

**MUNICIPAL YEAR 2016/17 REPORT NO.**

**COMMITTEE :**  
Licensing Sub-Committee  
8 June 2016

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT :</b> Review Application  <b>PREMISES :</b> Turku Art Cafe, 77 Bounces Road, LONDON, N9 8LD.  <b>WARD :</b> Lower Edmonton	

**1 LICENSING HISTORY & CURRENT POSITION:**

- 1.1 Premises Licence (LN/200502330) was issued to Mertcan Ltd, on 28 December 2005, following a conversion. The premises operated as a restaurant.
- 1.2 Mertcan Ltd dissolved in January 2013.
- 1.3 A new premises licence (LN/201400543) was granted on 30 September 2014, naming Mr Aydin Guven Acay as the Premises Licence Holder and Designated Premises Supervisor (DPS). The application was not subject to representations from the Responsible Authorities.
- 1.4 On 15 June 2015, a transfer application was granted naming Berf Catering Ltd as the Premises Licence Holder. The Director of This was not subject to any representations.
- 1.5 On 4 August 2015, Ms Songul Aydin became the DPS – this vary DPS application was not subjection to any representations.
- 1.6 On 29 September 2015, the variation application was granted with extended hours, following mediation relating to times and conditions with the Responsible Authorities.

**1.7 The current Premises Licence permits:**

**Hours the premises are open to the public:** 08:00 to 23:30 Sunday to Thursday, and 08:00 to 01:00 Friday and Saturday.

**Supply of alcohol (off supplies only):** 08:00 to 23:00 Sunday to Thursday, and 08:00 to 00:30 Friday and Saturday.

**Live music (indoors):** 20:30 to 23:00 Sunday to Thursday, and 20:30 to 00:30 Friday and Saturday.

**Recorded music (indoors):** 20:30 to 23:00 Sunday to Thursday, and 20:30 to 00:30 Friday and Saturday.

**Performance of Dance (indoors):** 20:00 to 23:30 daily.

**Late Night Refreshment (indoors):** 23:00 to 23:30 Sunday to Thursday, and 23:00 to 00:30 Friday and Saturday.

1.8 A copy of a location map of the premises is attached in Annex 1.

1.15 A copy of the current premises licence (LN/201400543) is attached in Annex 2.

**2 THIS APPLICATION:**

2.1 On 15 April 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/201400543.

2.2 The review application relates to the prevention of public nuisance licensing objective and is made because the premises has breached a noise abatement notice as a result of noisy singing and music.

2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to remove live music from the Premises Licence, and to modify conditions.

2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.

2.5 Each of the Responsible Authorities were consulted in respect of the application.

2.6 A copy of the review application is attached as Annex 03.

### **3 RELEVANT REPRESENTATIONS:**

- 3.1 **Metropolitan Police:** Representations were received in support of this review application, based on the prevention of public nuisance licensing objective.
- 3.2 A copy of the representation is attached as Annex 04.

### **4 PROPOSED LICENCE CONDITIONS:**

- 4.1 The conditions arising from this review application are attached as Annex 05.

### **5 RELEVANT LAW, GUIDANCE & POLICIES:**

- 5.1 The paragraphs below are extracted from either:
  - 5.1.1 the Licensing Act 2003 ('Act'); or
  - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
  - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

#### **General Principles:**

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4 (1)].
- 5.3 The licensing objectives are:
  - 5.3.1 the prevention of crime and disorder;
  - 5.3.2 public safety;
  - 5.3.3 the prevention of public nuisance; &
  - 5.3.4 the protection of children from harm [Act s.4 (2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
  - 5.4.1 the Council's licensing policy statement; &
  - 5.4.2 guidance issued by the Secretary of State [Act s.4 (3)].

### **Review:**

- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

### **Live and Recorded Music:**

- 5.6 The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. The Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.
- 5.7 Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:
- 5.8 Section 15.55: On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension of live music related conditions and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing Authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 5.9 Section 15.56: An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

