

## MUNICIPAL YEAR 2021/22 REPORT NO.

**COMMITTEE:**  
Licensing Sub-Committee  
20 October 2021

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT:</b> Application for a New Premises Licence	
<b>PREMISES:</b> HAYATY LOUNGE LIMITED, 303 GREEN LANES, SOUTHGATE, N13 4XS	
<b>WARD:</b> Palmers Green	

### 1 LICENSING HISTORY:

- 1.1 This premises has not previously held a premises licence. It has previously operated as a travel agent, a kitchen shop and a coffee shop.
- 1.2 A new premises licence application was submitted in 2011 by Mr Ayman Abouelenin El Sherbiny Abouelenin, for the premises when it was known as Coffee Connect. The application sought regulated entertainment, sale of alcohol and late night refreshment between 10am and midnight daily. Trading Standards submitted a representation objecting to the application due to ongoing issues with the premises and a pending prosecution case. The application was subsequently withdrawn by the applicant.

### 2.0 THIS APPLICATION:

- 2.1 On 2 September 2021 an application was made by Abdelmegid Nessrin Anter Hassan for a new premises licence.
- 2.2 It is noted that the application is for the premises known as Hayaty Lounge Limited, and Companies House (correct of 11 October 2021) presents the following information:
- Hayaty Lounge Limited was incorporated on 10 February 2014;
  - The company number is 08884902;
  - Has previously been called Hayati Shisha Ltd, and, Hayaty Shisha Ltd;
  - Classified as an unlicensed restaurant and café;
  - The original director was Mr Ayman Abouelenin El Sherbiny Abouelenin, DOB: May 1970. He resigned on 22 June 2015;
  - The current director, Abdelmegid Nessrin Anter Hassan, DOB July 1971, was appointed on 22 June 2015.
- 2.3 The application seeks:

**Table 1**

Activity	Proposed Times
Plays Films	10:00 – 01:00 Everyday

Recorded Music Live Music Performance of Dance	
Late Night Refreshment	23:00 – 01:00 Everyday
Opening hours	10:00 – 01:00 Everyday

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

2.5 A copy of the application is attached as Annex 1.

2.7 The premises is not located within one of Enfield's Cumulative Impact Policy areas.

### 3.0 RELEVANT REPRESENTATIONS:

3.1 **Metropolitan Police:** Representations were made to the application, under the licensing objectives Public Safety and Prevention of Public Nuisance. The Police seek conditions which have been agreed with the applicant. The Police seek a reduction in the hours sought, which is not agreed by the applicant. A copy of the Police representation is presented in Annex 2.

3.2 **The Licensing Authority:** Representations were made to the application under the licensing objective Prevention of Public Nuisance. The Licensing Authority seek conditions which have been agreed with the applicant. The Licensing Authority seek a reduction in the hours sought, which is not agreed by the applicant. A copy of the Licensing Authority representation is presented in Annex 3.

3.3 The times sought by the Police and the Licensing Authority are:

**Table 2**

Activity	Applied for Hours	Recommended Hours
Plays Films Recorded Music Live Music Performance of Dance	10:00 – 01:00 Everyday	10:00 – 23:00 Everyday
Late Night Refreshment	23:00 – 01:00 Everyday	None
Opening hours	10:00 – 01:00 Everyday	10:00 – 23:30 Everyday

### 4.0 PROPOSED LICENCE CONDITIONS:

4.1 The conditions arising from this application can be found in Annex 4. All conditions have been agreed between the applicant and the Responsible Authorities.



## **5.0 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 April 2018 ('Guid'); or
  - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('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)].

## **6.0 Hours:**

- 6.1 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].
- 6.2 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives. [Pol s.8.1].
- 6.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine

the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].

- 6.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received, and a hearing takes place. [Pol s.8.4].

## **7.0 Who can apply for a premises licence?**

- 7.1 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. [Guid 8.15]
- 7.2 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence. [Guid 8.16]

## **Decision:**

- 7.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 7.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 7.2.1 the steps that are appropriate to promote the licensing objectives;
  - 7.2.2 the representations (including supporting information) presented by all the parties;
  - 7.2.3 the guidance; and
  - 7.2.4 its own statement of licensing policy [Guid 9.38].

- 7.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 7.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
- 7.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
- 7.3.3 to reject the application [Act s.18].

**Background Papers:**

**None other than any identified within the report.**

**Contact Officer :**

**Ellie Green on 020 8379 8543**

# Annex 1

## 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 **ABDELMEGID NESSRIN ANTER HASSAN**

*(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			
<b>HAYATY LOUNGE LIMITED</b> <b>303 GREEN LANES</b>			
<b>Post town</b>		<b>Postcode</b>	<b>N13 4XS</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£ 17,250.00</b>

### Part 2 - Applicant details

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

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

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname HASSAN			First names ABDELMEGID NESSRIN ANTER		
Date of birth		I am 18 years old or over		Please tick yes <input checked="" type="checkbox"/>	
Nationality		EGYPTAIN			
Current residential address if different from premises address		[REDACTED]			
Post town				Postcode	[REDACTED]
Daytime contact telephone number			[REDACTED]		
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



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**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)

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

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	0	0	8	2	0	2	1

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) CAFÉ PREMISES
--

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

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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)	✓
b) films (if ticking yes, fill in box B)	✓
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	✓

- f) recorded music (if ticking yes, fill in box F) ✓
- g) performances of dance (if ticking yes, fill in box G) ✓
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I) \_\_\_\_\_ ✓

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

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	10AM	01:00 AM	<b>Please give further details here</b> (please read guidance note 4)		
Tue	10AM	01:00 AM			
Wed	10AM	01:00 AM	<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur	10AM	01:00 AM			
Fri	10AM	01:00 AM	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	10AM	01:00 AM			
Sun	10AM	01:00 AM			

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	10:00 AM	01:00 AM			
Tue	10:00 AM	01:00 AM			
Wed	10:00 AM	01:00 AM	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur	10:00 AM	01:00 AM			
Fri	10:00 AM	01:00 AM			
Sat	10:00 AM	01:00 AM	<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun	10:00 AM	01:00 AM			

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	10:00 AM	01:00 AM			
Tue	10:00 AM	01:00 AM			
Wed	10:00 AM	01:00 AM	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	10:00 AM	01:00 AM			
Fri	10:00 AM	01:00 AM			
Sat	10:00 AM	01:00 AM	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun	10:00 AM	01:00 AM			



# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon	10:00 AM	01:00 AM				
Tue	10:00 AM	01:00 AM				
Wed	10:00 AM	01:00 AM	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)			
Thur	10:00 AM	01:00 AM				
Fri	10:00 AM	01:00 AM				
Sat	10:00 AM	01:00 AM	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sun	10:00 AM	01:00 AM				

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	10:00 AM	01:00 AM			
Tue	10:00 AM	01:00 AM			
Wed	10:00 AM	01:00 AM	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	10:00 AM	01:00 AM			
Fri	10:00 AM	01:00 AM			
Sat	10:00 AM	01:00 AM	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun	10:00 AM	01:00 AM			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00 PM	01:00 AM			
Tue	23:00 PM	01:00 AM			
Wed	23:00 PM	01:00 AM	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	23:00 PM	01:00 AM			
Fri	23:00 PM	01:00 AM	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00 PM	01:00 AM			
Sun	23:00 PM	01:00 AM			

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8) N/A	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

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):

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

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).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00 AM	01:00 AM	
Tue	10:00 AM	01:00 AM	
Wed	10:00 AM	01:00 AM	
Thur	10:00 AM	01:00 AM	
Fri	10:00 AM	01:00 AM	
Sat	10:00 AM	01:00 AM	<b><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></b> (please read guidance note 6)

Sun	10:00 AM	01:00 AM	
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## 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)

The premises does operate to a high standard, and will continue to do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection. The premises will close 30 minutes after the licensing activities have ceased, to allow customers to finish their drinks and leave in a quiet and orderly manner

### b) The prevention of crime and disorder

CCTV will be use at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority The correct time and date will be generated onto both the recording and the real time image screen. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified. The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

### c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a premises of this size, and the business has been fully fire risk assessed. An on -site accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the business for a period of three years.

### d) The prevention of public nuisance

Guests will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly. As part of the winding down of events, customers will be reminded of their responsibility to leave the premises without causing disturbance to any properties who may be affected.

**e) The protection of children from harm**

Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram, or military ID).

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [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 or my share code issued by the Home Office online right to work checking service (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.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [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).</li><li>• 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	
Date	02.09.21
Capacity	AGENT

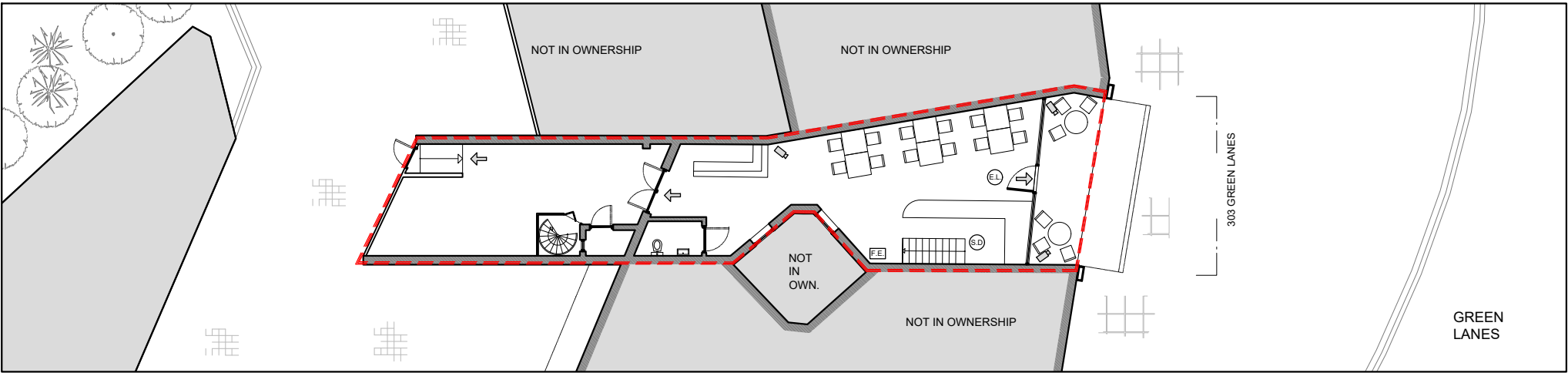
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

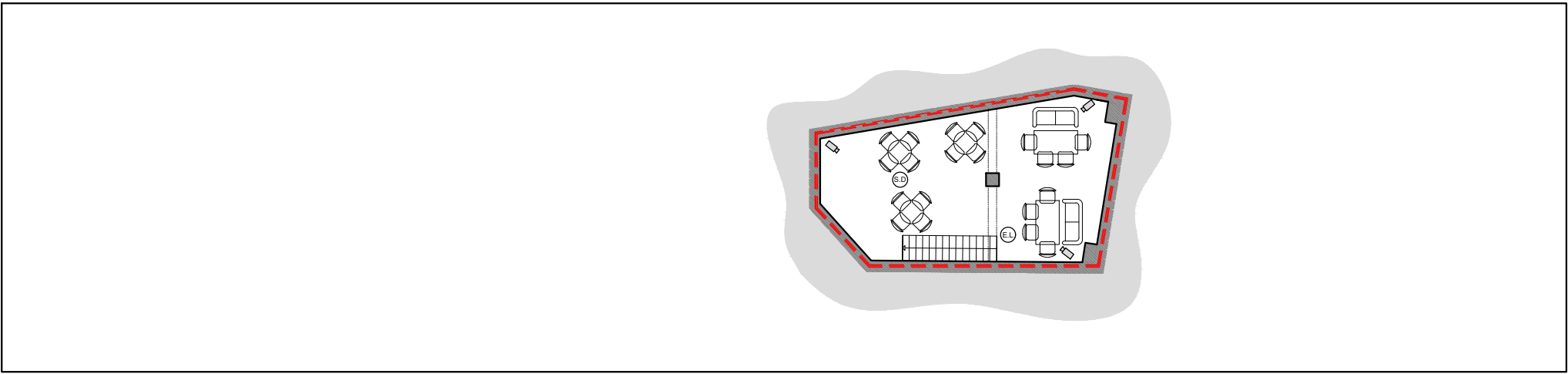
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			





GROUND FLOOR PLAN  
SCALE 1:200



BASEMENT FLOOR PLAN  
SCALE 1:200



LOCATION PLAN  
SCALE 1:1250

- EXIT SIGN
- CCTV
- S.D. SMOKE DETECTOR
- E.L. EMERGENCY LIGHTING
- F.E. FOAM EXTINGUISHER

010002000300040005000 (mm)

scale1:200@ A3

dateAUG 2021

drawnSS

ssd

Project

303 GREEN LANES  
N13 4XS LONDON

drawing title

LEASE PLAN

drawing status

job no.112drawing no.112revision

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# Annex 2



## **POLICE REPRESENTATION**

**Name and address of premises:** Hayata Lounge,  
303 Green Lanes,  
Southgate,  
N13 4XS

**Type of Application:** New Premises Licence

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

- Prevention of Public Nuisance
- Public Safety

**1) A digital CCTV system must be installed in the premises complying with the following criteria:**

- (a) Cameras must be sited to observe the entrance doors from both inside and outside.
- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- (d) Provide a linked record of the date, time of any image.
- (e) Provide good quality images - colour during opening times.
- (f) Have a monitor to review images and recorded quality.
- (g) Be regularly maintained to ensure continuous quality of image capture and retention.
- (h) Member of staff trained in operating CCTV at venue during times open to the public.
- (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

**2)** An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to 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) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

**3)** The applicant has applied for opening hours of Monday – Sunday, 1000 – 0100 hours. A report was made to Police and Local Authority on 17/08/2021 alleging that for the past two week every single night the ‘nightclub’ at 303 Green Lanes had been playing very loud, pounding music with screaming and car sounds also evident. The complainant also alleged the venue allowed their patrons to scream and party outside their property long after their designated 1am closure. Statutory noise nuisance notices have been served on the premises in the past and the applicant stated they will keep the noise to a minimum when contacted by Local Authority. Due to this we propose a closing time of 2330 hours, Monday – Sunday to prevent Public Nuisance to those residing in the area and vicinity of the premises.

