

ADDITIONAL PAPERS

SPECIAL LICENSING SUB COMMITTEE

Thursday, 28th April, 2022, 5.00 pm - MS Teams (watch the live meeting [here](#), watch the recording [here](#))

Members: Councillors Barbara Blake, Bob Hare and Yvonne Say

Quorum: 3

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT HORNSEY TAVERN, 26 HIGHGATE HIGH STREET, LONDON, N8 (PAGES 1 - 32)

To consider an application for a review of a premises licence.

Ayshe Simsek
Tel – 020 8489 3321
Fax – 020 8881 5218
Email: nazyer.choudhury@haringey.gov.uk

Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Wednesday, 27 April 2022

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Appendices.

1. Appendix 1 = CCTV grid
2. Appendix 2 = Recent footage of neighbouring venue
3. Appendix 3 = New smoking area barriers image.
4. Appendix 4 = Security Checklist.
5. Appendix 5 = Dispersal and outside areas policy.

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Reference	Date	Time	Description
1. 0561	04/03/22	19:21hrs	No regulated entertainment that night in the venue. Complainant states a live band is playing. Approx 8 persons in the pub. Body language suggests noise levels are low, nobody is leaning in close to speak. The barmaid is serving across a wide (approx. 1m) bar and neither the barmaid or customers can be seen leaning across or shouting to order drinks. Noise Service result – Nuisance not established.
2. 0562	04/03/22	23:53hrs	The venue now has a DJ operating, there are a couple of women dancing. Once again body language suggests the noise is not excessive, no leaning in or apparent shouting. Noise service result – No visit, noise stopped.
3. 0563	05/03/22	00:16hrs	Continuation of above. Regulated entertainment has stopped. CCTV shows 1 person outside. Approx 14 people inside the venue.
4. 0564	10/03/22	11:24hrs	CCTV shows the venue is shut. The only person on the premises is the cleaner mopping floors. Noise service result – complainant has covid, unable to visit.
5. 0565	10/03/22	11:29hrs	Continuation re above – pub is empty.
6. 0566	10/3/22	23:51hrs	Continuation of above – 20 customers, no regulated entertainment. Normal conversation taking place.
7. 0567	10/03/22	22:57hrs	15 customers – normal conversation, no regulated entertainment.
8. 0568	11/03/22	22:51hrs	Unregulated entertainment – DJ Approx 25 customers. Face to face conversations, no leaning in, no apparent shouting.
9. 0509	13/03/22	21:49hrs	Unregulated entertainment in the form of 1 person playing an acoustic guitar, guitarist finished at 21:30hrs. Approx 9 customers.
10. 0586	14/04/22	20:23hrs	Footage of the street CCTV – 2 to 3 people
11. 0775	13/03/22	19:50hrs	15 customers, no DJ or live music. No customers seen outside.
12. 0776	17/03/22	15:55hrs 16:20hrs 23:18hrs	St Patricks day, approx. 30 customers, DJ playing Approx 10 customers, 2 or 3 outside.
13. 0777	18/03/22	23:12hrs	DJ/Karaoke which ended shortly after midnight. Approx 10 customers, none seen outside, normal level conversation between customers.
14. 0779	18/03/22	15:00hrs	No DJ, approx. 7 customers, none outside, normal level conversation.
15. 0780	21/03/22	23:16hrs	2 customers. Barman can be seen cashing up, no DJ or live music. Venue closed by 23:22hrs

16. 0784	18/03/22	21:05hrs	6 customers, DJ, normal level conversation taking place, 4 customers seen outside smoking for a short period of time.
17. 0785	20/03/22	21:55hrs	Solo guitarist, acoustic guitar playing until approx. 21:30hrs, 6 customers.
18. 0786	25/03/22	21:34hrs	DJ, 5 customers. DJ had left prior to 00:00hrs pub virtually empty.

Security Check List

- 30 minute walk around, check toilets, back left and pool table area.
- No doubling up in toilet cubicles (common sense to be used re ladies toilets, male SIA to be accompanied when dealing with a doubling up in a female cubicle).
- Age verification as per Challenge 25
- Search based on SIA judgement
- No glass ware outside the venue
- Maximum 10 in the smoking area
- Remind patrons to keep noise down when outside
- When applicable last orders at 02:15, venue to close at 3am
- Politely request customers drink up and leave quietly.
- Encourage customers not to hang around unless waiting for a taxi, if waiting for a taxi ask them to remain quiet and consider the neighbours.
- Ensure a steady flow leaving the venue, consistently remind customers to respect the neighbourhood.

