

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.**

**LICENSING AUTHORITY REPRESENTATION****ADDITIONAL INFORMATION**

**Name and address of premises:** Taverna  
290 Green Lanes  
London  
N13 5TW

**Type of Application:** Review of Premises Licence

**Detailed below is additional information not previously included in the review application submitted on 13/05/16:**

More detailed notes from the officers who visited the premises on 12<sup>th</sup> March 2016:  
23:15 – Out of Hours Noise Officers (PGB /RJA) carried out observations outside the premises. The premises was open with 5 people standing outside smoking. The officers parked opposite the premises. Loud music was evident especially when the front door opened. The vocal was very noticeable. 23:19 approximately 10 people outside. The music appeared to consist of upbeat violin, drum, bass. Mainly men standing outside smoking. The officers couldn't see any obvious door supervisor on the door. The music appeared to be live. With the traffic being relatively busy it did not appear to be a nuisance from opposite at that time. 23:28 - music was still evidence opposite. 23:40 - music was still evident opposite and now louder even with the door shut. The officers approached the premises to advise them to reduce the volume. A male who appeared to be drunk prevented the officers from entering the premises. Eventually he agreed to get the manager and a male called Pascu Migual came out and the music went down. He stated the music would stay low. The owner Mr Luigi Patrascu then came out and advised of the sound proofing he had carried out. He said that he was due to fit a second door at the entrance. The officers left the premises.  
02:00 - Re-visited location due to a complaint. Music was being played loud with shutters down, 02:10 music still on.

**Sunday 12<sup>th</sup> June 2016** – 23:47 - Complaint received relating to loud music. Complainant stated that on the previous Sunday and again that night they were being disturbed by loud music from the premises.

**Friday 17<sup>th</sup> June 2016** – Senior Licensing Enforcement Officer (CPX) checked the Facebook page for the premises to see if any public events were being advertising for 17<sup>th</sup> – 18<sup>th</sup> April 2016. An event was advertised and showed how much it cost to attend (**potential breach of conditions 8**). This shows that it was not a private event and therefore a breach of the premises licence. **See Appendix 2.**

**Friday 17<sup>th</sup> June 2016** – 22:15 - Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises. Premises closed.

**Monday 20<sup>th</sup> June 2016** – As a result of seeing the licence review notice a local business contacted the Licensing Enforcement Team to complain about the level of the music provided at the premises and people drinking outside on the pavement. The complainant stated that on numerous occasions in the past eighteen months the sound of the music had set off the vibration alarm detectors in their shop meaning they have to attend their premises late at night in order to reset the alarm.

**Tuesday 21<sup>st</sup> June 2016** – Licensing Officer PC Fisher checked the police records to see what complaints they had received in relation to the premises. See **Appendix 3**.

**Planning Information**

I am aware that there are planning issues and am awaiting further information from the Planning Enforcement Team. I believe an application was made to extend the licensed hours and was granted. However the extended hours cannot be used until compliance with the existing planning permission conditions has been demonstrated.

**Additional Conditions**

The Premises Licence Holder may wish to offer additional conditions as an alternative to having live music removed from the licence. Examples are set out in **Appendix 4**. If the Premises Licence Holder wishes to offer any or all of these conditions or any alternative conditions I have recommended they do so in writing prior to the licence review hearing.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)



Signed:

Date: 27/06/2016

The screenshot shows a Facebook page for 'Ristorante Pizzeria "La Taverna"'. The page header includes the restaurant's name, a search bar, and navigation links for 'Charlotte', 'Home 3', and 'Find Friends'. The main content area features a post from the restaurant dated 12 April, with the text: 'Va asteptam in nr cat mai mare!!!!ptr i noapte incendiaraaaaaa...rez la tel.07442811750&07425192922'. Below the text is a promotional poster for 'SORIN TALENT' featuring a man in a cap and the text 'LIVE 100% CU FORMATIA PALMESS GREEN, 290 GREEN LANES POSTCOD N13 STW'. The poster also includes the restaurant's name and the date '17 APRILIE'. The left sidebar shows the restaurant's location in London, United Kingdom, a 4.9 star rating, and various statistics like '1,037 people like this' and '2,254 people have been here'. The bottom of the page shows the Windows taskbar with various application icons and the system clock displaying 12:27 on 17/06/2016.