**4)** At least one door supervisor shall be employed on Friday and Saturdays from 21:00 hours until the premises closes. They shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have left the immediate vicinity to ensure the safe and quiet dispersal of patrons. Door supervisors shall be easily identifiable by wearing either reflective jackets or reflective armbands.

**5)** Any films shown must have a BBFC certificate or be submitted to Enfield Council prior to transmission for certification.

If these conditions were accepted in full, I would withdraw my representation. I reserve the right to provide further information to support this representation.

Officer: PC Kayleigh Mitcham 1230NA  
North Area Licensing Officer

[Kayleigh.Mitcham@met.police.uk](mailto:Kayleigh.Mitcham@met.police.uk)

Date: 27<sup>th</sup> September 2021



## LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

**Name and address of premises:** Hayaty Lounge  
303 Green Lanes, N13 4XS

**Type of Application:** New Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

This is a new application for a cafe to provide licensable activities as detailed below.

Activity	Proposed Times
Plays Films Recorded Music Live Music Performance of Dance	10:00 – 01:00 Everyday
Late Night Refreshment	23:00 – 01:00 Everyday
Opening hours	10:00 – 01:00 Everyday

### Location

This premises is located on Green Lanes close to the junction with Aldermans Hill. There are residential flats directly above the premises. Unlicensed licensable activities that have taken place at the premises in the past have caused a disturbance to local residents.

### Background

This premises has an extensive history.

The premises has been known as Coffee Connect, Hayati Shisha Limited, Hayaty Shisha Limited and is now Hayaty Lounge Limited. The owner/Directors of the business/companies have been/are Mr Ayman El Sherbiny and his wife Mrs Nessrin Anter Hassan Abdelmegid. Currently Mrs Abdelmegid is the sole Director although Mr ElSherbiny manages the premises. See **Appendix 1** for Company House information.

A licence application was submitted in 2011 and Trading Standards submitted a representation objecting to the application due to ongoing issues with the premises and a pending prosecution case. This objection and additional information can be seen in **Appendix 2a-b**. The application was withdrawn on 26/04/2011.

Ayman ElSherbiny was prosecuted and was found guilty on 12/05/2011 of repeatedly breaching a noise abatement notice, repeatedly providing licensable activities without a licence and breaches of the Health Act 2006 (allowing customers to smoke in an enclosed space). See **Appendix 3a-c** for Summons.

**15/02/2018** Mr ElSherbiny was prosecuted again this time for offences under the Health Act 2006, Licensing Act 2003, Town and Country Planning Act 1990 and the Environmental Protection Act 1990. He plead guilty to 14 offences. See **Appendix 4** for case summary and **Appendix 5a-b** for summons. The magistrate fined Mr ElSherbiny £6,200 and ordered him to pay all the council's costs of £5,618.35 + £170 victim surcharge making a grand total of £11,988.35.

**22/07/2020** 22:08 – Complaint regarding noise from construction work coming from premises.

**19/09/2020** 00:29 - Complaint regarding loud music coming from the premises. 00:55 - Noise officer (MW) attended complainant's property. Complainant advised that they had a telephone number for the premises, which they referred to as a club, so had phoned and spoken to the owner who was very rude to them on the phone. The music was audible in all parts of complainant's property. The officer stood in the customer's bedroom for 10 mins in that time the music volume was not reduced in any way. In the officer's opinion the music was at a level to cause a statutory nuisance. The officer could also hear the voices of people talking and laughing. The officer attended the premises and asked the door supervisor who was in charge and he pointed to a man who was standing by the counter speaking to a group of three females. The male acknowledged the officer and told her to 'stand over there or go and sit down'. The officer told him that there was no need for them to sit down as they needed to speak to him about the music causing a nuisance to a neighbouring premises. He was busy speaking to females and was having a conversation about a payment. The officer stood to one side until he was finished. The officer asked him his name and he said that he was the manager and his name was Ayman Abouelini. The officer asked him the name of the business and he said it was Hayaty Shisha Ltd and the address was 303 Green Lanes. He said that it was a private party for 30 people. He said the premises opened at 15:00 until 03:00 and this was a relaunch Party. There was a female DJ playing music at the time of the officers visit. The Manager told the DJ to turn the music down as the officer told him they couldn't hear what he was saying. The officer went outside the premises and rang the complainant at 01:15 to see if the volume of music was any better, they advised that it was not. The officer spoke to the manager again and told him that the music was still too loud – he said he knew who complained because they told him they were going to complain but that he was not turning down the music anymore because the complainant lives in the High Street and this is what they should expect. The officer asked him again to turn the music down and he said he would not. The officer left the premises at 01:20.

The manager's attitude and unwillingness to co-operate with the officer's request is a concern and shows a disregard for those living in the vicinity. He advised the officer that the event was 'private' however when the officer entered the manager was talking to three females about their payment which suggests that the event should have been licenced but was not.

**24/09/2020** 14:15 – Anonymous complaint alleging the premises is an underground shisha lounge, operating during the pandemic when instructed to close and stays open after 10pm against government guidelines. Complainant alleges that the premises keeps the shutters closed but still allows people to go in.

**26/09/2020** 23:16 Out of Hours Licensing Enforcement Officer (CPX) drove past premises – closed.

**02/10/2020** Out of Hours Licensing Enforcement Officers (EVG/CT) attended the premises. Met with Mr Ayman ElSherbiny who referred to himself as the manager. He advised the owner is the Hayaty Shisha Ltd, and the Director is his wife, Mrs Messirn Abdimagad, company registered to 303 Green Lanes. Discussed private party on 19/9/20, Mr ElSherbiny advised he was there and had met with the officer. He mentioned customers were waiting to pay when the officer visited (if private, why were customers paying?). The officers advised him that only background level music was permitted as there no licence for regulated entertainment. Advised a statutory nuisance had been witnessed on 19/9 so to expect a follow up notice. Only a few customers on premises and background music only during visit. Issued inspection report. Observed Mr ElSherbiny smoking a cigarette in the rear garden area. Retractable roof closed fully on arrival and opened during visit. Two customers ordered red bull and a shisha during visit. Mr ElSherbiny advised he is delivering shisha to customers at home for 24 hours. Also carried out covid inspection – risk assessment to be carried out, staff need to advise customers to wear face masks unless eating or drinking, needs to familiarise self with rules for staff returning to work after testing positive, need to keep customer contact details list somewhere secure as sensitive data ie not on counter where it is visible to all, must be securely disposed of after 21 days, tables need to moved 2m apart or 1m with other measures such as screen in place. Group of 6 young males playing cards in the basement room. No sign of money, and they advised it was just for fun.

**12/11/2021** Letters sent to Mr ElSherbiny and the Company by Officer (CPX) - See **Appendix 6a-d** reminding/advising that Mr Ayman ElSherbiny has been served a noise abatement notice previously and that even though the premises was trading as Coffee Connect when the notice was served as Mr ElSherbiny was the Manager still the notice is still in force. The letter to the company warned that should a further statutory nuisance be witnessed a notice would be served on the company. The letter also advised that the premises is not licensed to provide regulated entertainment or any other licensable activity.

**26/11/2020** Mr ElSherbiny phoned officer (CPX). He wanted to confirm officers were not taking action yet and just a warning at this time. Confirmed this was right but there will be no more warnings and he must ensure no unlicensed licensable activities take place and no loud music. Reiterated that his notice still stands and if witnessed again officers will serve on Company/director too. He understood.

**04/12/2020** Out of Hours Licensing Enforcement Officers (CPX/CT) - 21:20 - 21:30 - visit premises to advise shisha not permitted under current Tier 2 covid regulations. Mr ElSherbiny advised they were doing shisha but kept officers talking outside so they did not witness it. He told staff straight always no more shisha. Group of 9 males and females came out together and stood talking outside - all late teens and unlikely to all be the same household. Warning given.

**11/12/2020** Out of Hours Officer (CT) visited the premises, the front door was locked when officers arrived and there was a delay on entry. Manager advised they had issue with a group of men causing trouble so they were not allowed in. During visit there was evidence that Shisha was being carried out on site but the Manager said it was for his personal use. Advised him that it was not permitted under covid regulations as it was a restricted activity so was not allowed on the premises at all. In the basement there was a sea of smoke and a heavy smell of Shisha throughout the premises. The



basement is totally enclosed (alleged breach of Health Act 2006 (smoke free legislation). There were coals on the burner heating up. The Manager said they were for takeaway only. The officer asked how this was done and he showed them a piece of foil. The officers advised this was very dangerous and a Health and Safety risk. There was no covid risk assessment, advised this needs to include restrictions about group of 6. Additional hand sanitiser required at garden entrance. Staff need to ask those entering to wear a face mask.

**05/02/2021** – 22:35 – Out of Hours Licensing Enforcement Officers (CT/EVG) visited premises - closed. Shutters mostly down, lights on at front - no-one inside or in rear.

**27/05/2021** Out of Hours Officers (CLB/DWD) visited premises. No shisha ongoing at the premises. Met Mr Mustafa ElSherbiny (who is the son of the owner). Gave advice regarding Shisha.

**14/08/2021** Noise complaint received alleging that for the past two weeks every single night the 'nightclub' at 303 Green Lanes has been playing very loud, pounding music with screaming and car sounds also evident.

**17/08/2021** Email sent to Mr ElSherbiny (CPX) advising him of the complaint, reminding him that a noise abatement notice had previously been served and that the premises is not licensed to provide any licensable activities.

Telephone call from Mr ElSherbiny who advised they will keep the music down - advised must be background level as unlicensed. He stated that he and his son are doing their personal licence exam in a couple of weeks time then he will apply for a premises licence (*despite this the application submitted is not for the sale of alcohol*). He advised he is also applying to change the planning permission for the premises. He explained that the intention is to stop shisha and to do more food and drink. Not being able to sell shisha during Covid restrictions had a big effect on the business. Officer advised Mr ElSherbiny what is permitted under the Live Music Act and reminded him that statutory noise nuisance notices have been served on him in the past.

**18/08/2021** Complainant confirmed the music is recorded club music (heavy bass) with a live DJ who uses a microphone/megaphone at times. The noise generally goes between 10pm-1:30am.

**27/08/2021** Pavement Licence granted allowing 2 tables, 4 chairs and 4 heaters to be used on the pavement outside the premises from 12:00 – 22:00 every day.

**16/09/2021** Officer (CPX) received a telephone call from Mr ElSherbiny asking how the application process was going. He was advised that a background history of the premises is included in the Licensing Authority Representation and given the significant history of illegal activity the application may result in a licence hearing. Mr ElSherbiny advised that he was aware of his history but that he wants to be able to get the business on the right tracks with everything done legally so his son can take over the business. He said his son will do everything correctly. Mr ElSherbiny went on to say that knows he is unlikely to get a 1am licence and would be happy with 11pm and everyone out by 11.30pm. He also advised that he is currently applying for planning permission.

## **Planning Permission**

Insufficient planning permission cannot prevent a licence from being granted, however, if businesses trade without planning permission they can be issued a formal enforcement notice by the Planning Enforcement Team. If they do not comply with the notice they can be prosecuted. If found guilty upon summary conviction they will be guilty of an offence under planning law. Therefore, businesses must have the relevant planning permission AND licence in order to trade legally.

### **I wish to make representation on the following:**

- **Prevention of Nuisance**

The application describes the premises as café. The Licensing Authority are keen to ensure that the premises remains a café. Recent descriptions of activity taking place give the impression the premises is trading more like a bar/nightclub with a DJ and the use of microphones.

The Licensing Authority appreciates that the last 18 months have been a difficult time for businesses with ever changing Covid regulations. Not being able to provide shisha will have had a big impact on this premises and it is understandable why the applicant is looking to move away from shisha to more of a food lead business. However, as can be seen in this representation this premises has an extensive history of breaching legislation. The Licensing Authority lacks confidence in the applicant's ability to adequately control noise levels at the premises so as not to cause a noise disturbance to local residents late at night when ambient noise levels are reduced.

The Licensing Authority therefore does not think it appropriate to grant the hours applied for instead alternative hours are recommended as shown below:

<b>Activity</b>	<b>Applied for Hours</b>	<b>Recommended Hours</b>
Plays Films Recorded Music Live Music Performance of Dance	10:00 – 01:00 Everyday	10:00 – 23:00 Everyday
Late Night Refreshment	23:00 – 01:00 Everyday	None
Opening hours	10:00 – 01:00 Everyday	10:00 – 23:30 Everyday

If the licence is granted in full or in part the Licensing Authority recommends that the following conditions be attached to the licence in order to promote the licensing objectives:

1. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.
2. All training relating to 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.
3. 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.

4. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly whilst live/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.
5. All external doors and windows to be kept closed but not locked whilst live or recorded music is being played.
6. Live and recorded music shall only be provided in the basement area. Music provided in any other area including outside area shall be background level only.
7. Microphones shall not be used at the premises.
8. 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.
9. 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.
10. At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.
11. The main use of the premises shall be as a café with food and drink available in line with licensable activity times.
12. At least one door supervisor shall be employed on Friday and Saturdays from 21:00 hours until the premises closes. They shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have left the immediate vicinity to ensure the safe and quiet dispersal of patrons. Door supervisors shall be easily identifiable by wearing either reflective jackets or reflective armbands.

The applicant is advised that should a licence be granted and should complaints be received which undermine the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence. Trading beyond the times on a premises licence or failing to comply with conditions attached to a Premises Licence are both criminal offences which carry an unlimited maximum fine and or six month imprisonment. Playing loud music can also result in a noise abatement notice being served, should the level of the music be deemed to be a statutory nuisance.

I reserve the right to provide further information to support this representation.