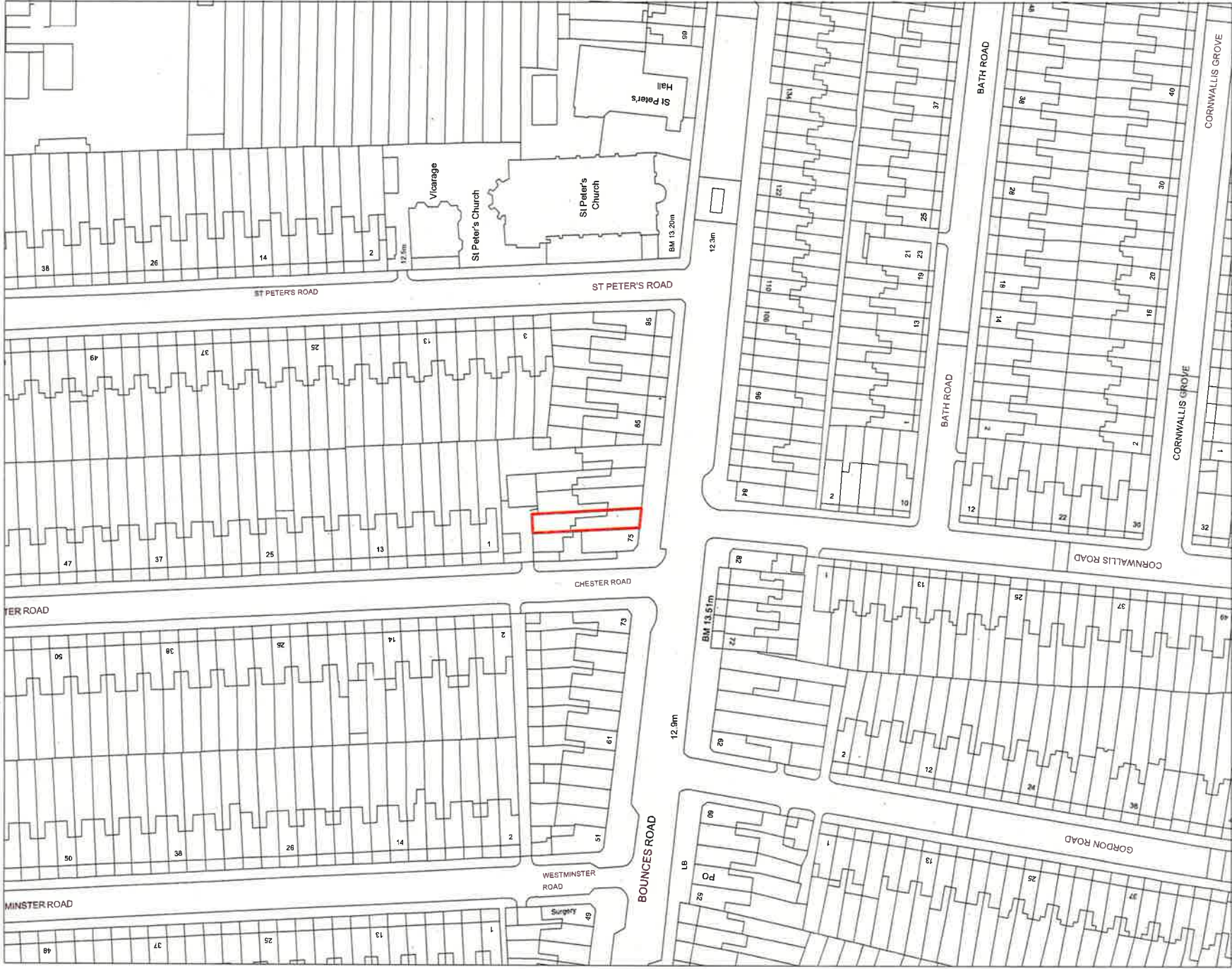
**Decision:**

- 5.10 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 5.10.1 to modify the conditions of the licence;
  - 5.10.2 to exclude a licensable activity from the scope of the licence;
  - 5.10.3 to remove the designated premises supervisor
  - 5.10.4 to suspend the licence for a period not exceeding three months;
  - 5.10.5 to revoke the licence [Act s.52].
- 5.11 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

**Background Papers :**  
**None other than any identified within the report.**

**Contact Officer :**  
**Ellie Green on 020 8379 8543**

Annex 01



**Turku Art Cafe, 77 Bounces Road, LONDON, N9 8LD**

LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET,  
ENFIELD, EN1 3XE  
[www.enfield.gov.uk](http://www.enfield.gov.uk)



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Drg.No. 6800GX  
Scale 1:1250  
Date 18/05/2016

Licensing Act 2003

**PART A – PREMISES LICENCE**

**Granted by the London Borough of Enfield as Licensing Authority**

**Premises Licence Number : LN/201400543**

**Part 1 – Premises Details**

**Postal address of premises :**

<b>Premises name :</b>	Turku Art Cafe
<b>Telephone number :</b>	020 8803 2828
<b>Address :</b>	77 Bounces Road LONDON N9 8LD