Appendix 2b

The screenshot shows a Facebook page for "Ristorante Pizzeria 'La Taverna'". The page header includes the restaurant's name, location (London, United Kingdom), a 4.9 star rating, and a note that it "OPENS IN 45 MINUTES". The left sidebar contains statistics: 1,037 likes, 2,254 check-ins, and 4.9 of 5 stars from 38 reviews. The main content area features a post from "Ristorante Pizzeria 'La Taverna'" dated April 12, 2016, at "Gina Cofetarie". The post text, written in Romanian, announces an event on Sunday, April 17th, with a ticket price of 10£. It mentions "super spectacol", "muzica Live", and "preparate gatite ca la 'Mama Acasa'". A video player is embedded in the post, showing a scene with people. The Windows taskbar at the bottom displays the date as 17/06/2016 and the time as 12:26.

**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 **Martyn Fisher PC 357YE**

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: 2 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: *M.A. Fisher PC 357YE*

Date: 21<sup>st</sup> June 2018

I am Police Constable Martyn Fisher and have worked for the Metropolitan Police service for over 27 years. For the last six years I have been in post as Licensing Officer for Enfield Borough Police, dealing with all licensed premises across the borough of Enfield. My role involves proactive patrols of these premises along with tasking other officers to conduct licensing visits, offering both help and reassurance to patrons and management as well as ensuring that the premises fully uphold the licensing objectives.

This is a supporting statement regarding a review of a premises licence for a venue known as **Taverna, 290 Green Lanes, Palmers Green, N13 5TW**. It details issues of continued noise nuisance and breaches of license conditions associated with the venue that has instigated the need for LBE licensing to call for this review.

On Monday 30<sup>th</sup> November 2015 at 00:47 hours, Police received a noise complaint relating to a restaurant called Taverna, 290 Green Lanes, N13. The complainant stated that noise by way of music and people standing outside was keeping her baby awake night after night and that it was an ongoing issue. Police CAD number 300/30Nov2015 refers.

On Monday 30<sup>th</sup> November 2015 at 03:46 hours, Police received a further call re noise nuisance to Taverna Restaurant, 290 Green Lanes, N13. The complainant made reference to loud music and people standing outside drinking. Police CAD number 847/30Nov2015 refers.

On Monday 7<sup>th</sup> March 2016 at 23:40 hours, Police received a noise nuisance complaint relating to Taverna, 290 Green Lanes, N13. The complainant referred to noise emanating from the restaurant. Police CAD number 9702/07Mar2016 refers.

On Monday 18<sup>th</sup> April 2016, Police officers attended Taverna, 290 Green Lanes, N13 at 03:30 hours to conduct

Signature: *M.A. Fisher PC 357YE*

Signature witnessed by: .....

Continuation of Statement of **Martyn Fisher PC 357YE** .....

an arrest enquiry and as a result found approximately 30 – 40 people inside eating and drinking alcohol. When asked, the owner stated that it was a private party. This was a breach of the premises licence as the venue should have been closed at 01:00 hours. A comment made on the report refers to the shutters being down so it appears closed as they don't have a licence and to either lift it up or enter through the back as there are people inside. Police CAD number 251/18Apr2016 refers.

I am aware that a number of noise complaints have been made by local residents to Enfield Council regarding this premises. LBE enforcement officers conducted visits to the premises as a result.

Police fully support this review application by LBE licensing and agree that the removal of live music from the premises licence would uphold the licensing objectives, particularly with regards to the prevention of public nuisance along with a temporary suspension of the premises licence until such time that an accurate plan has been submitted to the licensing authority and a new premises licence issued.

Signature: *M. Fisher PC 357YE*

Signature witnessed by: .....

Potential Licence Conditions

A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.

The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

Speakers shall not be mounted to the walls or ceiling of the premises.