If these conditions and amended times were accepted in full, I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

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

Signed: CPALMER

Date: 21/09/2021

# HAYATY LOUNGE LIMITED

## 08884902

Created: 10 September 2021 14:45:37

Companies House does not verify the accuracy of the information filed

### Overview

- Registered office address: 303 Green Lanes, London, N13 4XS
- Company type: Private limited company
- Incorporated on: 10 February 2014
- Status: Active

### Key filing dates

- Accounting reference date: 28 February
- Last accounts made up to: 29 February 2020
- Next accounts due: 30 November 2021
- Last confirmation statement date: 10 February 2021
- Next confirmation statement due: 24 February 2022
- Last members list: 10 February 2016

### Nature of business (SIC)

- 56102 Unlicensed restaurants and cafes

### Previous company names

Previous company names

Name

Period

HAYATY SHISHA LIMITED

26 May 2021

## Previous company names

### Name

### Period

HAYATI SHISHA LIMITED

6 March 2014

## People

### Officers:

#### 2 officers / 1 resignations

- Director ABDELMEGID, Nessrin Anter Hassan **ACTIVE**
- Nationality: Egyptian
- Appointed: 22 June 2015
- Date of birth: July 1971
- Correspondence address: 303, Green Lanes, London, N13 4XS
- Country/State of Residence: England
- Occupation: Director

- Director ABOUELENIN, Ayman Abouelenin El Sherbiny **RESIGNED**
- Nationality: Egyptian
- Appointed: 10 February 2014
- Date of birth: May 1970
- Resigned: 22 June 2015
- Correspondence address: 303, Green Lanes, London, United Kingdom, N13 4XS
- Country/State of Residence: United Kingdom
- Occupation: Entrepreneur

### Persons with significant control:

#### 1 active person with significant control / 0 active statements

- Mrs Nessrin Anter Hassan Abdelmegid **ACTIVE**
- Correspondence address: 303, Green Lanes, London, United Kingdom, N13 4XS
- Notified on: 11 February 2018
- Date of birth: July 1971
- Nationality: Egyptian
- Country of residence: England

### Nature of control:

- Ownership of shares – 75% or more
- Ownership of voting rights - 75% or more
- Right to appoint and remove directors

- 
- Mr Ayman Elsherbiny **CEASED**
  - Correspondence address: 303, Green Lanes, London, England, N13 4XS
  - Notified on: 6 April 2016
  - Ceased on: 11 February 2018
  - Date of birth: May 1970
  - Nationality: Egyptian
  - Country of residence: England

### Nature of control:

- Ownership of shares – 75% or more
- Ownership of voting rights - 75% or more

---

### Recent Filing History

#### Recent Filing History

Date	Form	Description
26 May 2021	RESOLUTIONS	Resolutions <ul style="list-style-type: none"><li>• NM01 change-of-name-by-resolution</li><li>• RES15 - Change company name resolution on 25 May 2021</li></ul>
17 Feb 2021	CS01	Confirmation statement made on 10 February 2021 with updates
13 May 2020	AA	Micro company accounts made up to 29 February 2020
28 Feb 2020	CS01	Confirmation statement made on 10 February 2020 with updates
14 Nov 2019	AA	Micro company accounts made up to 28 February 2019

## Recent Filing History

<b>Date</b>	<b>Form</b>	<b>Description</b>
19 Mar 2019	CS01	Confirmation statement made on 10 February 2019 with updates
30 Nov 2018	AA	Micro company accounts made up to 28 February 2018
24 Sep 2018	PSC01	Notification of Nessrin Anter Hassan Abdelmegid as a person with significant control on 11 February 2018
24 Sep 2018	PSC07	Cessation of Ayman Elsherbiny as a person with significant control on 11 February 2018
12 May 2018	DISS40	Compulsory strike-off action has been discontinued
9 May 2018	CS01	Confirmation statement made on 10 February 2018 with updates
8 May 2018	PSC04	Change of details for Mr Ayman Elsherbiny as a person with significant control on 10 February 2018
8 May 2018	CH01	Director's details changed for Mrs Nessrin Anter Hassan Abdelmegid on 10 February 2018
8 May 2018	GAZ1	First Gazette notice for compulsory strike-off
29 Nov 2017	AA	Micro company accounts made up to 28 February 2017
31 May 2017	DISS40	Compulsory strike-off action has been discontinued
30 May 2017	CS01	Confirmation statement made on 10 February 2017 with updates
2 May 2017	GAZ1	First Gazette notice for compulsory strike-off



## Recent Filing History

Date	Form	Description
13 Jan 2017	AA	Total exemption small company accounts made up to 28 February 2016
18 Apr 2016	AR01	Annual return made up to 10 February 2016 with full list of shareholders Statement of capital on 2016-04-18 GBP 100
10 Nov 2015	AA	Total exemption small company accounts made up to 28 February 2015
22 Jul 2015	TM01	Termination of appointment of Ayman Abouelenin El Sherbiny Abouelenin as a director on 22 June 2015
22 Jul 2015	AP01	Appointment of Mrs Nessrin Anter Hassan Abdelmegid as a director on 22 June 2015
27 Apr 2015	AR01	Annual return made up to 10 February 2015 with full list of shareholders Statement of capital on 2015-04-27 GBP 100
6 Mar 2014	CH01	Director's details changed for Mr Ayman Abouelenin El Sherbiny Abouelenin on 10 February 2014
6 Mar 2014	CERTNM	Company name changed hayati shisha LIMITED\certificate issued on 06/03/14 <ul style="list-style-type: none"> <li>• RES15 Change company name resolution on 2014-02-10</li> <li>• NM01 change-of-name-by-resolution</li> </ul>
5 Mar 2014	CH01	Director's details changed for Mr Ayman El-Sherbiny on 10 February 2014
10 Feb 2014	NEWINC	Incorporation Statement of capital on 2014-02-10 GBP 100

## Recent Filing History

Date	Form	Description
		<ul style="list-style-type: none"><li>MODEL ARTICLES model-articles-adopted</li></ul>

APPENDIX 2A

**TRADING STANDARDS (WEIGHTS AND MEASURES) REPRESENTATION**

This representation is made by the Enfield's Trading Standards Service (inspectors of Weights & Measures) and is made in consultation with and on behalf of the Health & Safety authority, the Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Health & Safety authority, the Environmental Health authority, the Child Protection Board and Enfield's Trading Standards Service (inspectors of Weights & Measures).

**Name and address of premises:** Coffee Connect  
303 Green Lanes  
London  
N13 4XS

**Worksheet number:** WK/210131769

**Type of Application:** New Premises Licence

I certify that I have considered the application shown above and I wish to make representations that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

**Background History:**

This is a new Premises Licence application to allow 'on' sales of alcohol and recorded music 15:00 – 00:00 everyday and to open 15:00 – 00:00 everyday.

The premises is currently run as a café, coffee shop and shisha bar and wishes to have a premises licence covering the basement area which would be run as a bar .

LBE have instigated prosecution proceedings against the owner of the premises, Mr Ayman Elsherbiny, for repeatedly breaching a noise abatement notice, repeatedly provided licensable activities without a licence and breaches of the Health Act 2006 (allowing customers to smoke in an enclosed space). Council records show the following extensive history of complaints in relation to this premises **within the last year:**

**Thursday 01/04/10** – Email from Mark Galvayne, Principal Licensing Officer to Ellie Green , Principal Trading Standards Officer, Licensing Enforcement advising that Coffee Connect are advertising hot food and drink until midnight, and also belly dancing at the grand opening on 8th April 2010. Premises does not hold a premises licence and hadn't applied for a Temporary Event Notice.

**Monday 12/04/10** – An Officer (EVG) received a telephone call from Complainant A, complaining that the premises are using "hubbly bubbly" in the rear garden and are causing a disturbance. No music being played at time of call, but complainant alleged it would start at 6/7pm. Complainant also wanted to refer the matter to the Fire Brigade as they claimed there was lots of material hanging up and they were concerned that this may be a fire risk. They also claimed that the premises uses a barbeque close to a wooden fence.

**Thursday 15/04/10** – Further telephone conversation with complainant (EVG).

An Officer (CPX) phoned the premises on a mobile number found on the Council's M3 database for the premises and spoke to a man who gave his name as AYMAN. He claimed that there are new owners who are renting the premises off him but that the Officer could tell him the problem and he would pass the information on to them. During the conversation, AYMAN repeatedly used the phrase 'we do' which gave the Officer the impression that he was still running the premises. The Officer advised him that the premises was unlicensed and that therefore he could not sell alcohol, late night refreshment or provide regulated entertainment. He claimed that the opening weekend was a private event for invited guests only and that there would be no money involved. He also claimed that smoking would only take place outside. He asked the Officer if he could extend his opening hours and he was advised that he would need to check with planning in case there were any limits on planning permission. The officer gave Ayman the contact number for planning, and advised he should also check no change of use issues. Agreed to send premises licence application and TENs along with advice letter.

**Friday 16/04/10** – An Officer (CPX) emailed Tony Byford, London Fire Service in relation to the potential fire hazards. The Officer also advised the Food Team in relation to the Barbeque area.

**Saturday 17/04/10** – 21:20 - Out of Hours Licensing Enforcement Officers (TH / CLB) visited the premises to hand deliver an advice letter and applications to Ayman Elsherbiny. No alcohol or dancing was witnessed. The Officers advised Ayman Elsherbiny that he needed a premises licence or TEN if the music went above background level. There was no smoking inside the premises during the visit but there were a number of shisha pipes at the rear of the premises. Officers thought this area looked like it was more enclosed than it should be for a smoking shelter, but as it was dark, they were not sure so did not advise on this. There was a barbeque at the rear of the premises that was being attended by a chef although no food was on it at that time. Officers felt that the level of the music was quite loud at the rear of the premises and advised Ayman Elsherbiny to monitor sound levels to ensure it did not go above background level. The Officers left at 21:35.

**Thursday 22/04/10** – An Officer (CPX) spoke to Tony Byford, London Fire Service in relation to a visit he made to the premises. He gave the premises advice as there were some issues in relation to flammable material and a barbeque being close to wooden panels. The owner of the premises advised him that they were going to remove the shelter at the rear and replace it.

The Officer (CPX) felt that there may be planning permission issues and asbestos issues as the shelter had asbestos in it. They therefore asked a Planning Enforcement Officer to visit regarding planning permission for the structure and emailed the Asbestos team regarding the removal of the shelter.

An Officer (CPX) phoned the complainant to see if they had noticed any improvement in sound levels. They claimed that they were still experiencing problems with loud music. The Officer advised them to call the Out of Hours Noise Team if they had any further problems and that Officers would also carry out their own observations.

**Friday 23/04/10** – 22:00 – Out of Hours Licensing Enforcement Officers (CXP / AA) visited the premises and noted that recorded music above background levels was being provided without a licence and people were smoking in an area believed to be more than 50% enclosed. A Notice of Alleged Offence form was completed and issued to Mr Ayman Elsherbiny. The music was turned down. Mr Ayman Elsherbiny agreed to

contact one of the Officers to arrange a visit to discuss the enclosed area. The Officers left at approximately 22:15.

**Friday 30/04/10** – 22:30 – Out of Hours Licensing Enforcement Officers (CPX/AA) visited the premises and spoke to Mr Ayman Elsherbiny. They advised him that the music was too loud as it was not background level. One of the Officers (CPX) advised him that he would be written to and asked to come in for a PACE interview to discuss providing recorded music without a licence. The Officers and Mr Ayman Elsherbiny had to go back into main part of the premises from the rear in order to hear each other speak. Mr Ayman Elsherbiny turned the music down but it was still not background level. As many customers looked young one of the Officers (CPX) asked him what forms of ID he accepted - passport, driving licence and college cards – The Officer (CPX) recommended passport, photo driving licence and PASS logo only and that he use Think 21 in relation to tobacco sales. There was a TV with music on inside the premises and music playing on a stereo in rear area. The rear area was busy with people sitting at low tables with material draped overhead. The stereo was in the outside area on the right hand side near the door as walking out of the premises. A Notice of Alleged Offence sheet was completed and issued to Mr Ayman Elsherbiny . Mr Ayman Elsherbiny said that he would argue in court that it was background level but still signed the offences sheet. The area at the rear of the premises was still more than 50% enclosed where people were smoking. One of the Officers (CPX) asked Mr Ayman Elsherbiny to bring invoices for the tobacco with him to the interview along with an empty pot of tobacco as they did not appear to have any health warnings on them. He was asked if he provided any health warnings with the shisha and he said no. The Officers left the premises at 22:45

**Wednesday 05/05/10** – An Officer (CPX) telephoned the complainant who stated that the premises was no longer causing them a disturbance.

15:00 An Officer (CPX) visited the premises along with a Planning Enforcement Officer (JI) and a Future Jobs Employee (AM). The Officers spoke to Michael Torrita. There were two males in the covered outside area smoking cigarettes. The area was approximately 90% enclosed. The Planning Enforcement Officer took photos of this area. Music was being played and Officers had to raise their voices very slightly to talk over it. The music was reduced to an acceptable level and when the Officer (CPX) checked this was level 20. There were two large speakers near the back door, each approximately 15inches high. The Officer (CPX) advised that music should not go above that level. There were 24 seats available in this area - benches, chairs, cushions and stools. Officers also noted that there were three tables and seven chairs on the front street - when asked Mr Torrita claimed they did have a street trading licence. The Planning Enforcement Officer advised Mr Torrita in relation to planning permission if the shelter was removed and replaced. An Officer (CPX) also advised him of the health issues involved in removing the asbestos roof. The Officers also advised Mr Torrita that they had spoken to the original complainant and that they had noticed an improvement and a reduction in the level of the music which was good.

**Thursday 06/05/10** – An Officer (CPX) checked M3 and there is no street trading licence for this premises. Mark Galvayne recommended they let the Environmental Crime Team have the details so that they could advise them / enforce as necessary. An email was sent to Enviro Crime.

**Friday 07/05/10** – Out of Hours Licensing Enforcement Officers (EVG / TH) visited the premises at approximately 22:15 and discussed the sound levels with Mr Ayman Elsherbiny. They advised him to ensure that music was only background level as he does not have a premises licence. They also advised him to ensure that he doesn't

cause a noise nuisance to his neighbours. He was advised that he must display the statutory tobacco notice for the shisha tobacco. The Officers checked the shisha tobacco packaging and found that it did have health warnings and nicotine, tar and carbon monoxide levels on it. However, there was no EU address on it. Mr Ayman Elsherbiny agreed to use a refusals book with age related sales guidance. Also discussed TENs that Mr Ayman Elsherbiny had submitted.