**Where the licence is time-limited, the dates :** Not time limited

**The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :**

<b>(1) Open to the Public - Whole Premises</b>	
Sunday :	08:00 - 23:30
Monday :	08:00 - 23:30
Tuesday :	08:00 - 23:30
Wednesday :	08:00 - 23:30
Thursday :	08:00 - 23:30
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

<b>(2) Supply of Alcohol - On Supplies</b>	
Sunday :	08:00 - 23:00
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 00:30
Saturday :	08:00 - 00:30

<b>(3) Live Music - Indoors</b>	
Sunday :	20:30 - 23:00
Monday :	20:30 - 23:00
Tuesday :	20:30 - 23:00
Wednesday :	20:30 - 23:00

## Part 2

### Name and (registered) address of holder of premises licence :

Name :	Berf Catering Ltd
Telephone number :	Not provided
e-mail :	Not provided
Address :	59-60 Market Square , Edmonton , N9 0TZ

### Registered number of holder (where applicable) :

9279876

### Name and (registered) address of second holder of premises licence (where applicable) :

Name :	Not applicable
Telephone number :	
Address :	

### Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name :	Ms Songul Aydin
Telephone number :	Not provided
e-mail :	Not provided
Address :	Flat 12, Melbourne Court, Sydney Road, London, N10 2NN

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

Personal Licence Number : LAPERS/15/50723

Issuing Authority : London Borough of Barnet

Premises Licence LN/201400543 was first granted on 30 September 2014.

Signed :



Date : 22nd April 2016

for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578





**12. The management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.**

**13. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.**

**14. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**

**15. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.**

**16. Children under 18 years, are not permitted to remain at or enter the premises after 23:00.**

**17. The premises shall install and maintain a comprehensive CCTV system.**

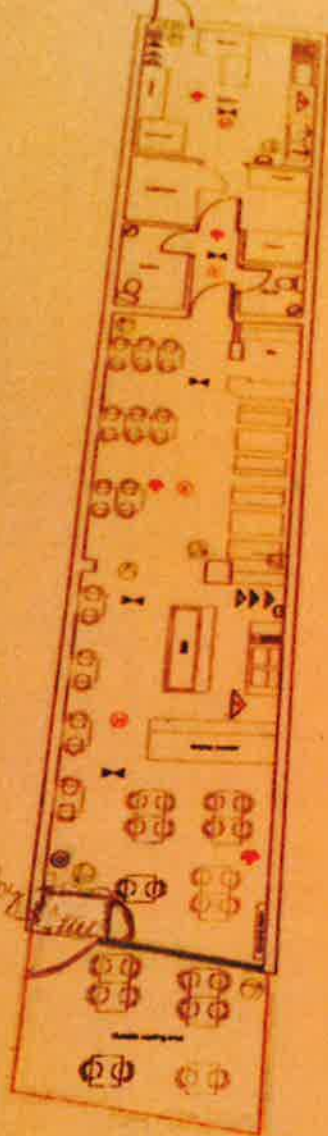
- **All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.**
- **All recordings shall be stored for a minimum period of 31 days with date and time stamping.**
- **Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.**
- **The CCTV system should be updated and maintained according to police recommendations.**
- **A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.**

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

- **All crimes reported to the venue**
- **all ejections of patrons**
- **any complaints received**
- **any incidents of disorder**
- **all seizures of drugs or offensive weapons**
- **any faults in the CCTV system**
- **any visit by a relevant authority or emergency service**

# Annex 4 - Plans

Annex 4 - Plans



- LEGEND
- 2-4 - EMERGENCY LIFTWAYS  
2 hour fire resistance
  - (L) - MAIN ENTRANCE/EXIT
  - - HEAT DETECTOR
  - - SMOKE DETECTOR
  - ◆ - FLAME SCANNER  
Flame alarm bell rate 30 dB
  - ⊙ - CALL POINT
  - ⊗ - CCTV
  - ▲ - CARBON DIOXIDE FIRE EXTINGUISHER
  - ▲ - P.A.T. WATER FIRE EXTINGUISHER
  - ▲ - WET CHEMICAL FIRE EXTINGUISHER
  - ▲ - Fire Manual

Small red triangles indicate a fire alarm and emergency lighting system in compliance with BS5839 Part 1 and BS5266

Box Lobby



dave architects & engineering  
dave@daveeng.co.uk

Project	77 Sources Road NO BLD
Client	
Drawing Title	Ground Floor Plan
Project Number	7701
Date	18/06/2014
Drawn by	DB
Checked by	
Scale	As shown
Drawing No	7701-01

1:100 0 1 2 3 4 5 Metres

W/A 216003981

**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 **Charlotte Palmer Senior Licensing Enforcement Officer**

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Turku Art Cafe, 77 Bounces Road	
<b>Post town</b>	<b>Post code (if known)</b>
Edmonton	N9 8LD
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Berf Catering Ltd	
<b>Number of premises licence or club premises certificate (if known)</b>	
LN/201400543	



**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  Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

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

Please tick one or more boxes

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

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

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have breached an abatement notice in respect of statutory nuisance arising from the production of singing and noisy music.