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• **From:** Miguel Aveiro <miguel.aveiro@pm.me>
Date: 25 April 2022 at 00:13:43 BST
To: "able1_scaffolding" <able1_scaffolding@gmail.com>
Subject: Letter of support
Reply-To: Miguel Aveiro <miguel.aveiro@pm.me>

Hi,

My name is Miguel Aveiro, and I live at Flat 1, Century House, 2 St Mary's Roads, N8 7GB, right above the Hornsey Tavern pub.

James, the pub owner, has engaged in conversations about the noise issues with the pub. Since we spoke, he has proactively addressed the ones he could, mainly making sure the noise levels after 11 pm are minimal, creating an area for people to smoke that is not directly below the residents' windows and decreasing the number of live performances.

We also understand that the building has structural issues regarding sound isolation, e.g., we can hear our upstairs and next-door neighbours chatting, watching television, their alarm clocks and even when they shower. We have sent emails to the Landlord with those complaints, but they were never addressed or appropriately responded to.

We appreciate James's efforts so far and those planned for the coming months. Despite the building sound isolation problems, our day-to-day activities or rest are not affected by the pub activities, and we support staying open.

Best,

Miguel Aveiro

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Witness Statement of Guy Hicks Independent licensing consultant in relation to The Hornsey Tavern.

24th April 2022

1. I am over the age of 18 and a person of good character.
2. I am a self-employed Licensing Consultant. I was previously employed for 30 years as a police officer, retiring in 2019 with exemplary service. My last position within the service was as the licensing Sergeant covering the London boroughs of Hackney and Tower Hamlets.
3. I make this statement in relation to the review hearing for the Hornsey Tavern 26 High Street, Hornsey, London N8 7PB. I have asked the owner of the public house, Mr James Kearns, to provide me with CCTV on as many dates as possible to match up with dates shown on a list of alleged noise complaints supplied by the licensing authority as a result of the review application by Mr James Craggs.
4. Mr Kearns CCTV records on a 31-day loop and as a result the images captured and spoken about in this statement are from the 4th of March 2022 until 25th March 2022. Each section of footage is a few minutes long.
5. I have viewed the images in full noting the time, date, number of persons on the premises and whether there is evidence of regulated entertainment. I produce a grid of this as **Appendix 1**.
6. The images do not come with noise. The footage shows that the body language of those in the venue suggested noise was not at an excessive level. You can see people in conversation. None appear to be leaning in close to the other person in order to be heard. It appears that conversations are being held at a normal level suggesting background noise in the venue during the times shown is not, as previously stated, excessive. This is the case even when you can see on camera regulated entertainment taking place.
7. I have also viewed a short clip recorded by Mr Kearns on his mobile phone. The clip shows the inside of his venue with a small number of people watching football or sitting at the bar. The noise is at a low level and allows face to face conversation to take place. The footage then moves outside into the street and shows a premises roughly 3 doors down to the right of the Hornsey Tavern. Loud, excessive music can clearly be heard from the venue whilst Mr Kearns stands approximately 30m away. This footage is labelled 'recent footage of neighbouring venue', **Appendix 2**.

8. Mr Kearns has instigated some changes to the venue, one of these is a correctly barriered smoking area. An image of this is shown as **Appendix 3**. There is also a security check list **Appendix 4**, which will form part of the venue's dispersal and outside areas policy **Appendix 5**.

I understand that my duty is to the committee/court and this statement has been prepared in compliance with that duty. All matters relevant to the task on which my expert evidence is given have been included within. I believe the facts I state to be true and honest and that the opinions I have expressed are correct to the best of my judgement.

The Hornsey Tavern DISPERSAL POLICY

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives.

This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

Management are aware of the potential for neighbourhood noise and disturbance when customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

1. Management have put into place an effective “wind-down” procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
2. At closing key members of trained staff including SIA when applicable are directed to work in the customer areas near the front entrance and exit. Customers are informed that the premises are about to close and are directed towards the exit.
3. The premises will promote the gradual departure of customers and will ensure there will be a controlled of customers exiting the venue.
4. Internal lighting levels will be gradually increased during the last 30 minutes of trading.
5. Music will be played at a lower level steadily reducing until it can't be heard.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. The Hornsey Tavern Ltd are proud of the area and will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside the frontage that may have nothing to do with the venue but in the interests of maintaining good standards in the area they will still clear it up.