**Tuesday 11/05/10** Training pack, tobacco notice and refusals book sent to Mr Ayman Elsherbiny at the premises (TH)

**On this date a temporary event notice (TEN) was submitted by Mr Ayman Elsherbiny for an event to be held at the premises from 19:00 on 28/05/10 to 01:00 on 29/05/10. The notice related to the sale of alcohol, late night refreshment and regulated entertainment. Submitting the TEN demonstrates that at this time Mr Ayman El Sherbiny was fully aware of the activities that required a licence. (WK/210015203)**

**Saturday 29/05/10** – Observations carried out by Out of Hours Noise Officers (CLB / GH) at 00:23. Music not audible outside, no anti social behaviour out front. Entered premises, music on at rear - not loud. No access to rear of premises possible. Met Mr Ayman Elsherbiny advised why they were there. Left at 00:38. A TEN was in place on Friday 28/10/10 from 19:00 – 01:00 on Saturday 29/10/10 allowing the sale of alcohol, late night refreshment and regulated entertainment).

**Friday 04/06/10** – An Officer (EVG) received a telephone call from Complainant A advising them that the premises was playing music until 00.45 at the weekend. The complainant also saw a sign saying open till late, and that the premises had put in a large TV screen. The complainant did admit that the premises had been a lot quieter recently. The officer advised that officers had visited the premises a number of times and no issues had been witnessed recently. The complainant was advised to call the Out of Hours Noise team as soon as possible if any further problems arose. The Officers also advised the complainant that no premises licence had been applied for but a TEN had been submitted to cover the previous weekend.

**Monday 14/06/10** – Information received from Planning Enforcement Officer (JI) - they have issued a 'cease of use' notice in relation to the rear area of the premises.

**Friday 09/07/10** – 23:37 - Out of Hours Noise Officers (NEJ / DD) received a complaint about loud music coming from the premises. (Complainant A)

**Saturday 10/07/10** – 01:00 – Out of Hours Noise Officers received a further noise complaint from another local resident. (Complainant B). At 01:14 an officer (NEJ) called both complainants but the music had been reduced. At 01:22 – the volume of the music had again increased so the officers agreed to visit complainant B. At 01:43 officers visited the complainant but the level of the music was not an issue as it had allegedly been turned down. When officers looked into the shelter at the rear of Coffee Connect people could be seen smoking and the officer believed that the area was more than 50% enclosed. The officers visited the premises and spoke to the Manager who gave his name as Mr Ayman El Sherbiny. The officers asked him to turn the music down and pointed out that there were people smoking in the rear room and that this was illegal as the area was more than 50 % enclosed. The Manager insisted that it was legal, the officers went into the back room where two women were smoking a shisha pipe. The officer told Mr Ayman El Sherbiny that the customers had to stop smoking as it was illegal and they could get a fixed penalty notice and he as the business operator could be prosecuted for allowing smoking on the premises. The officers returned to the

main area of the premises and explained that the area was more than 50 % enclosed and if he wanted to use this area for smoking it must be opened up. The manager asked what should be removed and the officers explained that it was his responsibility to do the necessary calculations and reduce the covered area accordingly. Mr Ayman El Sherbiny argued further that the Council must tell him what to remove. The officer told him he had to do it and if he continued to use the area for smoking in its present condition he would be liable for prosecution. Mr Ayman El Sherbiny said he would reduce the area, he was also reminded that the two customers had to stop smoking straight away; he said he was about to close the shop and would stop them. (No LAGAN attached to WK)

**Monday 19/07/10** – An Officer (NEJ) sent an advice letter to the premises in relation to the smoking issues. (NEJ/01)

**Friday 23/07/10** – 23:42 – Out of Hours Noise officers (LR / MW) received a complaint in relation to loud music from a possible illegal conversion at the premises. At 00:20 one of the officers telephoned the complainant and was advised that since the premises had extended the rear of their property they had begun playing music commonly associated with belly dancing. The complainant also believed belly dancing was taking place at the premises. The officers agreed to visit and assess the sound levels. At 00:55 they visited the complainant and found that the music had stopped. The complainant stated that the music from the premises was a problem every weekend and that the volume of the music kept them awake.

**Friday 30/07/10** – 22:52 – The Out of Hours Noise Team (NEJ / JE) received a complaint in relation to loud music coming from the premises. At 23:35 the officers visited the rear of the premises and from the walkway above the rear of Coffee Connect they could see someone smoking a cigarette inside the rear of the premises. At 23:43 the officers entered Coffee Connect. They walked into the rear area and saw at least six people smoking shisha pipes and one person smoking a cigarette. They saw Mr Ayman Elsherbiny who escorted them to the front of the premises. The Officers told Mr Ayman Elsherbiny that it was illegal to smoke in that area and they cautioned him. Once cautioned he was asked a series of questions which the Officer wrote in their pocket book, they also wrote down Mr Ayman Elsherbiny responses in their pocket book. Once they had finished asking the questions they got Mr Ayman Elsherbiny to sign the notes. The officers left the premises at 00:12.

**Tuesday 10/08/10** – Following observations made at the premises on 30/07/10 a S.80 notice was served on Mr Ayman Elsherbiny (by NEJ) in relation to the likely occurrence of a statutory nuisance arising from music emanating from the premises. This notice was not appealed.

**Tuesday 10/08/10** – Commencement of internal planning consultation in relation to Coffee Connect. Proposal: Change of use of rear covered yard to an external seating area with raised deck.

**Saturday 28/08/10** – At approximately 23:00 Out of Hours Noise Officers (VJW / RO) visited the premises and advised Mr Ayman Elsherbiny that they were carrying out observations to see if the rear room was being used as a smoking room. Mr Ayman Elsherbiny showed them the rear room where they noted approximately 13 people, some smoking shisha pipes and the others smoking cigarettes. The officers also noted that on the tables there were ash trays full of cigarette butts. Mr Ayman Elsherbiny asked if he could discuss the matter at the front of the premises. He advised officers that he had been waiting for information from the Council as to how the canopy should be constructed and that to date he had not received the information. The officers

informed him about the 50/50 rule and he stated that he has done this, the officer advised that for it to be 50/50 the structure should be like a bus stop, the owner was unsure of what a bus stop was/looked like so the officer explained that it needs to have a roof and 1 side, he stated that he could not take a wall down due to planning permission and if the wall was removed his customers would get wet if it rained. He stated that he has two other shisha premises in London and they are not strict on the smoking canopy there. The officers advised that everyone uses the same legislation and that they found it hard to believe that he had not had this enforced on him. He stated that if he does not receive planning permission he will have to close the business down. The officers advised that they would update the case officer with the details of their visit. Mr Ayman Elsherbiny showed the officers a copy of a planning document that he had submitted to the Council for a change to the seating area. The officers asked him if he had included that this area would be used as a smoking area and he advised 'no just for a late night refreshment licence'. The officer advised that even though the application may be granted it did not mean that the area could be used as a smoking room. The officers left the premises at 23:30.

**Friday 24/09/10** – 01:04 - Out of Hours Noise Officers (VPK / AL) received a noise complainant about loud belly dancing type music coming from the premises and agreed to visit the complainant. 01:30 – the officers arrived outside the premises, the shutters were half way down and people were leaving. From the front of the premises it appeared closed. The officers went to the complainants address and on route could smell shisha smoke (fruity smell). They spoke to the complainant who said music had only just been turned off. Officers could hear the voices of several people coming from what appeared to be an enclosed smoking area to the rear of the premises. As the music had ceased no visit was made to the premises. Complainant A

Complainant B left two voice mail messages for the Licensing Enforcement Team (EVG) relating to loud music coming from the premises. One at 00:30 and the other at 1:05am. The officer telephoned the complainant once the messages were picked up during normal office hours. The complainant stated that the music had been so loud it had woken them up just after midnight.

**Saturday 02/10/10** - 23:44 – Out of Hours Noise Officers (PB / JI) received a noise complainant about loud belly dancing type music and shouting coming from the premises. 00:30 – phoned complainant who advised music was still on. The officers agreed to ring back once they had dealt with their other calls. At 02:07 the officers phoned back, the complainant advised music was still on so the officers agreed to visit. They visited the complainant at 02:25. Music was audible inside the complainant property with their doors and windows closed and was deemed to be a nuisance. This was a breach of the likely to notice that was served on 10/08/10 following observations on 30/07/10. The officers could hear people singing along with music and clapping. The officers advised the complainant that they would speak with the owner and have the music turned down. At 02:40 the Officers visited the premises and spoke with the owner who claimed it was a private party. The officers advised the owner that this made no difference and that he was causing nuisance. He agreed to turn the level of the music down. Complainant A.

**Sunday 03/10/10** – 00:51 – message left on voice mail of Licensing Enforcement Officers (EVG) in relation to very loud music coming from the premises. 00:54 - Out of Hours Noise Officers (PB / JI) received a noise complainant about loud music coming from the premises. The complainant did not want a call back. Complainant B.

**Tuesday 05/10/10** – The Licensing Enforcement Team received a complaint via email in relation to loud music coming from the premises every Friday and Saturday and



sometimes even during the week. Complainant C. It is alleged that the music is a problem in Friday and Saturdays starting between 8-9 pm and finishing at 1am sometimes later and that the noise comes from the back of the premises where they have outside seating. The complainant stated that they are disturbed by a combination of loud music and loud people noise.

**Thursday 07/10/10** – Info received: planning application was refused.

**Friday 08/10/10** – 21:50 - Out of Hours Licensing Enforcement Officers (EH / TH) visited the premises. Smoking was taking place in the rear of the premises although it was too dark in that area for the Officers to see how enclosed the area was. The outside area was very busy. Music was at background level. The officers spoke to Mr Ayman Elsherbiny and reminded him that as he was not licensed no late night refreshment could be provided. Mr Ayman Elsherbiny seemed aware of this. The advice was written on an Inspection Report which was signed by Mr Ayman Elsherbiny and a copy issued to him. The Officers left at 22:05.

**Saturday 09/10/10** – Out of Hours Noise Officers (PB/RO) received a noise complainant about loud music coming from the premises at 01:28. Officers were unable to visit due to already having to deal with a large number of other complaints. Complainant A.

**Thursday 14/10/10** – A letter (CPX/02) was hand delivered to Mr Ayman Elsherbiny at the premises by Out of Hours Noise Officers (AA / VJW) at 22:55. The letter was in relation to the breach of the noise abatement notice as witnessed on 02/10/10.

**Friday 15/10/10** - Out of Hours Licensing Enforcement Officers (CPX / AA) visited the premises at 21:46. Entered premises and straight away saw Mr Ayman Elsherbiny. He shouted (to a male in a white shirt) something in a foreign language. This male came in from the rear area and went into a door marked staff and immediately the music was turned down. One of the officers explained that she was one of the officers that would be carrying out his PACE interview on the following Monday and as such was visiting to see what was going on at the premises. The other officer started to walk towards the back of the premises and Ayman Elsherbiny suddenly shouted at her saying that she could not go back there with out him and that he would go first. He then led the way to the back of the premises and looked out. The area was thick with smoke and the area appeared to be totally enclosed. There were at least 12 people in the area and at least two shisha pipes being used. Ayman Elsherbiny commented that the officers did not have an equipment with them so they could not say it was too loud. The officers explained that they did not need to measure the level of the music with any special equipment. All three then went back to the main shop area. One of the officers picked up a flyer from the till area and read it - it said 303 Green Lanes on it and also made reference to Belly Dancing every Friday night. The officer kept hold of the flyer and when Ayman Elsherbiny saw that she'd picked it up he said she could not have it because they were just for customers, he tried to grab it from the officer and eventually succeeded in snatching it off her with force. The officer asked why he would not let her have it, and asked if it was because he knew it was advertising belly dancing which he wasn't licensed for. He repeated that they were only for customers. The other officer asked to buy something so that she was a customers and he still refused saying they were for customers of the shisha only. The officer advised him that this issue would be discussed during the interview and asked him to bring a copy of the flyer with him to the interview. Ayman Elsherbiny claimed that the officers were trying to close him down. The officers completed a notice of alleged offence sheet in relating to recorded music above background level being provided and belly dancing being advertised.

Ayman Elsherbiny refused to sign the offence notice but was still given a copy of it. The officers left at 21:58.

**Monday 18/10/10** – 15:30 – Ayman Elsherbiny was interviewed under caution in relation to offences under the Licensing Act 2003, The Environmental Protection Act 1990 and the Health Act 2006.

**Friday 29/10/10** – 23:10 - Out of Hours Noise Officers (CXP / DD) received a complaint (Complainant A) in relation to very loud music coming from the rear of the premises. 23:27 – officers visited the complainant. As they walked to the rear another member of the public was seen complaining to Coffee Connect about the noise. Music was very loud walking at the rear of Green Lanes and very clearly audible throughout the rear alleyway and up to the second floor flats. The music was clearly audible throughout the whole of the complainant's property. Heavy bass beat with loud shouting and clapping was audible. In the officer's opinion the music was loud enough to be a breach of the noise abatement notice that has been served and it was a nuisance as defined by the EPA 1990. The officers visited Coffee Connect at 23:33 where they were met by Mr Ayman Elsherbiny and immediately asked him to turn the music off in the rear garden. He refused to turn the music off but he did turn it down to what he considered to be background level. The officer asked Mr Elsherbiny if he'd had a noise abatement notice served on him and he said yes. The officer cautioned Mr Elsherbiny and when asked if he understood the caution he asked for it to be explained which the officer did. When asked who was in control of the music levels Mr Elsherbiny claimed it was the customers and not him but he stated that the music had been far too loud when officers arrived. Mr Elsherbiny stated that he had only been working for the last half hour but then stated that he had started at 21:00. When asked who had been in charge of the music before he started he stated no one. When asked if he was still selling shisha pipes for smoking and allowing smoking on the premises Mr Elsherbiny stated he was and that people were smoking that night. He stated that the council had advised him that smoking should not be allowed but he claimed that the rear area was less than 50% enclosed so he could allow smoking. It was too dark to make a full assessment but from what they saw the officers were of the opinion that the rear area was more than 50% enclosed. Mr Elsherbiny went on to state that he had applied for TENs and these had been granted so on those nights he could play music as loud as he wants. The officer explained that it would be a further breach of the noise notice if it caused a nuisance but Mr Elsherbiny did not seem to understand. The officer explained that although he had permission for music and dancing the noise abatement notice would still be in effect and that music must not be at a level that would cause a nuisance to others. The officer also explained that officers would be carry out further visits over the following months. The officers left at 00:10.