This review is primarily based on the prevention of public nuisance licensing objective. **The review application is to remove live music from the licence, to amend one condition and to add one condition.**

**Background Information:**

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

**Complaint and Visit History of Premises**

**Tuesday 30/09/14** - Premises Licence was granted.

**Monday 15/06/15** – Licence transferred to current Premises Licence Holder.

**Thursday 02/07/15** – 20:55 – 21:10 - Licensing Enforcement Officers (JTE/CLB) carried out a full licence inspection. The following 5 conditions were being breached:

Condition 4: Alcohol Control Zone sign not on display.

Condition 6 and Condition 7: No evidence of staff training.

Condition 9: No refusal book available.

Condition 12: No evidence that sound checks were being carried out during regulated entertainment.

Staff advised that the person named on the licence as the Designated Premises Supervisor (DPS) is no longer involved with the company. Advised vary DPS application needs to be submitted.

**Tuesday 04/08/15** – Variation to extend licensed hours submitted.

**Saturday 08/08/15** – 01:37 - Out of Hours Noise Officers (JTE/PGB) carried out observations outside the premises following the submission of a variation application. Five males smoking and talking outside. 01:40 3 males left the site. Premises appeared to be closing.

**Friday 14/08/15** - 21:30 - 21:50 Licensing Enforcement Officers (CPX/JS) carried out a licence inspection revisit. The following 5 conditions were being breached:  
Condition 6 and Condition 7: No evidence of staff training.

Condition 9: No refusal book available.

Conditions 11: Entrance door open on arrival whilst a band was playing – all doors and windows should be closed during music.

Condition 12: No evidence that sound checks were being carried out during regulated entertainment.

The plan attached to the licence no longer matched the actual layout of the premises as a lobby had been installed at the front of the premises. Advised to email new plan to the licensing team. Given 14 days to comply with conditions.

**Saturday 15/08/15** – 20:00 – 02:00 Temporary Event Notice

**Tuesday 18/08/15** – Designated Premises Supervisors varied.

**Friday 28/08/15** - 22:10 - Licensing Enforcement Officers (CLB/JS) carried out a licence inspection revisit. The following condition was being breached:

Condition 7: No evidence of staff training. The officers went through training questions with the DPS - Songul Aydin. Completed inspection report giving 14 days to comply. No noise or anti-social behaviour.

**Friday 11/09/15** - 21:20 - 21:25- Licensing Enforcement Officers (CPX/JF) carried out a licence inspection revisit. The following condition was being breached:

Condition 7 - No evidence of staff training. Advised these must be sent to officer within 14 days.

**Wednesday 16/09/15** – Training Records received.

**Tuesday 29/09/15** – A variation application was granted amending the plan and hours as follows:

Activity	Hours at time of transfer	New current hours
Open	08:00 - 00:30 everyday	08:00 – 23:30 Sun – Thurs 08:00 – 01:00 Fri - Sat
Alcohol (on sales)	12:00 – 23:30 everyday	08:00 – 23:00 Sun – Thurs 08:00 – 00:30 Fri – Sat
Live music Performance of dance	20:00 – 23:30 everyday	20:30 – 23:00 – Sun – Thurs 20:30 – 00:30 Fri – Sat
Recorded music	N/A	20:30 – 23:00 – Sun – Thurs 20:30 – 00:30 Fri – Sat
LNR	23:00 – 23:30 everyday	23:00 – 23:30 Sun – Thurs 23:00 – 00:30 Fri - Sat

**Friday 25/12/15 – 23:00 – 02:00 Temporary Event Notice**

**Thursday 31/12/15 – 23:00 – 03:00 Temporary Event Notice**

**Thursday 21/01/16** – The Licensing Enforcement Team received a complaint in relation to loud music coming from the premises on a regular basis and affecting local residents. An officer (CPX) phoned the premises and left a message with a female member of staff called Esme advising that a noise complaint had been received and that they needed to ensure the music did not affect residents. The officers asked for the DPS to call them. DPS returned call and was advised of the complaint.