No amplified live music shall be provided after 23:00 until such time as a scheme detailing provisions to be made for the control of noise emanating from the building shall be submitted to and approved by the local Licensing Authority team. The approved details shall be implemented prior to amplified live music being provided at the premises and shall thereafter be maintained.

No open alcohol shall be taken outside of the licensed area.

Section 177A of the Licensing Act 2003 does not apply to conditions 18 and 19. *(this means these conditions will apply at all times not just after 23:00)*

## Taverna 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. A digital CCTV system must be installed in the premises complying with the following criteria:
  - (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
  - (2). Cameras overlooking floor areas should be wide angled to give an overview of the premises.
  - (3). Be capable of visually confirming the nature of the crime committed.
  - (4). Provide a linked record of the date, time, and place of any image.
  - (5). Provide good quality images.
  - (6). Operate under existing light levels within and outside the premises.
  - (7). Have the recording device located in a secure area or locked cabinet.
  - (8). Have a monitor to review images and recorded picture quality.
  - (9). Be regularly maintained to ensure continuous quality of image capture and retention.
  - (10). Have signage displayed in the customer area to advise that CCTV is in operation.
  - (11). Digital images must be kept for 31 days.
  - (12). Police or authorised local authority employees will have access to images at any reasonable time.
  - (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the

copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

3. An alarm system shall be installed, operated and maintained at the premises.

4. A minimum of two door supervisors shall be employed on the premises whenever a booking is taken for over 40 people from 21:00 until the premises has closed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

5. 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.

6. The premises shall only operate as a restaurant: (a) in which customers are shown to their table; (b) where the supply of alcohol is by waiter or waitress service only; (c) which provide food in the form of substantial table meals that are prepared on the premises and served and consumed at the table using non disposable crockery; (d) which do not provide any take away service of food or drink for immediate consumption; (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

7. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.

8. There will be no pay to enter on the night events.

9. Signs shall be displayed at the entrance, toilets and other public areas of the premises informing that this premises is 'A DRUG FREE ZONE.'

10. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include details of each door supervisors clearly printed name, SIA licence number, employer, and the duty they are employed on any particular night.

11. 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.

12. 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.

13. 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.

14. 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.

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. 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.

17. The maximum number of persons on the premises at any one time shall not exceed 60.

20. An external area at the front of the premises shall be designated for the use of smokers from 9pm until closing time, there shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area at any time.

21. Staff shall actively discourage patrons from congregating around the outside of the premises.

22. Wall mounted ashtrays shall be provided outside the premises.

23. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

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

Not applicable

**PROPOSED CONDITIONS BY THE LICENSING AUTHORITY AND AGREED BY PREMISES LICENCE HOLDER:**

**Condition 18:** The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, 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 or police, 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 outside at the perimeter of the premises approximately hourly, 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 or police, 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.**

*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:*

**Conditions 19:** All external doors and windows to be kept closed but not locked whilst regulated entertainment music is provided.

**Amend to:** All external doors and windows to be kept closed but not locked whilst recorded music is provided.

**Additional Conditions:**

24. 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.
25. The windows of the premises shall be kept clear of obstruction at all times to enable view into the premises from outside.
26. The security shutters shall not be pulled down whilst people are still inside the building.
27. There shall always be a member of staff on the premises who knows how to use the CCTV system.

**FURTHER PROPOSED CONDITIONS BY THE LICENSING AUTHORITY AND NOT AGREED BY PREMISES LICENCE HOLDER (AT TIME REPORT WAS PREPARED):**

28. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties. **Section 177A of the Licensing Act 2003 does not apply to this condition.**
  
29. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
  
30. Speakers shall not be mounted to the walls or ceiling of the premises. **Section 177A of the Licensing Act 2003 does not apply to this condition.**
  
31. No amplified live music shall be provided after 23:00 until such time as a scheme detailing provisions to be made for the control of noise emanating from the building shall be submitted to and approved by the local Licensing Authority team. The approved details shall be implemented prior to amplified live music being provided at the premises and shall thereafter be maintained.
  
32. No open alcohol shall be taken outside of the licensed area.