Staff to assist with Dispersal during busy periods

8. Staff and SIA at the premises should have knowledge of the following;
 - a. Where the nearest mode of public transport is
 - b. Details of taxis and a number is available at the reception
 - c. General local knowledge so that if customers decide to move on the staff can help them with directions.
 - d. Where possible customers will be encouraged to head towards the High Street and away from local side street residential areas.
 - e. The staff and SIA are easily identifiable in uniforms and before each night

- there will be a team briefing to underline the importance of a quiet dispersal.
- f. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any action points are added into the following nights briefings.

Notices

9. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
10. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

11. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
12. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.

Taxi Service

13. Staff and SIA will ensure taxis are available for customers so that they can wait inside the premises. Staff will politely request that car doors are not slammed and will ensure that taxi drivers keep engines turned off if they are parked outside.
14. Arrangements are made with all local taxi firms for taxis to stop at a safe stopping place when collecting patrons. A recommended list of local taxi companies is available to customers.
15. Staff and SIA are trained to be aware of the location of taxi ranks, bus stops and hire car offices and advise customers accordingly.
16. Taxi drivers will be asked to remain in their vehicles and radios should not be played at a volume likely to disturb the neighbourhood.
17. Staff and any SIA (when deployed) will be trained to look for any vulnerable persons leaving the venue, ensuring that anyone identified as vulnerable is offered and escorted to a licensed taxi or Uber.
18. At the end of the shift employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them at a convenient and safe stopping point away from residential properties

Exit Strategy

The exit strategy will be implemented each night.

- All staff members outside on exit must wear a high visibility jacket or other striking uniform.
- The priority of the staff and SIA is to ensure all customers leave in a quiet and controlled manner.
- All customers should be asked to leave quietly in a polite and friendly manner.
- Any persons seen loitering should be asked to move on whether they are the premises customers or not. They should be directed towards the nearest mode of public transport and as a default to the nearest bus station in a polite but firm manner.

Overall

Staff and SIA shall be in place at the exits to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability. Staff and SIA will not tolerate departing customers congregating outside of the premises. Staff will at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems where possible. Whilst carrying out their legitimate duties outside of the premises all staff and SIA are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece.

Staff will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with residents including hosting meetings on a quarterly basis to allow our neighbours to raise any issues and for those issues to be quickly resolved. The telephone number of the premises and the DPS will be provided to all our immediate residential neighbours and will be on display at the front of the premises.

Staff will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

Cont.

SMOKING POLICY

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by the Premises licence holder. All members of staff must make sure that they are familiar with the terms of this policy.

1. Smoking is not permitted within any part of the Premises except in the designated area which is to the front of the venue.
2. Customers who are from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises and is shown on the plans
3. The door attendant(s)/door supervisor(s) or staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
4. After 10pm, If the designated area is full (10 persons), a member of staff should ask the customer to wait within the premises until a space becomes available.
5. The smoking area should be cleaned regularly, and ashtrays emptied.
6. Customers should be reminded to respect our neighbours and to keep conversations to a minimum.
7. The staff on duty shall keep a log of any person causing any disturbance or nuisance whether that person is a customer or not.
8. The staff or SIA on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.

OUTSIDE MANAGEMENT PLAN

This Outside Management Plan has been prepared to set out the strategy and approach to the operation of the outside area of the Hornsey Tavern, 26 High Street, Hornsey.

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area.

This Outside Management Plan has been prepared by Raven consultants in consultation with the Hornsey Tavern Ltd. In developing the Outside Management Plan, due regard has been given to best practices.

We have carefully considered site-specific issues anticipating concerns likely to be raised by local consultees and stakeholders and built into this Outside Management Plan measures to address their concerns. This Outside Management Plan is a fluid document that will be improved from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

Staffing of Outside Areas

9. SIA levels shall be assessed on a risk assessed basis, in the absence of deployed SIA there shall be a dedicated member of staff overseeing the external area. They will ensure that the outside area, particularly at busy periods, will be adequately supervised where necessary.
10. Each member of staff and SIA will have received adequate training on this Management plan, and this will be documented appropriately, and records kept. The associated training record will be held in the Register (see below) on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police;
11. The management will ensure that all cups and glasses. are picked up from the designated smoking area on a regular basis, including throughout the operation.
12. There will be designated cleaners and collectors during the busy periods to ensure that the outside areas remain clean and tidy throughout the operation.
13. Customers will not be permitted to take open drinks away from the smoking area or the venue. After 10pm no drinks or open containers will be permitted in the smoking area.