**Friday 22/01/16 – 21:16** – The Out of Hours Noise Team (CLB/RCA) received a noise complaint in relation to loud music coming from the premises. 22:46 – officers visited the complainant entered the living room and could clearly hear an amplified voice over a microphone and acoustic music (not heavy bass). It was live music which was audible when the television was on at normal level and when off. Windows shut in complainant living room. The noise could also be heard in the bedroom. The complainant advised the officers that this occurred every day and went on from 21:00 until midnight and sometimes until 01:00. Officers noted that there appeared to be poor sound insulation. The music could also be heard from Bath Road which they noted is approximately 50m away from the premises. The officers did not enter the premises. The music level was deemed to be a statutory nuisance taking into consideration the volume and that it was amplified. Left at 22:55.

**Saturday 23/01/16 – 22:04** - The Out of Hours Noise Team (CLB/RCA) received a noise complaint in relation to loud music coming from the premises. 22:55 – Visited premises and no noise evident. 23:00 – music was audible at a low level. 23:15 – voice on microphone audible and musical instruments over the volume of the television. The music was audible in the complainants bedroom and was a nuisance. Officers visited the premises and spoke to the DPS. They requested the volume of the music be reduced. There were shown sound records sheets.

**Friday 05/02/16** – Environmental Protection Act 1990 s.79(1)(g) Abatement Notice in respect of statutory nuisance served by hand to the registered address which is an accountants. Yousf took the document, opened it, read it and said he would notify the owners. The notice required that they abate the nuisance forthwith and prohibit the recurrence by exercising proper control of the volume of sound generated at the premises as to ensure that the total volume of sound emitted was not likely to cause a nuisance to person residing in the vicinity. **See Appendix CPX/01.**

**Monday 08/02/16** – The DPS telephoned the noise officer (NEJ) to discuss the notice and said they would keep the music turned down. They advised that they have had a quote for sound insulation works and are considering this.

**Sunday 28/02/16 - 00:09** - The Out of Hours Noise Team (CLB/RCA) received a noise complaint in relation to loud music coming from the premises. 00:54 - called complainant from outside the premises but call went to voicemail. The officers went to the front of the premises. They saw people leaving and about five people sat at a table. No music audible but saw that a stage was set for a live band. At 01:00 they spoke to the owner. He said he'd have the people leave in the next 10-15 minutes. The officers advised that they would report back to the Licencing Enforcement Team and reminded them that the premises should be closed and must have patrons out within the licensed times given.

**Friday 04/03/16** – 23:24 – 23:50 - The Out of Hours Noise Team (DD/CLB) received a noise complaint in relation to loud music coming from the premises. 23:50 – Visited complainant, music was clearly audible - speech and guitar type instruments, appeared to be amplified. **Unreasonably loud and a statutory nuisance.** Audible over the volume of the TV. Sound insulation again appeared to be poor as normal speech could also be heard.

**Friday 11/03/16** – 22:43 - The Out of Hours Noise Team (NEJ/JI) received a noise complaint in relation to loud music coming from the premises. 23:00 - Visited complainant. Singing and music clearly audible in the front room. The lyrics were clear as was the guitar being used. The music could be heard clearly above the level of normal conversation. In the bedroom, which is next to the living room, the noise was equally as loud and the music and signing would prevent sleep. **The noise was unreasonably loud for the time of day and deemed to be a Statutory Nuisance and a breach of the noise Abatement Notice.** 23:10 – the officers visited the premises and spoke to both owners and told them to turn the music down, which they did. They all went outside to discuss the noise issue. The Officers told both owners (a male and a female) that the music volume was a breach of the noise Abatement Notice. The officers said they would be served a Fixed Penalty Notice and that they could choose to pay it to discharge the offence or choose not to in which case they would be consider prosecution for breach of the notice. The owners asked for another chance and were told that they must control the volume of the music.

**Friday 18/03/16** – Fixed Penalty Notice served for breach of a section 80 Noise Abatement Notice as witnessed on 11/03/16. **See Appendix CPX/02.**

**23:35** – Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises and carried out a full licence inspection with the DPS. The following conditions were being breached:

**Condition 6 and Condition 7:** Induction and refresher training carried out but recent records only produced. Requested list of staff and historical training records to be sent in.

**Condition 12:** Records of sound checks kept but concerned checks are not accurate in light of two noise nuisances witnessed. Advised they must have stricter noise control and turn the music down.