**Saturday 30/10/10** – 21:35 – Out of Hours Licensing Enforcement Officers (CXP & TH) visited the premises. No noise above background was audible so officers did not enter the premises.

**Saturday 30/10/10** – 23:03 – Out of Hours Noise Officers (MR) received a complaint (Complainant A) in relation to loud music coming from the premises. 23:10 – Officers phoned the complainant who stated that the music stopped just after they reported it. Complainant claimed that they had complained the night before and Officers visited but when they left the music went back on again.

**Thursday 4/11/10** – An officer (CPX) wrote to Mr El Sherbiny in relation to the breach of the noise notice witnessed on 29/10/10.

**Friday 5/11/10** – 21:50 - Out of Hours Licensing Enforcement Officers (CPX & CT) visited the premises. There was one man in the cafe area and background level music was audible coming from the rear of the premises. Saw Ayman Elsherbiny and gave him the letter re the second breach of the noise notice and explained what it was. One of the officers advised that they were aware he had some TENs coming up and that the TEN did not mean he could play music as loud as he wanted. Explained two different bits of legislation. Advised to carry out sound checks on walkway above rear of premises. He stated that he would be away from the premises from 13th Nov for a month. The officer gave him a contact number and asked that he contact an officer when he knew who he was leaving in charge so that officers have a point of contact in case any issues arose while he was away. He agreed to do this. The officer asked to see the sound limiter mentioned in his PACE Interview and the officers were shown into a cupboard which contained a sound deck which had lots of dials and appeared to control levels with a green, amber and red light system on it. He was not sure how it was set or at what level. Mr Elsherbiny said it was a very old system. The officers left the premises at 22:00.

**Saturday 06/11/10** – Out of Hours Noise Officers received a complaint at 23:02 in relation to very loud music coming from the premises. 00:49 – the officers (RA & EB) visited location and witnessed possibly 2 -3 people still on the premises and the lights were on. 00:50 - called complainant who advised that music had stopped and for information purposes she advised that 'Happy Birthday' was being sung at 23:55.

**Saturday 13/11/10** - 21:57 Out of Hours Licensing Enforcement Officers (EVG & AA) arrived at premises. Parked beside the rear of Inn on the Green premises in Morrisons car park. Able to see the rear of the premises. No music audible. Drove round to the front of the premises and again no music audible. Left at 22:05

**Wednesday 17/11/10** – An officer (CPX) phoned premises mobile number and left message for Ayman El Sherbiny and asked him to let them know who the point of contact was in his absence and to confirm the date of his return.

The Officer also sent a letter to Mr Elsherbiny in relation to further alleged offences and inviting comments from him (in writing) in relation to each and welcomed any supporting documents he wished to submit as evidence. A deadline of 17<sup>th</sup> December 2010 was given to respond which was longer than usual but the officer had already been advised that Mr Elsherbiny would be on holiday for a month from 13<sup>th</sup> November 2010.

**Tuesday 23/11/10** – 16:45 – An Officer (CPX) visited the premises and asked if Mr Elsherbiny was there. They were told that he was on holiday. They asked who was in charge in his absence. The member of staff spoken to took the Officers contact details and said someone would contact them with this information.

**Wednesday 24/11/10** – An Officer (CPX) received a telephone call from Michael Touk who said he was in charge in Mr El Sherbiny's absence and could be contacted on 07940 523156 if there were any issues.

**Sunday 12/12/10** – 00:37 - Out of Hours Noise Officers (DD & AW ) received a complaint in relation to loud music coming from the premises. 02:15 - phoned complainant, no answer, left message on answer phone to ring back if noise still a problem. 02:30 – officers drove past premises, premises closed and the shutter down.

**Sunday 16/01/11** – 01:55 - Out of Hours Noise Officers (RB & PF) received a complaint in relation to loud music coming from the premises. 02:07 – phoned

complainant, music still on, agreed to visit to assess. 02:20 - arrived in Green Lanes, dimmed lights to front of Coffee Connect when walked past, female member of staff seen behind counter. Walked to rear of terrace - lights on to rear extension to Coffee Connect, middle eastern music audible along with male & female voices coming from within. Visited complainant at 02.20 - music from rear extension just audible in kitchen. Went into front living room - repetitive bass clearly audible coming from below. Volume of music increased at 02.28. Left at 02.35. Went into Coffee Connect (front door open) at 02.39 and spoke to female member of staff behind counter - asked to speak to owner/manager. Had to raise voice to speak to member of staff due to volume of music coming from basement. Spoke to Mr Elsherbiny who confirmed that he was the owner. Informed him that complaint had been received in relation to the volume of music and that it had been witnessed as a nuisance. He asked if it was from the rear and he was advised that it was the music from the basement that was causing the problem. He then called out and a young man went down the stairs. The volume of music then reduced considerably. Music was then also audible coming from the rear of the premises. The officers advised Mr Elsherbiny to ensure that the volume was kept down particularly the bass. The officers left at 02.45. This is a further breach of the noise abatement notice and the further provision of unlicensed recorded music.

**Sunday 30/01/11** – 01:31 - Out of Hours Noise Officers (CF & JF) received a complaint in relation to loud music coming from the premises and a party being held in the rear of the premises. Due to the number of other calls received the complainant was advised that it was unlikely officers would have time to visit - caller did not want call back but call logged.

**Saturday 05/02/11** – 01:08 – Out of Hours Noise Officers (LR & RA) received a complaint in relation to loud music coming from the premises. 01:35 – phoned complainant, no answer. Message left advising to call back if still a problem. No reply call received.

**Saturday 12/02/11 – 01:17** – Out of Hours Noise Officers (RO & CF) received a complaint in relation to loud music and talking coming from the rear of the premises. 02:00 - phoned complaint, music had stopped but area still in use, can hear talking. Complainant advised that they are concerned that the unauthorised use of the area is expanding into a detached garage / shed in the alleyway as contractors were there on Saturday doing work. Also canopy at rear has been re-roofed. The officer (RO) updated the complainant on Councils position in relation to planning issues and advised that officers would investigate outbuilding structure.

**Sunday 13/02/11** - 01:02 - Out of Hours Noise Officers (CXP & NS) received a complaint in relation to loud music coming from the premises. They visited the complainant at 01:30 by which time the music had stopped. The complainant was extremely distressed and agitated. She stated that the noise had been ongoing all night and that she had handed in her notice in to the landlord and felt that she has been driven from her home by the owners of Coffee Connect. She stated that she could not understand why he is able to flout planning legislation and why it is taking the Council so long to stop him from causing her intolerable nuisance. The officers left at 01:50. Coffee Connect was still open although it was no longer playing any music.

**Friday 18/02/11** – 21:50 Out of Hours Licensing Enforcement Officers (CLB & AA) arrived at premises. On entering the premises, the music in the shop area was at background level coming from a television on the left wall of the premises. The owner, Mr Ayman Elsherbiny approached the officers and they introduced themselves. The officers gave Mr Elsherbiny the letter in relation to the third breach of the noise abatement notice. Mr Elsherbiny was advised that the letter was in relation to a further

witnessed breach of a noise abatement notice. Mr Elsherbiny opened the letter and read it. The officers advised him to speak to Charlotte Palmer on the telephone number provided if he had any queries. The officers asked to check the rear of the premises and on entering the smoking area, the music was above background level. The officers had to raise their voices when speaking to Mr Elsherbiny for him to hear them. Mr Elsherbiny had the music turned down. The smoking area at the rear of the premises was totally enclosed with approximately twenty people seated and at least half of those smoking shish pipes. The officers noted that there was one female with a glass of Rose wine on a table and two males at another table, each of whom had a bottle of beer. The officers asked to see the basement area but Mr Elsherbiny would not let them go down there. He advised that there was a private function for Muslim girls taking place and that they were only drinking coffee. One of the officers (AA) was able to see down the stairs and saw females sitting on a sofa, no music was audible coming from the downstairs area. The other officers (CLB) looked in the fridge behind the counter where he found two bottles of Desperado beer, one bottle of Budweiser beer and a bottle of J P Chenet Rose wine. The officer advised Mr Elsherbiny that he should not sell alcohol. Mr Elsherbiny stated that the alcohol had been brought in by customers who asked him to put it in the fridge and that he does not sell alcohol. The other officers (AA) checked the alcohol on the tables in the smoking area and this corresponded with that found in the fridge. The officer (AA) asked if he permitted people to smoke cigarettes in the smoking area and Mr Elsherbiny stated he did. The officer (AA) asked what musical equipment was used in the smoking area. Mr Elsherbiny advised it was from a small CD player located on the left hand side of the smoking area which is linked to a speaker (50 watt) on the floor and a television suspended near the ceiling with an inbuilt speaker. The smoking area was smoky with plumes of smoke in the air. There was also a strong smell from the shisha pipe smoke. One of the officers (CLB) took a photograph of the smoking area with permission from Mr Elsherbiny. The officer (CLB) advised Mr Elsherbiny to apply for a licence to which he replied that he had instructed an agent to do so and had been told that it had been submitted. One of the officers (AA) completed an Inspection Report regarding the smoking area and a Notice of Alleged Offence for music being above background level both of which Mr Elsherbiny signed. The officers left at 22:15.

**Friday 18/02/11 – 23:30** - Complaint received about loud music. Complainant did not want a call back, just wanted call logged.

**Saturday 19/02/11 – 23:50** - Officers visited the premises during a joint Licensing Enforcement and Police patrol. (MFX / TH) On approaching the venue one of the officers (MFX) who was in full police uniform noticed a male standing outside of the shop talking to another male. On seeing the officer, this male turned and quickly walked inside the premises. The officer followed him into the premises and down a set of stairs to the basement area. The basement was very busy at the time with about fifty people inside. The basement was quite dark with disco spot lights flashing and very loud music playing. The officer saw a fully stocked bar area at the side of the stairs including bottles of spirits and bottled beers. Mr Ayman Elsherbiny was standing behind the bar serving customers and using a till. He was spoken to by the male that the officer had followed in. The majority of the people in the basement were holding glasses of what appeared to be alcoholic drinks. The basement area is fairly small, but those customers inside made it quite congested. Mr Elsherbiny approached the officers and they introduced themselves to him. The officer (MFX) asked him if he had a licence to sell alcohol. He said 'No.' He was then asked why he was running a bar to which he replied that he was not causing a problem. The officer told him that he is not licensed and that he was aware that he needed a licence as he had been spoken to by the council officers in the past. Mr Elsherbiny confirmed that he had spoken to Miss Palmer about noise. The officer advised Mr Elsherbiny that the music

was far too loud and that he was only permitted to provide background level music and that the premises was being run like a nightclub. Mr Elsherbiny claimed that it was only the outside noise that applied to. He then asked to speak to the officers outside. The officers left the premises with Mr Elsherbiny and stood outside the front. Mr Elsherbiny asked what he should do and he was advised to stop selling alcohol and turn the music down. He was asked why he hadn't applied for a licence and he said that he would and asked if this would count against him. He was advised that it would not help him. Whilst standing outside the officers saw several people enter, none of whom were stopped. They could see no signs on the door stating that any form of private function was taking place. There seemed to be free access to all parts of the venue. The officers left the premises at approximately 00:00.

**Sunday 20/02/11** - 00:15 – Out of Hours Noise Officers visited the rear of Coffee Connect and stood on the walkway outside 303A Green Lanes. Music was being played in Coffee Connect, but the officers could not be sure if it was affecting the complainant or not as they could not visit them.

**Monday 21/02/11** - Ayman Elsherbiny came into the civic at approx 09:45 and asked to speak to Charlotte Palmer following receipt of the letter re the third breach and the visits at the weekend. He agreed to attend a further interview under caution. He also asked for advice on the smoking shelter. An officer (CXP) spoke to him about this and followed by another officer (RO) who advised him in relation to planning legislation.

A Licensing Enforcement Officer (CPX) received a telephone call from a complainant calling about noisy music coming from the premises on Friday 19th Feb 2011. The complainant claimed that they could not get through to the OOH Team on the night as there was a problem with the council phone system (confirmed by CLB). The complainant said that the noise on Friday was very loud and she could not hear her television.

