30 pm drinking with no additional support re supervision we believe it would be a total tinder box ready to explode, people will be smoking & drinking along the pavements outside our homes
- 4 At the moment the shopfront at 61 is a coffee shop with the introduction of alcohol it would change the complete feel of the area, we are primarily a residential & a conservation area
- 5 unsuitability of premises

Kind regards,

Williams, John

From: [REDACTED]
Sent: 13 February 2018 14:05
To: Licensing
Subject: Complaining for Ground Control Cafes shop

Hi
Dear Sir / Madam
My name is [REDACTED]
[REDACTED]

I am complaining about - Ground Control Cafes-(61 Amwell Street, Islington, EC1R 1UR , London)

You are trying to give Alcohol Licenses to Ground Control Cafes Shop. This Coffee Shop is [REDACTED] of my [REDACTED]

We don't want it. Because

- This is Residents Area. And,
- They will making of Noisy for environment.

And then,

- Drunk people's will asking more Alcohol from [REDACTED] shop. If we are not selling to drunk people, they will make problems to [REDACTED] (Next to [REDACTED] had Pub, So We had experience before), So , the same Problems will making again.

Kind Regards,
[REDACTED]

Thank you so much

Williams, John

From: [REDACTED]
Sent: 22 February 2018 16:59
To: Licensing
Subject: Re: Objection to Alcohol Cons. On Premises Application - GROUND CONTROL EC1R

John

Apologies, it is:



Thanks,
[REDACTED]

Sent from my iPhone

On 22 Feb 2018, at 16:56, Licensing <Licensing@islington.gov.uk> wrote:

[REDACTED]
Please provide your full residential address if you wish us to accept your email as a representation against this application.

Regards

John Williams
Licensing Support Officer
Public Protection
222 Upper Street
London
N1 1XR
Tel: 020 7527 3803
Fax: 020 7527 3430
Email: john.williams@islington.gov.uk
Website: www.islington.gov.uk

From: [REDACTED]
Sent: 19 February 2018 11:27
To: Licensing <Licensing@islington.gov.uk>
Subject: Objection to Alcohol Cons. On Premises Application - GROUND CONTROL EC1R

To Whom it may concern,

I am a neighbour of Ground Control – I live at [REDACTED] and object to their application for an alcohol license –
http://planning.islington.gov.uk/Northgate/Online/EGov/License_Registers/StdDetails.aspx?PT=&TYPE=LicenceRegistersFullDetailsPK&PARAM0=%27WK/18003066%27&PARAM1=0&XSLT=/Northgat

Suggested conditions of approval consistent with the operating schedule

1. The premises licence holder shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
2. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
3. The premises licence holder will encourage our patrons to leave the premises in an orderly manner and to be respectful of local residents.

Suggested conditions from Trading Standards – Agreed

4. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the prominent display of posters.
5. Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
6. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

Suggested conditions from the Police – Agreed

7. CCTV shall be installed, operated and maintained in agreement with the Police. 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.

Suggested conditions from Islington's Noise Service – Agreed

8. There shall be no vertical drinking.
9. Alcohol shall not be sold or supplied on the premises other than to persons purchasing food there and for consumption as ancillary to his/her meal.
10. The last sale of alcohol shall be 30 minutes before the stated closing time.
11. All outside furniture shall be fitted with rubber pads to the bottom of the legs to minimise noise when moved.
12. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