**Condition 17:** Unable to check that CCTV recordings kept for 31 days.

Discussed recent breaches of noise abatement notice. Advised that in light of this a review of the premises licence may be sought and an interview under caution. Smoking shelter/front outside area more than 50% enclosed as sliding side windows. Officers advised that the side panels of the outside seating area must be removed to achieve less than 50% enclosed before smoking can be permitted in that area. Mr Ceki stated he would remove them on Monday. Given 7 days to comply with licence conditions. During the conversation the DPS alleged that neighbours wanted to close down the business as they wanted to open a bakery. When asked she said they have live music every day and that on 11/03/16 they had a famous Turkish musician performing. Officers saw the sound check sheet for 11/03/16 and every night from Tues 08/03/16 - half hourly checks carried out. No problems recorded at any point and they were signed daily by the DPS.

**Monday 21/03/16** – Email received from DPS with copies of training records. An Officer (EVG) called the DPS and confirmed receipt of the email and training records. They advised the officers that they would pay the Fixed Penalty Notice.



## **Conclusion:**

Live music has been provided at such a level to be deemed a statutory noise nuisance and an abatement notice has been served. This notice has subsequently been breached despite the premises being aware that noise complaints were being received. There are residential properties directly above this parade of shops and sound insulation between the premises and residential properties appears to be poor. **The Licensing Authority does not think that this is a suitable venue for live music and is therefore seeking to remove live music from the premises licence.**

## **The Live Music Act 2012**

The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. As noise complaints have been received as early as 21:16 and statutory noise nuisance has been witnessed as early as 22:46 the Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:

Licence reviews: Live and recorded music

- 15.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension 71 and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 15.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements 72.

If the Licensing subcommittee is minded to remove live music from the premises licence then the Licensing Authority requests that the following condition be added to the licence to prevent the premises making use of the provision of the Live Music Act 2012:

### **Additional condition**

Live music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.

### **Condition to be amended:**

If the committee is minded to remove live music from the premises licence then the Licensing Authority also asks that the following condition be amended as follows:

### **Condition 12:**

The management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, whilst

**regulated entertainment** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

**Amend to:**

The management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, whilst **recorded music** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. **Section 177A of the Licensing Act 2003 does not apply to this condition.**

The Licensing Authority reserve the right to add any additional information to support this review application.

<b>Suspension of Licence:</b>	<b>N</b>
<b>Revocation of Licence:</b>	<b>N</b>
<b>Recommended period of suspension (max 3 months):</b>	

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

**If you have made representations before relating to these 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 guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



**Signature:**

**Date:** 15<sup>th</sup> April 2016

**Capacity:** Licensing Enforcement Officer

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

**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.

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80****ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: **Berf Catering Ltd**  
of: **59-60 Market Square**  
**Edmonton**  
**N9 0TZ**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the occurrence and likely recurrence of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **Turku Art Cafe, 77 Bounces Road, LONDON, N9 8LD**, within the district of the said Council arising from:

**The production of singing and noisy music**

HEREBY REQUIRE YOU as the person responsible for the said nuisance of the premises, **Turku Art Cafe, 77 Bounces Road, LONDON, N9 8LD** from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

**Exercise proper control of the volume of sound generated at the premises so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.**

IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or 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.

/contd

IF YOU CONTRAVENE without reasonable excuse 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 on 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 a fine not exceeding £20,000. The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance.

Signed

**Ned Johnson**  
**Principal Officer Pollution Control**

Dated **5th February 2016**

\*Currently £5000, subject to alteration by Order.

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

**NB See attached explanatory notes N6B**

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Address for all communications:  
London Borough of Enfield  
Environmental Protection Team  
Environment Department  
PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

Contact: **Ned Johnson**

Telephone: **020 8379 3701**

**ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80**  
**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

**NOTES N6B**  
(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 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 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), (fa) 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)[4] 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; or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)

(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 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 -

(i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(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 1993 Act (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 owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (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 the 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 the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

3.- (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 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.

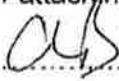


**CERTIFICATE OF SERVICE BY HAND**

I **Charles Le Besque** of the London Borough of Enfield, hereby certify that I served **Berf Catering Ltd of 59-60 Market Square, Edmonton, N9 0TZ.**

with the notice of which a true copy is attached, by delivering  
by hand to **Turku Art Café 77 Bounces Road N9 8LD** ~~the above / through the~~  
~~letterbox / attaching it to the vehicle~~ **on 5th February 2016 at 22:15 hours**

Signed ...