**Thursday 24/02/11** - 14:16 – Ayman Elsherbiny's 2<sup>nd</sup> interview under caution was carried out.

**Friday 4<sup>th</sup> March 2011** – 21:30 – The Licensing Enforcement Team (CPX, CLB) visited the premises to see if any licensable activities were taking place. On approach to the premises they noticed that the sign outside the premises had been changed from Coffee Connect to Hayaty Shisha. There was a blue poster on display in the front window advertising a premises licence application that had been submitted. This poster was dated 1<sup>st</sup> March 2011. The officers entered the premises, which was quiet. There was a female behind the counter but no customers in the main body of the shop, some people could be seen sitting in the rear of the premises. There was no regulated entertainment being provided. The officers told the female at the counter who they were and asked to see Mr Elsherbiny at which point he walked into the main part of the premises from rear area and approached them. One of the officers (CPX) advised him that they were there to ensure there was no alcohol on the premises following the visit by PC Fisher. They asked to see the basement, which was blocked off by a screen. He agreed, moved the screen and led the way downstairs. The basement area was set up with a bar area in the corner, one of the officers (CPX) checked the bar and found no alcohol. There were seating areas and cushions in the premises but it was not being used by customers during the visit. There were several large boxes in the basement, sealed with brown tape. One of the officers (CPX) asked what was in the boxes and he said it was the alcohol that PC Fisher had seen during his visit. When asked why alcohol was still on the premises he said that his agent Dave Murphy had spoken to PC Fisher and he had said it was ok to store it on the premises as long as the boxes were sealed. He said that he had a very small flat and didn't have anywhere

else to put it. One of the officers walked back up stairs at this point (CLB). As the boxes were piled up and sealed with brown tape it did not appear that Mr Elsherbiny intended to sell the alcohol at that time. At this point the second officer came back down the stairs and the other officer reminded Mr Elsherbiny that he was still under caution from his Police and Criminal Evidence Act 1964 interview and asked him why, if the customers had brought their own alcohol and he had just charged corkage (as he claimed in his PACE Interview) hadn't they taken the left over alcohol home with them. Mr Elsherbiny claimed that this particular alcohol had just been on the premises for display purposes to advertise the bar and that he'd taken photos of it. However, the bar was small and there was a large pile of boxes, the officer did not unseal all the boxes but if all had contained alcohol there would have been more alcohol that space in which to display it. During the conversation about the alcohol Mr Elsherbiny said 'I promise you, I am not selling it anymore'. All three then went back upstairs and went to the rear of the premises which was approximately 90% enclosed. There were approximately 8-10 people in this area and the air was thick with shisha smoke. While looking into the area one of the Officers (CPX) noticed a number of signs on the wall which they had not seen before, one of which said 'Sorry! No alcohol for sale at the moment' or wording which was extremely similar and implied that customers would normally expect to be served alcohol. As this area was so smoky one of the officers (CPX) asked to continue the conversation in the main body of the premises instead. They sat at a table inside and explained that they would need to complete an offence notice in relation to the smoking. Mr Elsherbiny asked the officers not to say he'd already been issued so many. He said he was appealing to the officers sense of humanity and that he was under a lot of stress. He said 'I admit I've done things wrong in the past and I didn't get a licence for the music and dancing but I thought when I did it inside it was ok'. He said he was doing everything else right now but that if he didn't let people smoke he'd have no business left. The officers explained to him that they had to issue the notice. They completed a Notice of Alleged Offence which Mr Elsherbiny signed and was given a copy of. All three then walked to the front of the premises and stood outside. One of the officers (CPX) advised Mr Elsherbiny that the blue notice needed to be seen 24 hours a day and that if he had shutters that would cover the notice he would need to put a notice somewhere else. He said that he had withdrawn some of the activities on the original application and the officer confirmed that he should therefore cross those activities off the list on the notice. Mr Elsherbiny claimed the area at the rear of the premises would be less than 50% enclosed by 12:00 on Monday and he was advised to consult the Planning Enforcement Team Leader before he carried out any work. The officers left the premises at approximately 21:50.

**Saturday 12<sup>th</sup> March 2011** – The premises were visited during the evening as part of a partnership evening involving Police (Martyn Fisher), Trading Standards and the London Fire Brigade (LFB). Officers spoke to the owner of the premises, Mr Elsherbiny. The officers checked in the basement area, which was not in use at the time of the visit. There were very few people in the ground floor area. However, there were a dozen customers in the shisha area at the rear of the premises, some of whom were smoking shisha pipes. There was no loud music being played in this area.

LFB officers pointed out to Mr Elsherbiny, the potential fire hazards of candles on the stairs leading to the basement, although not lit at the time. The advice included the fact that one of the smoke detectors was missing and another taped up in the basement area.

Mr Elsherbiny stated that they would all be in good working if he gets a premises licence. A fire extinguisher in the same area was hidden behind a sofa and again advice was given to mount it on a wall where it could be seen and accessed.

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Mr Elsherbiny was unable to produce a fire risk assessment when asked and again said that he would have one available within a week.

Detailed below is a summary of the action officers have taken in an attempt to stop Mr Elsherbiny to trade illegally in the last year:

Advised by phone	Advised in person during visits	Advice letters sent re LA03	Notice of Alleged Offence issued	Advice issued on inspection reports	Noise Abatement Notice	Letters sent following breach of noise notice	No. of complaints	No. of complainants
1	15	1	5	3	Served and breached 3 times	4	22	3

#### **Prevention of Nuisance:**

The premises is located on a commercial stretch of Green Lanes close to the junction with Aldermans Hill. There are several licensed premises in the vicinity including:

- Welcome News Plus (alcohol 21:00 latest)
- Wishing Well Public House, (alcohol 01:00 latest, LNR 01:30 latest)
- The Waiting Rooms, (alcohol and LNR 00:30 latest)
- KFC (LNR latest 01:00)

#### **Residents:**

The premises is situated in a commercial area however there are residential premises above some of the shops. Unlicensed licensable activities that have taken place at the premises in the past have caused a disturbance to local residents in the past.

**In summary I wish to make representation regarding the following Licensing Objectives:**

- Protection of Children from Harm
- Prevention of Public Nuisance

**As a result of the considerable history of complaints relating the premises and the instigated prosecution for breaches of the noise abatement notice, providing licensable activities without a licence, and permitting smoking in an enclosed space, Trading Standards do not believe that this premises will be effectively managed. I therefore object to any licence being granted.**

Using the basement as a bar would appear to represent a material change in the use of the premises from A1 and no planning permission exists for this. For this reason even if a licence was issued it could not be used without breaching planning legislation.

Although the application is only to allow licensable activities to take place in the basement, there is not door separating the basement from the ground floor and therefore no way of containing the music.

**If the Licensing Committee are minded to grant a licence I recommend that they consider limiting the recorded music hours as this has been the source of numerous complaints from local residents over the last year.**



If this application were granted in full or part, I would also recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition / in place of the proposed conditions in Annex 2 as indicated.

	<b>Proposed Mandatory Conditions – Annex 2</b>	<b>TS Agree</b>	<b>Amended to Read</b>
4	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.	Y	
5	All staff at the premises shall receive induction and refresher training, relating to the sale of alcohol. All training relating to the sale of alcohol shall be documented and records kept for a period of six months. These records shall be made available to the Police and/or Local Authority upon request.	N	All those who work at the premises shall receive induction and refresher training (at least every 3 months), relating to the sale of alcohol, the activities, times and conditions of the licence. All training shall be documented and records kept for a period of six months. These records shall be made available to the Police and/or Local Authority upon request.
6	At least 4 prominent, clear and legible notices shall be displayed throughout the premises, including the toilets warning customers that drug use will not be tolerated.	Y	
7	A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance door both inside and outside, the rear fire exit, the till area, all the alcohol displays and floor areas; (2) Cameras facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing counter areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 25 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises;	N	Amend this section:  (15) Police and / or authorised officers of the council will have access to images at any reasonable time;  Copies must be made available to Police and / or authorised officers of the council on request.

	(10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) 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 on request.		
8	One door supervisor shall be employed on Friday and Saturdays from 21:00 hours. They will remain directly outside the premises for up to 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons. 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 wearing either reflective jackets or reflective armbands.	N	At least one door supervisor shall be employed on Friday and Saturdays from 21:00 hours until the premises closes. They shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have left the immediate vicinity to ensure the safe and quiet dispersal of patrons. Door supervisors shall be easily identifiable by wearing either reflective jackets or reflective armbands.
9	Public toilets on the premises shall be regularly checked i.e. at intervals of no less than an average of 2 hourly while the premises are open to the public, and a log of these checks shall be maintained and shall be made available to the police or an authorised local authority officer on request.	N	Public toilets on the premises shall be regularly checked i.e. at intervals of no less than an average of 2 hourly while the premises are open to the public. A contemporaneous record of these checks shall be made and

			kept for a minimum of six months. The records shall be made available to the police and / or an authorised officer of the council on request.
10	Staff shall call taxis/cabs if requested by customers and shall be allowed to wait in the premises until the taxis arrive.	N	The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested, and to ensure pick ups are carried out quietly and promptly.
11	A sign shall be prominently displayed on the exit doors advising customers that the premises is in a drinking control area and that alcohol should not be taken off the premises and consumed in the street.	N	A sign shall be prominently displayed on the exit doors advising customers that the premises is in a drinking <b>control</b> area and that alcohol should not be taken off the premises and consumed in the street.
12	The front of the premises shall be the designated smoking area. A maximum of 10 smokers shall be allowed outside the front of the premises at any time.	Y	<i>Please note this condition would apply to all smoking including the use of shisha pipes.</i>
13	Alcohol shall not be allowed to be taken into the rear smoking area after 23:00 hours.	N	<i>This condition contradicts C12. The application is only for 'on sales' of alcohol, therefore alcohol can not be taken out of the licensed area as marked on the plan. (i.e. the basement)</i>
14	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.	Y	
15	All doors and windows shall be kept closed (but not locked) during regulated entertainment, except for access to and egress from the premises.	Y	
16	A noise limiter shall be fitted to any amplification equipment used at the premises.	N	A tamper proof noise limiting device shall be installed and permanently maintained in good

			working order within the premises. The device shall automatically control the volume of all amplified live and recorded music at the venue at all times.
17	The management shall make subjective assessment of noise levels at the perimeter of the premises whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. 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 down the volume.	N	The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately every hour 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.
18	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.	Y	
19	No under 18 year olds shall be allowed on the premises after 21:00 hours.	N	<i>Remove – conditions can only apply to licensed areas, covered by amended c.20.</i>
20	No under 18 year olds shall be allowed in the basement licensed area at any time that licensable activities are taking place.	N	No one under the age of 18 years shall be allowed in the licensed area at any time that licensable activities are taking place.


21	A sign shall be placed at the bottom of the staircase advising customers that alcohol cannot be taken upstairs under any circumstances. It shall be placed at eye level.	N	A prominent, clear and legible notice shall be displayed at the bottom of the staircase advising customers that alcohol shall not be taken upstairs under any circumstances. This notice shall be positioned at eye level and in a location where those about to go up the stairs can read it.
22	The rear exit door connecting the building to the rear extension area will be closed at all times licensable activities are taking place	N	The rear exit door connecting the building to the rear extension area will be closed but not locked, at all times licensable activities are taking place.
	<b>Additional Conditions to be Added in Annex 3</b>	Applicant Agree	
	All training shall be documented and records kept for a minimum of two years. These records must be made available to the Police and/or Local Authority upon request.		
	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.		
	Staff 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.		
	Wall mounted ashtrays shall be provided in the designated smoking area.		
	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 21:00 hours and 07:00 hours.		
	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.		

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Trading Standards reserve the right to provide further information to support this representation.

Officer: Charlotte Palmer

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

Signature: 

Date: 24/03/11

Duly Authorised: Ellie Green, Principal Trading Standards Officer – Licensing Enforcement

Signed: 

Date: 25/03/2011

## APPENDIX 2B

The following items were seized on 15<sup>th</sup> April 2011

Small Selection of CD's and a CD cases	
Speakers	2
CD player	1
Audio amp	1
Shisha Pipes	35
Shisha Pipes - metal stem only	5
Small Shisha Pipe	1
Shisha Pipe hoses (material)	51
Clear plastic disposable shisha pipe hoses	approx 1200
Shisha Pipe covers	18
Shisha Pipe mouth Pieces (ceramic / wooden	21
Shisha pipe trays	11
Shisha Tobacco (part used)	20 pots
Boxes of charcoal	22
Loose Charcoal	Numerous pieces
Ashtrays	10
Shisha price list	1
Note with list of items and prices	1

The following items, other than items which were sought were also seized on 15<sup>th</sup> April 2011:

Cocktail Menus	11
Absolut Kurratn and pourer	1 bottle – 700mls (part used)
Malibu	1 bottle - 70cl (part used)
Bombay Sapphire	1 bottle – 70cl (part used)
Jack Daniels	1 bottle – 70cl (part used)
Lindermans Wine	1 bottle 750mls (part used)

HER MAJESTY'S  
COURT SERVICEENFIELD LOCAL  
JUSTICE AREA

## SUMMONS/INFORMATION

To: Mr Ayman El Sherbiny

Ref: CM/125251

Of: [REDACTED]

Date of Birth: [REDACTED]

**INFORMATION** has this day been laid before the undersigned by Sue McDaid, Head of Business Regulation, London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XD,

1. On the 10<sup>th</sup> July 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that 2 females were seen smoking being in possession of and using a lit shisha pipe in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
2. On the 30<sup>th</sup> July 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that at least 6 people were seen smoking being in possession of and using lit shisha pipes and 1 person was seen smoking being in possession of a lit cigarette in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
3. On the 30<sup>th</sup> July 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did intentionally obstruct an authorised officer of the London Borough of Enfield, namely Ned Johnson who was acting exercise of his functions under this Act enforcing the smoke-free provisions in the premises, by refusing him access to the rear of the premises to count the people smoking in there **CONTRARY to Section 11(1) & (4) of the Health Act 2006.**
4. On the 28<sup>th</sup> August 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that approximately 13 people were seen smoking being in possession of and using lit shisha pipes or were seen smoking being in possession of a lit cigarette in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
5. On the 15<sup>th</sup> October 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee



Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that at least 2 persons were seen smoking being in possession of and using a lit shisha pipe in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**

**YOU ARE THEREFORE SUMMONED** to appear before the Magistrates' Court  
sitting at Enfield Magistrates' Court, Lordship Lane, London N17  
on **Thursday 3<sup>rd</sup> March 2011** at **10:00am** to answer the said information.