Management of the Outside Area

14. The duty manager will ensure that there is effective management of customer behaviour while using the outside areas.
15. There will always be a duty manager on duty on the premises.
16. The management shall ensure that the area noise will be kept to a minimum so as to minimise the risk of noise disturbance and prevent patrons from potentially talking too loudly. Noise levels will be monitored by the Staff and customers who are noisy will be politely asked to keep the noise down. Should a customer decline they will be asked to leave the premises and will be banned.
17. Responsible use of the outside areas shall be promoted to customers
18. Appropriate signage shall be in place on the outside to remind customers to respect our neighbours and to use the area quietly.

19. A 30 – 60 minute winding down time is incorporated so that dispersing customers outside the premises is more gradual.
20. The management will not tolerate any person congregating outside of the agreed area or making a noise, and if they do not comply with staff instructions, then they will be banned from using the premises.

Outside Management Register

21. The management will maintain an outside management register. The register will include:
 - a. Contact details of staff that have been trained and that they understand the need to control the external area
 - b. All persons who may make an observation regarding the use of the outside area will have their concerns logged with a record of the date and time and a description of the activities occurring which gave rise to the complaint
 - c. Details of any action taken as a result of the complaint.

Security Check List

- 30 minute walk around, check toilets, back left and pool table area.
- No doubling up in toilet cubicles (common sense to be used re ladies toilets, male SIA to be accompanied when dealing with a doubling up in a female cubicle).
- Age verification as per Challenge 25
- Search based on SIA judgement
- No glass ware outside the venue
- Maximum 10 in the smoking area
- Remind patrons to keep noise down when outside
- When applicable last orders at 02:15, venue to close at 3am
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- Encourage customers not to hang around unless waiting for a taxi, if waiting for a taxi ask them to remain quiet and consider the neighbours.
- Ensure a steady flow leaving the venue, consistently remind customers to respect the neighbourhood.

----- Forwarded message -----

From: **Wilson, Samuel**

Date: Thu, 21 Apr 2022 at 10:35

Subject: The Hornsey Arms/Tavern

To:

The Hornsey Tavern,

The Refurbished drinking Venue is a piece of fresh air, the light airy and spacious

Feel lends well to a relaxed vibe.

The staff are always on hand for a chat and perfectly chilled Prosecco waiting.

With Sports TV that's not invasive and lively banter/ music and the odd band/or karaoke.

Great for chilling with family/friends or for contemplation.

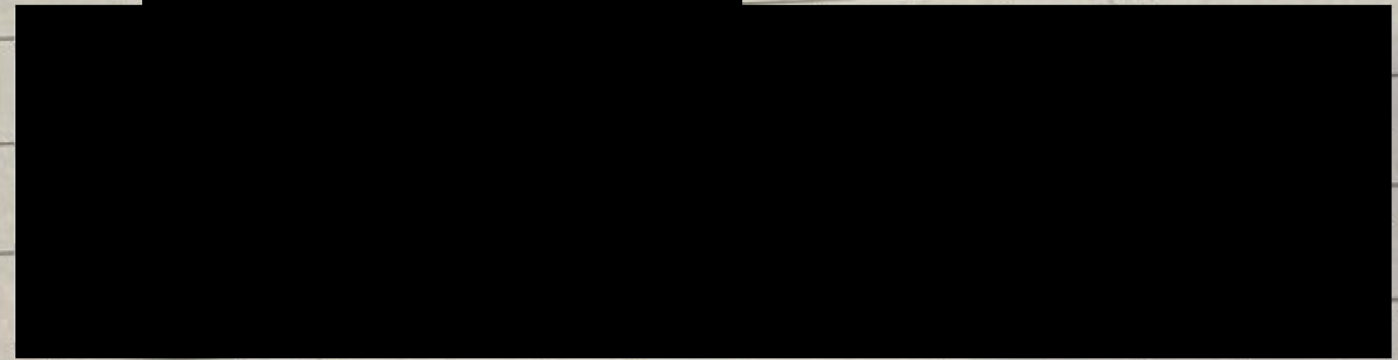
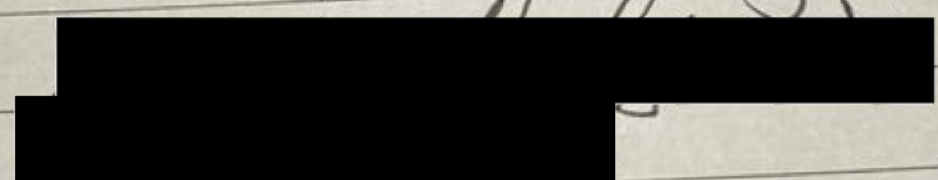
Sammy.