Reference **WK/215077534**

**\*delete where appropriate**

Berf Catering Ltd  
59-60 Market Square  
London  
N9 0TZ

Please reply to: Joynul Islam  
Environment and Regeneration  
E-mail : joynul.islam@enfield.gov.uk  
Phone : 020 8379 5570  
My Ref : WK/215087600  
Your Ref :  
Date : 18/03/2016

Dear Sir/Madam,

**Environmental Protection Act 1990, Part III, Section 80(4)**  
**London Local Authorities Act 2004**  
**Fixed Penalty Notice for a breach of a Section 80 Noise Abatement Notice**  
**Re: Turku Art Café, 77 Bounces Road, London, N9 8LD**

I write in regard to the Noise Abatement Notice served upon on 5<sup>th</sup> February 2016 and the breach of the terms of that Notice on 11<sup>th</sup> March 2016.

The Council have decided to issue you with a Fixed Penalty Notice (FPN) for this offence. The FPN offers you an opportunity to discharge any liability to conviction for the offence of breaching the Abatement Notice by payment of the FPN. No proceedings will be taken for this offence before the expiration of twenty eight calendar days following the date of the FPN. If you fail to pay the FPN within the twenty eight day period, legal proceedings for the offence may be commenced against you.

I hope this explains the situation clearly; should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely



Joynul Islam  
Environmental Protection Officer (Commercial Nuisance)

**Copy also sent to Turku Art Café, 77 Bounces Road, London, N9 8LD**

The Owners  
Turku Art Cafe  
77 Bounces Road  
London  
N9 8LD

Please reply to: Joynul Islam  
Environment and Regeneration  
E-mail : joynul.islam@enfield.gov.uk  
Phone : 020 8379 5570  
My Ref : WK/215087600  
Your Ref :  
Date : 18/03/2016

Dear Sir/Madam,

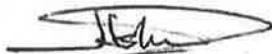
**Environmental Protection Act 1990, Part III, Section 80(4)  
London Local Authorities Act 2004  
Fixed Penalty Notice for a breach of a Section 80 Noise Abatement Notice**

I write in regard to the Noise Abatement Notice served upon on 5<sup>th</sup> February 2016 and the breach of the terms of that Notice on 11<sup>th</sup> March 2016.

The Council have decided to issue you with a Fixed Penalty Notice (FPN) for this offence. The FPN offers you an opportunity to discharge any liability to conviction for the offence of breaching the Abatement Notice by payment of the FPN. No proceedings will be taken for this offence before the expiration of twenty eight calendar days following the date of the FPN. If you fail to pay the FPN within the twenty eight day period, legal proceedings for the offence may be commenced against you.

I hope this explains the situation clearly; should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely



Joynul Islam  
Environmental Protection Officer (Commercial Nuisance)

**Copy also sent to Berf Catering Ltd, 59-60 Market Square, London, N9 0TZ**

Notice number: **WK/215087600**  
FPN\_LLA & EPA 1990



**FIXED PENALTY NOTICE:**

**London Local Authorities Act 2004**  
**(Schedule 2)**

**OFFENCE: BREACH OF A SECTION 80 ABATEMENT NOTICE**

**Berf Catering Ltd**  
**59-60 Market Square**  
**Edmonton**  
**N9 0TZ**

I, Joynul Islam, an authorised officer of Enfield Council have reason to believe that you have committed an offence details of which are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of **£400**. No proceedings will be taken for this offence before the expiration of **28 calendar days** following the date of this notice. The expiration date is **17<sup>th</sup> April 2016**. You will not be liable to conviction for the offence if you pay the fixed penalty before **17<sup>th</sup> April 2016**. An early payment discount will apply if the penalty is paid before the end of the period of **14 calendar days** beginning with the date of the notice. The last date for early payment is **1<sup>st</sup> April 2016**. The amount to be paid for an early payment discount is **£240**.

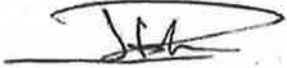
**Date of offence:**  
**11<sup>th</sup> March 2016**

**Location of offence:**  
**Turku Art Cafe, 77 Bounces Road, LONDON, N9 8LD**

**Offence:**  
Breach of a Section 80 Abatement Notice served under the Environmental Protection Act 1990

**Circumstances alleged to constitute the offence:**  
Music emanating from **Turku Art Café 77 Bounces Road, LONDON, N9 8LD**, on **11th March 2016** constituted a Statutory Noise Nuisance which is a breach of the Section 80 Abatement Notice served on **5<sup>th</sup> February 2016**.