Date: 7<sup>th</sup> January 2011

Signed  
Justice of the Peace/Clerk to Justice of the  
Peace for the Area aforesaid

HER MAJESTY'S  
COURT SERVICE



ENFIELD LOCAL  
JUSTICE AREA

SUMMONS/INFORMATION

To: Mr Ayman El Sherbiny

Ref: CM/125251

Of: [REDACTED]  
[REDACTED]  
[REDACTED]

Date of Birth: [REDACTED]

**INFORMATION** has this day been laid before the undersigned by Sue McDaid, Head of Business Regulation, London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XD,

1. Between 2<sup>nd</sup> & 3<sup>rd</sup> October 2010, in the London Borough of Enfield you at premises known as Coffee Connect, 303 Green Lanes, London N13 4XS, did without reasonable excuse contravene or fail to comply with a prohibition imposed by an abatement notice served on you under Section 80 of the Environmental Protection Act 1990 on 10 August 2010, namely prohibiting the production of noisy music at Coffee Connect, 303 Green Lanes, London N13 4XS, **contrary to Section 80(4) and (5) of the Environmental Protection Act 1990.**
2. On 29<sup>th</sup> October 2010, in the London Borough of Enfield you at premises known as Coffee Connect, 303 Green Lanes, London N13 4XS, did without reasonable excuse contravene or fail to comply with a prohibition imposed by an abatement notice served on you under Section 80 of the Environmental Protection Act 1990 on 10 August 2010, namely prohibiting the production of noisy music at Coffee Connect, 303 Green Lanes, London N13 4XS, **contrary to Section 80(4) and (5) of the Environmental Protection Act 1990.**
3. On the 29<sup>th</sup> October 2010 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that an unknown number of persons were seen smoking some of whom being in possession of and using a lit shisha pipe in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
4. On 16<sup>th</sup> January 2011, in the London Borough of Enfield you at premises known as Coffee Connect, 303 Green Lanes, London N13 4XS, did without reasonable excuse contravene or fail to comply with a prohibition imposed by an abatement notice served on you under Section 80 of the Environmental Protection Act 1990 on 10 August 2010, namely prohibiting the production of noisy music at Coffee Connect, 303 Green Lanes, London N13 4XS, **contrary to Section 80(4) and (5) of the Environmental Protection Act 1990**

5. On the 18<sup>th</sup> February 2011 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that approximately 20 persons were seen smoking approximately 10 of whom being in possession of and using a lit shisha pipe in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
6. On the 4<sup>th</sup> March 2011 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Coffee Connect at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking in that approximately 10 of persons were seen smoking some of whom being in possession of and using a lit shisha pipe in the premises **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**

**YOU ARE THEREFORE SUMMONED** to appear before the Magistrates' Court  
sitting at Enfield Magistrates' Court, Lordship Lane, London N17  
on **Thursday 21<sup>st</sup> April 2011 at 10:00am** to answer the said information.

Date: 2011

Signed  
Justice of the Peace/Clerk to Justice of the  
Peace for the Area aforesaid

HER MAJESTY'S  
COURT SERVICEENFIELD LOCAL  
JUSTICE AREA

## SUMMONS/INFORMATION

To: Mr Ayman El Sherbiny

Ref: CM/125251

Of: [REDACTED]  
[REDACTED]  
[REDACTED]

Date of Birth: [REDACTED]

**INFORMATION** has this day been laid before the undersigned by Sue McDaid, Head of Business Regulation, London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XD,

1. On the 17<sup>th</sup> April 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
2. On the 23<sup>rd</sup> April 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
3. On the 30<sup>th</sup> April 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
4. On the 10<sup>th</sup> July 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
5. On the 30<sup>th</sup> July 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**

6. Between 2<sup>nd</sup> & 3<sup>rd</sup> October 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
7. On the 15<sup>th</sup> October 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
8. On the 15<sup>th</sup> October 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did intentionally obstruct an authorised person exercising a power conferred by this section namely by grabbing from the hand of Charlotte Palmer, licensing enforcement officer, a leaflet advertising activities to take place the premises **CONTRARY to section 179(4) of the Licensing Act 2003**
9. On the 29<sup>th</sup> October 2010 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
10. On the 16<sup>th</sup> January 2011 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
11. On the 18<sup>th</sup> February 2011 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
12. On the 19<sup>th</sup> February 2011 in the London Borough of Enfield you at the premises known as Coffee Connect, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having recorded music at the premises when there was no premises licence for these premises \*\*\*\*\***CONTRARY to section 136(1)(a) of the Licensing Act 2003**

**YOU ARE THEREFORE SUMMONED** to appear before the Magistrates' Court  
sitting at Enfield Magistrates' Court, Lordship Lane, London N17  
on **Thursday 21<sup>st</sup> April 2011 at 10:00am** to answer the said information.

Date: 2011

Signed  
Justice of the Peace/Clerk to Justice of the  
Peace for the Area aforesaid

**Offence Dates****10<sup>th</sup>/02/2017**

On Friday 10<sup>th</sup> February 2017 Ms Charlotte Palmer, a Senior Licensing Officer, and PC Martyn Fisher, a Police Licensing Officer, were working on an 'Out of Hours Licensing Enforcement shift'. At 23:20pm both Officers visited Hayaty Shisha, 303 Green Lanes, London, N13 4XS to investigate a complaint that had recently been received from a local resident in relation to loud music and smoke nuisance.

Upon entering the premises it was noted that no one was sitting outside the front of the premises or in the front of the shop. Both Officers noticed a young male walking down a narrow staircase making his way to the basement door carrying a shisha pipe with red hot coals on top and no guard to prevent them from falling off. The door to the garden area was open. Next to the garden door were two speakers each approximately 1 metre high by 1 foot wide and deep. There was a drinks fridge containing soft drinks only. No alcohol was found on the premises.

The Officers were approached by the owner, Mr Ayman El Sherbiny, just as a second lit shish pipe was being carried downstairs. Mr Elsherbiny then spoke in what appeared to be Arabic to the member of staff. At this point, Ms Palmer told Mr El Sherbiny that they wanted to go downstairs to see what was going on. Upon going downstairs, both Officers saw that the whole basement was smoky and full of people, in which no floor space could be seen. The area was overcrowded and both Officers decided to stay on the staircase whilst observing.

Both Officers then decided to return upstairs with Mr El Sherbiny to the garden area. The garden area appeared to be 90% enclosed with approximately 9-10 people using the area with shisha pipes. Just to the left of the garden area was a raised clay oven/wood burner with red hot coals at waist height. There was what looked like a hairdryer blowing the coals in an attempt to keep them burning. There was no guard in front of this and customers were only 5 foot away.

Ms Palmer told Mr El Sherbiny that complaints had been received in relation to smoke from the premises and loud music. She advised that the music playing was above background level and that he was not licensed, so should be turned down. He took no action so she asked him to turn the music down. He then said something to a staff member and the music was reduced. She then proceeded to inform him that shisha pipes could not be used in areas more than 50% enclosed. This would include the basement which was totally enclosed and the garden which was approximately 90% enclosed.

Mr El Sherbiny was not happy and decided to direct most of his conversation to PC Fisher whilst Ms Palmer completed her inspection report. He complained about the visit and

stated that Ms Palmer had previously prosecuted him for the same issues and that he had been fined £14,000. Ms Palmer advised him that if he wanted to provide shisha then he would need to seriously consider electronic ones as it was the only way he could legally trade within his premises. Ms Palmer then asked PC Fisher to do a head count of the people in the basement, to which he advised there was 34 people.

At 23:30pm both Officers saw a member of staff preparing tea in a silver tea pot which was carried into the basement. Ms Palmer further advised Mr El Sherbiny that late night refreshment included the sale of hot drinks and that this was licensable after 23:00pm. She advised him that all sales of hot food and or hot drinks must cease at 23:00pm as he was not licensed for late night refreshments.

Due to Mr El Sherbiny's hostility and the large volume of people in the basement, Ms Palmer decided it was not safe to take photos during the visit. Once the inspection report was completed it was signed by both Ms Palmer and Mr El Sherbiny. Mr El Sherbiny was given a copy of the report and both Officers left the premises at 23:38pm.

### **11<sup>th</sup>/02/2017**

On the 11<sup>th</sup> February 2017, Mr Philip Bray, Environmental Health Officer, was the first officer on the 'Out of Hour's Noise Service'. At 22:33pm Mr Bray received a complaint concerning loud music emanating from Hayaty Shisha. He contacted the complainant at 23:11pm and was advised that the music level, since 21:00pm, was causing the floor of the flat to vibrate. Mr Bray agreed to visit and assess.

At 23:34 he visited the complainants flat via an external staircase which overlooked Hayaty Shisha. People were present in the seating area but no music was evident. The complainant's flat was located directly above Hayaty Shisha. Upon entering the complainant's room, Mr Bray could hear music with bass and drums above the traffic noise. The music level was noted as being loud enough to prevent a person sleeping and therefore constituted a nuisance. He then visited the kitchen where the music was slightly louder. Mr Bray then informed the complainant he would seek to have the level reduced.

At 23:40pm Mr Bray visited Hayaty Shisha. He noticed Mr El Sherbiny from previous dealings with the premises some years earlier. The shop displayed it was closed, however Mr El Sherbiny reluctantly opened the shop door. Mr Bray explained that he was responding to a noise complaint. Mr Bray was then allowed into the shop where he observed two large speakers approximately 50cm tall situated opposite the staircase and basement. He observed that the music level was not excessive in the shop. He reduced the volume from the 12 o'clock to 10 o'clock position. Whilst adjusting the volume he noticed that several people emerged from the basement. He further advised Mr El Sherbiny to isolate the speakers from the structure by placing them on rubber matting.

At 23:55pm Mr Bray contacted the complainant to ascertain the effect of the reduction in the music level.

#### **22<sup>nd</sup>/04/2017**

On the 22<sup>nd</sup> April 2017, Mr Joynul Islam, Environmental Protection Officer in the Pollution Control and Planning Enforcement team, was on duty for the Council's 'Out of Hours Noise Service', where a complaint was received about loud music emanating from Hayaty Shisha.

At 21:45pm Mr Islam arrived at the location and entered using the rear of the premises. In doing so, he could see lights on and hear people activity and music. Whilst standing on 1<sup>st</sup> floor external gangway, Mr Islam could see people sitting in the rear extension smoking shisha pipes. He could also hear other voices talking and laughing from within the rear extension area.

At 22:02pm after completing his visit to the complainant, Mr Islam went around to access the shop but it was locked. The main shop area had no customers in it. Mr Islam then saw Mr El Sherbiny coming up the stairs from the basement. Mr El Sherbiny then ushered Mr Islam to wait before he went out to the rear extension. The music volume was immediately turned down and all the people at the rear suddenly started to come in to the main shop floor area.

Mr El Sherbiny then appeared at the front of the shop after taking the rear exit of his premises saying he couldn't open his front door. Mr Islam told him the reason for his visit was due to a noise complaint and he simply wanted to advise him to try to keep the bass down when playing music. Whilst talking some of his customers then suddenly started walking out the front door.

#### **29-30<sup>th</sup>/04/2017**

On the 16<sup>th</sup> May 2017 Mr Victor Ktorakis, member of the Licensing Enforcement Team, carried out a Facebook search for the Hayaty Shisha premises in which he looked at photographs and recent posts.

He Noticed that there were posts and pictures advertising a re-launch party on 29<sup>th</sup> April 2017 which would include shisha, belly dancing, DJ, cocktails etc. Mr Ktorakis also discovered posts promoting the viewing of the Joshua v Klitchko boxing match on the evening of 29<sup>th</sup> April 2017. Further photographs posted on the Hayaty Shisha Facebook page, on 29<sup>th</sup> and 30<sup>th</sup> April 2017, showed several males smoking shisha pipes whilst watching the Joshua v Klitchko boxing match.



**02<sup>nd</sup>/06/2017**

On 2<sup>nd</sup> June 2017, Ms Palmer was working on the 'Out of Hours Licensing Enforcement shift' with PC Martyn Fisher and PC Cahill. Ms Palmer was tasked with visiting Hayaty Shisha.

At 18:02pm Ms Palmer and PC Cahill entered the premises. Upon entering they noticed a group of males sitting outside the premises and that the premises had been undergoing refurbishment. Ms Palmer could see a male smoking a shisha pipe in the rear of the premises and a member of staff smoking a cigarette at the back of the premises just outside the door. When approached, the staff member stepped into the main café area. Ms Palmer and PC Cahill introduced themselves and advised that they wanted to have a look around the premises and take some photos. Ms Palmer asked the staff member if Mr El Sherbiny was present but she was told he wasn't. The staff member then rang Mr El Sherbiny. The member of staff spoke to Mr El Sherbiny in a language she did not understand, then handed her the phone. Ms Palmer recognised Mr El Sherbiny's voice and advised him that she had been asked to visit to see what was taking place and to take some photos.

Ms Palmer then asked Mr El Sherbiny what was happening with the refurbishment and whether he was changing the business. He said he had not yet decided. He then asked Ms Palmer to hand the phone back to the member of staff, which she did. Again the member of staff spoke in a language she could not understand. When the conversation finished the member of staff went to the rear of the premises and spoke to the man she could see smoking a shisha pipe. The man then moved over to the other side of the room and the member of staff moved the shisha pipe over. Ms Palmer then went into the area and took photographs. There were a further two males present in the area on the left hand side. They also had a shisha pipe.

Ms Palmer then entered the basement area with PC Cahill. There were three males present. They were not eating, drinking or smoking. Ms Palmer took photographs then left the premises with PC Cahill at approximately 18:10pm.

**11<sup>th</sup>/08/2017**

On the 11<sup>th</sup> August 2017 Ms Palmer and Ms Green, Principal Licensing Enforcement Officer, were working on the 'Out of Hours Licensing Enforcement team'. One of the places they were tasked with visiting was Hayaty Shisha.

At 23:15pm Ms Palmer and Ms Green walked around to the back of the premises to see if the rear area was being used. They could see smoke rising in the air and smell what seemed to be shisha smoke. They also heard some voices but no music was audible. Mr El Sherbiny then appeared and spoke over the side of the fence to Ms Green. He asked what they were doing and why they didn't go through the front door. Ms Green explained that they were carrying out general observations and would go into the premises now.

Ms Palmer and Ms Green then entered the front of the premises. Ms Palmer advised Mr El Sherbiny that they were tasked to visit the premises and see if there were any breaches of a planning notice which prohibited the use of the rear area of the premises. They then walked to the rear area of the premises to inspect. In doing so, Ms Palmer and Ms Green noticed that there were 3 groups of females, 6 people in total sitting at tables/chairs smoking shisha pipes – 3 pipes in total. The area was more than 50% enclosed. A check was also conducted in the basement area to see if any smoking was taking place in there. The room appeared to be smoky but on closer inspection the 9 people in there were vaping only. No alcohol was seen only soft drinks.

Ms Palmer then completed an inspection report and noted that there had been 6 people using the rear area. She also noted that the music was not audible at the rear of the premises and music inside was playing at background level. She further noted that the 9 people in the basement were vaping and that no alcohol was seen. Ms Palmer and Mr El Sherbiny signed the inspection report and he was given a copy. Ms Palmer and Ms Green left the premises at 23:33pm.