**PLEASE NOTE: If you do not pay the fixed penalty within the period of 28 calendar days, you are liable to be prosecuted for the offence described above and if convicted could receive a fine of up to £1,000 in the Magistrates Court.**

<b>Signature of Authorised Officer</b> 	<b>Name</b>	<b>Joynul Islam</b>
	<b>Date</b>	<b>18th March 2016</b>

**Environmental Protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH**

**PAYMENT INFORMATION IS GIVEN ON THE BACK OF THIS NOTICE**

Notice number: **WK/215087600**  
FPN\_LLA & EPA 1990

## **HOW TO PAY YOUR FIXED PENALTY NOTICE**

**You can pay by debit/credit card, cheque, cash or Postal Order:**

 **Online:** by visiting the Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

Click '**View more payments**' in 'Make a Payment' home page  
Then click '**View more payments**' on the 'Pay a Bill page'  
Click on **Penalty Notices**

 **By Post:**

Please make cheques/Postal Orders payable to Enfield Council and return to the address below. Please write the notice number and reference **ES0182 67703** on the back of the cheque or Postal Order.

If sending cash by post please include details of the notice number and quote reference **ES0182 67703**

If sending by post to qualify for early payment we must receive the payment before the expiration of 14 days starting with the date of this notice (you should post your payment in good time to allow delivery of it within the stated period).

 **In Person:** The payments office at the Civic Centre can also accept payments. Please quote the notice number and the cashier reference **ES0182 67703**

 **By phone:** Call 020 8379 1000. Please quote the notice number (above) and have your card details to hand

**Address:**

**Environmental protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH**

**CERTIFICATE OF SERVICE BY HAND**

I, Joynul Islam, of the London Borough of Enfield, hereby certify that I served **Berf Catering Ltd of 59-60 Market Square, Edmonton, N9 0TZ** with the Notice of which a true copy is attached, by delivering same by hand on this day of 18th March 2016 at 11:58am, with a further copy of the same notice being delivered by hand to **Turku Art Café 77 Bounces Road N9 8LD** on 18<sup>th</sup> March 2016 at 12:08pm.

Signed .....



Reference WK/215087600



**METROPOLITAN  
POLICE**

**Working together for a safer London**

**POLICE REPRESENTATION**

**Name and address of premises:** Turku Art Café  
77 Bounces road  
N9 8LD

**Type of Application:** Review Application

**Worksheet number:** WK/216003981

This is a supporting statement for a review application submitted by Charlotte Palmer for the London Borough of Enfield's (LBE) licensing enforcement team.

**In summary I wish to make representation on the following:**

- Prevention of public nuisance

Enfield Licensing Authority are seeking a review of the premises licence on the grounds that the premises has breached an abatement notice with regard to nuisance arising from music and singing.

As detailed in the report the premises has been visited on 5 separate occasions by council officers between July 2015 and March 2016 for licensing checks and on every occasion breaches of the licensing conditions have been found.

The council have also received at least 6 noise complaints between those times from local residents. Visits have been made by council officers who have also found the level of music and singing to be unacceptable. An abatement notice was issued, however the premises continued to breach this.

The premises is situated on a parade of shops which has residential properties above with poor sound proofing between.

It is apparent that the current DPS is either unwilling or unable to adhere to the terms of his licence regarding noise levels and therefore it is the view of the police that this premises is no longer able to host live music events. I fully support this review application and recommend that the ability to have live music held at the premises be removed from the premises licence, and the conditions suitably amended for the reasons set out above and in Miss Palmers review application.

Officer: Karen Staff PC237YE

Tel: 0208 345 4565

Karen.staff@met.pnn.police.uk

Date: 26th April 2016

*Karen Staff PC237YE*

### **Proposed Licence Conditions**

#### Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

#### Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
3. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.
4. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
6. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
7. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.



9. All external doors and windows shall be kept closed but not locked during regulated entertainment.

10. The management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

11. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

13. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.

14. Children under 18 years, are not permitted to remain at or enter the premises after 23:00.

15. The premises shall install and maintain a comprehensive CCTV system:

(a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(b) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(c) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.

(d) The CCTV system should be updated and maintained according to police recommendations.

(e) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

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

(a) All crimes reported to the venue

- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) All seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system
- (g) Any visit by a relevant authority or emergency service

17. No glass drinking vessels to be taken outside the main building of the venue after 2300 hours.

18. Staff shall ensure that patrons do not remain in the external seating area of the premises after 2300 hours except to enter or leave the premises.

19. No entry to new patrons after 00:00 hours on Fridays and Saturdays.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

**LICENCE CONDITIONS SOUGHT BY LICENSING AUTHORITY, NOT AGREED BY PREMISES LICENCE HOLDER:**

Amend Condition 12:

The management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, whilst **recorded music** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. Section 177A of the Licensing Act 2003 does not apply to this condition.

Insert Condition 20:

Live music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.