**12<sup>th</sup>/08/2017**

On the 12<sup>th</sup> August 2017, Mr Joynul Islam was on duty for the Council's 'Out of Hours Noise Service' when a complaint was received about loud music emanating from Hayaty Shisha.

At 22:36pm Mr Islam arrived at the subject location and, in order to visit the complainant, went around to the rear of the premises accessed by a service road. With the single storey rear extension in place, Mr Islam could see that Hayaty Shisha was furnished with chairs and tables with people drinking beverages and smoking shisha pipes whilst music was being played.

Mr Islam then entered the complainant's property where he was told that the music had gone down in volume. Music was clearly audible in the kitchen of the property. Mr Islam explained to the complainant that any nuisance had to come from a habitable room. He then went to the bedroom located at the front of the property facing Green Lanes, where the music was audible but only when traffic was passing. With no traffic, the low frequency bass from the music was barely audible. He then entered the second bedroom at the rear end of the property which was closer to the source of music. In this bedroom, the music and bass were louder. At 22:59pm the music volume suddenly increased and became very loud then back down immediately after the sound of a door being slammed shut somewhere. It was noted that the noise was intrusive enough to prevent or disturb sleep. Mr Islam explained to the complainant that the noise level was a statutory nuisance and knowing that

an abatement notice was served in the past, this was as breach of that notice. He then left the complainant's property.

At 23:00pm Mr Islam stood on the 1<sup>st</sup> floor external walkway balcony where he was able to look down into the rear extended area of Hayaty Shisha. In doing so he could see that music was still playing and could see 6 people smoking shisha. He could also hear the bubbling noise made by shisha and smoke being exhaled.

At 23:08pm Mr Islam noticed 3 other men walk out from the main premises into the rear decked area. Two of them were carrying a shisha pipe each. He heard one of them say "it's better out here, it's too hot down there".

At 23:10pm Mr Islam walked down the external spiral staircase which led from the upper walkway directly to the covered decked area. He asked for Mr El Sherbiny who promptly came out to meet him. Mr Islam explained that he had to visit due to a noise complaint regarding the music. Mr El Sherbiny immediately showed Mr Islam his small speakers in the ceiling, whereupon Mr Islam advised him that he was in breach of an abatement notice as well as a planning enforcement notice and was therefore cautioned.

Mr Islam then explained that by having the speakers attached directly to the ceiling, this would help noise travel through the structure and into the flats and premises within the same building. Mr Islam further went on to explain that using the rear decked area was in breach of a planning enforcement notice served a few years ago. Mr El Sherbiny said he wasn't aware of this notice. Mr Islam then reminded Mr El Sherbiny that it was he who served the notice previously and since then furniture has reappeared along with the use of the rear of the property.

Whilst Mr Islam was still present at the premises, Mr El Sherbiny lit up a cigarette whilst in the covered area. Mr El Sherbiny said he wanted Mr Islam to note down that the music he was playing was only background music. Mr Islam acknowledged that the music was for background purposes but it was this music that was causing a nuisance.

At 23:38pm Mr Islam went down to the premises basement where he found 10 customers smoking and the room filled with smoke. Mr El Sherbiny said they were vaping not smoking, Mr Islam agreed with this. Mr Islam left the premises at 23:47pm.

HER MAJESTY'S  
COURT SERVICE



NORTH LONDON LOCAL  
JUSTICE AREA

SUMMONS/INFORMATION

To: Ayman Abouelenin El Sherbiny Abouelenin

Ref: LS/C/CM/157307

Of: Hayaty Shisha, 303 Green Lanes, London, N13 4XS

Date of Birth: [REDACTED]

**INFORMATION** was laid on 9 August 2017 before the court by Jayne Middleton-Albooye, Acting Assistant Director of Legal Services, London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XA,

1. On the 10<sup>th</sup> February 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
2. On the 22<sup>nd</sup> April 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
3. Between 29 and 30 April 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
4. On the 2<sup>nd</sup> June 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**

**YOU ARE THEREFORE SUMMONED** to appear before the Magistrates' Court sitting at Highbury Corner, 51 Holloway Road, London N7 on **Thursday 15<sup>th</sup> February 2018 at 10:00am** to answer the said information.

Date: 18 January 2018

Authorised

HER MAJESTY'S  
COURT SERVICE



NORTH LONDON LOCAL  
JUSTICE AREA

SUMMONS/INFORMATION

To: Ayman Abouelenin El Sherbiny Abouelenin

Ref: LS/C/CM/157309

Of: Hayaty Shisha, 303 Green Lanes, London N13 4XS

Date of Birth: [REDACTED]

**INFORMATION** was laid on 13 November 2017 before the court by Jayne Middleton-Albooye, Acting Assistant Director for Legal Services, London Borough of Enfield, Civic Centre, Silver Street, Enfield, EN1 3XA,

1. On the 10<sup>th</sup> February 2017 in the London Borough of Enfield you at the premises known as Hayaty Shisha, 303 Green Lanes, London N13 4XS did carry on a licensable activity from the premises otherwise than in accordance with the premises licence namely by having serving hot drinks after 23:00 when there was no premises licence for these premises **CONTRARY to section 136(1)(a) of the Licensing Act 2003**
2. On 10<sup>th</sup> February 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**
3. On 11<sup>th</sup> February 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**
4. On 22<sup>nd</sup> April 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**
5. On 2<sup>nd</sup> June 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of

Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**

6. On 11<sup>th</sup> August 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**
7. On the 11<sup>th</sup> August 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
8. On 12<sup>th</sup> August 2017, you being a person who has control of or an interest in the land to which an enforcement notice relates at Hayaty Shisha, 303 Green Lanes, London N13 4XS in breach of an enforcement notice (CON/6244) issued by the London Borough of Enfield on 29<sup>th</sup> November 2010, did fail to permanently cease use of the covered area at the rear of the premises as an external seating area and to remove all tables and chairs together with any other items associated with the use as an external seating area as required, **CONTRARY to section 179(4) & (5) of the Town & Country Planning Act 1990, as amended.**
9. On the 12<sup>th</sup> August 2017 in the London Borough of Enfield you being the person in control or concerned with the management of a smoke-free premises namely Hayaty Shisha at 303 Green Lanes, Palmers Green N13 4XS did fail to cause a person smoking there to stop smoking **CONTRARY to Section 8(1) & (4) of the Health Act 2006.**
10. On 12 August 2017 in the London Borough of Enfield you being a person on whom an abatement notice (Ref. No. WK/210051983) was served on 10 August 2010, did without reasonable excuse, contravene or fail to comply with any requirement or prohibition imposed by the notice, namely exercising 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 **CONTRARY to section 80(4) of the Environmental Protection Act 1990**

**YOU ARE THEREFORE SUMMONED** to appear before the Magistrates' Court  
sitting at Highbury Corner, 51 Holloway Road, London N7  
on **Thursday 15<sup>th</sup> February 2018 at 10:00am** to answer the said information.

**Please reply to:** Charlotte Palmer

Mr A. Elsherbiny  
Hayaty Shisha Ltd  
303 Green Lanes  
London  
N13 4XS

**E-mail:** Charlotte.palmer@enfield.gov.uk  
**Phone:** 0208 132 2004  
**Textphone:**  
**Fax:**  
**My Ref:** WK/220038781  
**Your Ref:**  
**Date:** 12<sup>th</sup> November 2020

Dear Mr Elsherbiny,

**Hayaty Shisha Ltd, 303 Green Lanes, London, N13 4XS**

I write further to a visit made to the above named premises on 19<sup>th</sup> September 2020 by Enfield Council Out of Hours Noise Officers.

According to the officer's notes the volume of the music being provided at the premises was deemed to be a statutory noise nuisance. Having checked our records I can see that a 'Likely to' Noise Abatement Notice has been served on you previously. Although the premises was trading as Coffee Connect when that notice was serviced you were the person responsible for the noise on both occasions. A copy of the previous notice is enclosed for your information.

As the notice was served several years ago, I taken this opportunity to remind you that the notice is still in force. Please be warned that should a further statutory noise nuisance be witnessed this shall be considered to be a breach of the notice.

Breaching a noise abatement notice can lead to a fixed penalty notice being served or prosecution proceedings being instigated against you both of which I am sure you would wish to avoid.

In addition to this, premises may only provide regulated entertainment (plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performance of dance) sell alcohol, or sell hot food and / or hot drink between the hours of 11pm – 5am if they have the benefit of a premises licence.



**Sarah Cary**  
**Executive Director Place**  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

[www.enfield.gov.uk](http://www.enfield.gov.uk)

This premises does not have a premises licence therefore it cannot currently be used for any of the above activities. Allowing any of these activities to take place without a premises licence is a criminal offence which carries an unlimited maximum fine and or six months imprisonment.

Please ensure no unlicensed licensable activities take place in future.

Yours sincerely

Charlotte Palmer  
Senior Licensing Enforcement Officer



**Please reply to:** Charlotte Palmer

Director  
Hayaty Shisha Ltd  
303 Green Lanes  
London  
N13 4XS

**E-mail:** Charlotte.palmer@enfield.gov.uk  
**Phone:** 0208 132 2004  
**Textphone:**  
**Fax:**  
**My Ref:** WK/220038781  
**Your Ref:**  
**Date:** 12<sup>th</sup> November 2020

Dear Sir/Madam,

**Hayaty Shisha Ltd, 303 Green Lanes, London, N13 4XS**

I write further to a visit made to the above named premises on 19<sup>th</sup> September 2020 by Enfield Council Out of Hours Noise Officers.

According to the officer's notes the volume of the music being provided at the premises was deemed to be a statutory noise nuisance. Having checked our records I can see that a 'Likely to' Noise Abatement Notice has been served on a member of staff previously. Although the premises was trading as Coffee Connect when that notice was serviced the same person was responsible for the noise on both occasions. A warning letter has been sent to them separately.

As the notice was served several years ago, I taken this opportunity to bring this matter to your attention and to warn you that should a further statutory noise nuisance be witnessed a notice may be served on the company.

Breaching a noise abatement notice can lead to a fixed penalty notice being served or prosecution proceedings being instigated both of which I am sure you would wish to avoid.

In addition to this, premises may only provide regulated entertainment (plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performance of dance) sell alcohol, or sell hot food and / or hot drink between the hours of 11pm – 5am if they have the benefit of a premises licence.



**Sarah Cary**  
**Executive Director Place**  
Enfield Council  
Civic Centre, Silver Street  
Enfield EN1 3XY

[www.enfield.gov.uk](http://www.enfield.gov.uk)

Your premises does not have a premises licence therefore it cannot currently be used for any of the above activities. Allowing any of these activities to take place without a premises licence is a criminal offence which carries an unlimited maximum fine and or six months imprisonment.

Please ensure no unlicensed licensable activities take place in future.

Yours sincerely

Charlotte Palmer  
Senior Licensing Enforcement Officer

**Environment and Street Scene**Mr. Ayman Elsherbiny  
[Redacted]  
[Redacted]  
[Redacted]

Please reply to: Ned Johnson  
Environmental Protection and  
Regulation  
PO Box 57, Civic Centre  
Silver Street, Enfield, Mddx. EN1 3XH  
Tel: 020 8379 3701  
Fax: 030 8379 5120  
Minicom: 020 8379 4419  
Email: ned.johnson@enfield.gov.uk  
My Ref:  
Your Ref:  
Date: 10/8/10

Dear Mr. Elsherbiny

**Environmental Protection Act 1990 - Section 80**  
**Statutory Nuisance from Loud Music – Coffee Connect, 303 Green**  
**Lanes, Palmers Green, N13 4XS**

Further to my visit to your premise on 30 July 2010, this Authority is satisfied of the likely occurrence of a statutory nuisance arising from music emanating from the above-mentioned premises.

Therefore, the Council must fulfil its legal obligation and serve an Abatement Notice under the above-mentioned legislation, which is attached. The notice requires you, as the person responsible for the nuisance to exercise proper control over the volume of sound generated.

Failure to comply with the notice would constitute a criminal offence for which a fine of up to £20,000 can be imposed on conviction.

Any further recurrence of the nuisance, which this department becomes aware of, would constitute an offence and, as such, would automatically be referred for proceedings to be commenced without further notice.

Yours sincerely

Ned Johnson  
Principal Officer Health, Safety & Pollution

LONDON BOROUGH OF ENFIELD

REF NO WK/210051983

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80****ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**To: **Mr Ayman Elsherbiny**

of:

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the likely occurrence of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **Coffee Connect, 303 Green Lanes, London, N13 4XS**, within the district of the said Council arising from:

**The production of noisy music**

HEREBY REQUIRE YOU as the person responsible for the said nuisance of the premises, **Coffee Connect, 303 Green Lanes, London, N13 4XS** 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 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 Health Safety & Pollution**

Dated **10th August 2010**

\*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 N6 (N)**

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Address for all communications:  
London Borough of Enfield  
Planning & Environmental Protection  
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 (N6(N))**

(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.



# Annex 4

## Proposed Conditions

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.

**The following conditions are AGREED between the MPS & the Applicant:**

2. A digital CCTV system must be installed in the premises complying with the following criteria:

- (a) Cameras must be sited to observe the entrance doors from both inside and outside.
- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- (d) Provide a linked record of the date, time of any image.
- (e) Provide good quality images - colour during opening times.
- (f) Have a monitor to review images and recorded quality.
- (g) Be regularly maintained to ensure continuous quality of image capture and retention.
- (h) Member of staff trained in operating CCTV at venue during times open to the public.
- (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

3. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to 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) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

4. At least one door supervisor shall be employed on Friday and Saturdays from 21:00 hours until the premises closes. They shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have left the immediate

vicinity to ensure the safe and quiet dispersal of patrons. Door supervisors shall be easily identifiable by wearing either reflective jackets or reflective armbands.

**The following conditions are AGREED between the Licensing Authority & there Applicant:**

5. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.
6. All training relating to 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.
7. 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.
8. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly whilst live/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.
9. All external doors and windows to be kept closed but not locked whilst live or recorded music is being played.
10. Live and recorded music shall only be provided in the basement area. Music provided in any other area including outside area shall be background level only.
11. Microphones shall not be used at the premises.
12. 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.
13. 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.
14. At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.

15. The main use of the premises shall be as a café with food and drink available in line with licensable activity times.

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