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To whom it may concern

I write this letter to express my support of the pub the Hornsey Tavern. I drink in here regularly and its a part of my daily life its a hub in this community and us regulars are like a little family that rely on this pub to gather and socialise this has been a pub since 1810 and I believe it should stay that way. There is only ever music on twice per week which they put on to give back to loyal customers like myself who enjoys and look forward to it.

Kind regards.



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To whom it may concern,
My name is Haise Graham,

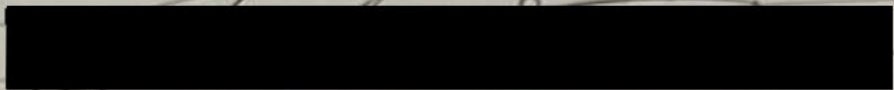
I am a regular customer who attends the Hornsey Tavern, I am writing this in support of the owners who I think so few have brought an old tradition to the area. I regularly come here with my family for socialising and to expand my network. There is always good fun and vibes. I have at times venue. I would be devastated after the couple of years we have all had "COVID" to see this community place perished for this to be lost in the community. If you require any further information to support the pub please contact me - [REDACTED]

Kind regards
[REDACTED]

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ROBIN MARTIN
 I've known this young man for
 twenty plus years, also his father.
 He has always been considerate
 to other people and their needs.
 James has opened a public bar
 while many are closing, this is
 the hub of the community and let
 it may continue

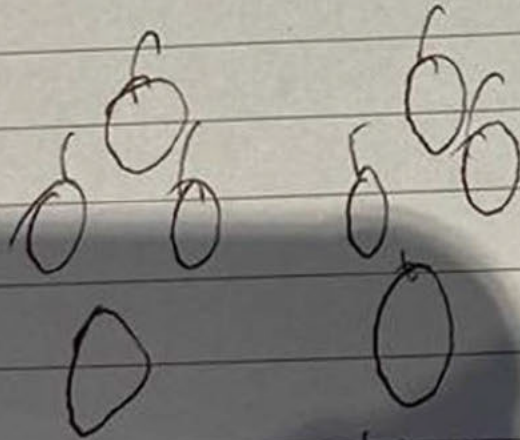
R. MARTIN



MANY THANKS

NIB Plus they allow me

Dogs in



SEVEN

HENRICKS

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Haringey Council

**Environmental Protection Act 1990 - Part III
Statutory Nuisance - Abatement Notice**

To: **MR HORNSET TAVERN LIMITED**
at: **26 HIGH STREET HORNSET LONDON N8 7PB**

The [person responsible for the nuisance] at the premises in the Borough of Haringey known as:

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 exists, or is likely to recur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH a recurrence of the nuisance and for that purpose require you to:

Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See Copy attached].

AND FURTHER TAKE NOTICE that in the opinion of the Local Authority the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect **AND THEREFORE** this Notice shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court. The maximum penalty for failure to comply with this Notice is **£5,000 (£20,000** in the case of industrial, trade or business premises) plus a further **£500** for each day on which the offence continues after conviction.

Dated: **16/04/2022**

Our Ref:

ADDRESS

(To which any communication regarding this Notice may be sent):



for Eubert Malcolm, being the Officer appointed for this purpose

Environmental Services & Community Safety Manager
Regulatory Services
Enforcement Response
Level 6, Alexandra House, 10 Station Road,
Wood Green, London N22 7TR

This matter is being dealt with by:

Enforcement Response Team

Telephone: 020 8489 1000

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No. 2644)

Dated November 8, 1995, made by the Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by paragraph 1(4) of Schedule 3 to the Environmental Protection Act 1990 and of all other powers enabling them in that behalf.

Citation, commencement and Interpretation

1. (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.
(2) In these Regulations

'the 1974 Act' means the Control of Pollution Act 1974;
'the 1990 Act' means the Environmental Protection Act 1990; and
'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

Appeals under Section 80(3) of 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) or (g) of the 1990 Act and arises on industrial, trade, or business premises, OR
 - (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, OR
 - (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
 that the best practicable means were used to prevent, or to counteract the effects of, the nuisance:
 - (f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of 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 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 of 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 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 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 that 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
 - (i) either
 - (i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of the 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

Revocations

4. The Statutory Nuisance (Appeals) Regulations 1990 and the Statutory Nuisance (Appeals) Amendment) Regulations 1990 are hereby revoked.

From: James Craggs <
Sent: 26 April 2022 17:17
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Re: FAO

I think if the noise doesn't come across well on the video when compressed via email then this may not help overall. The video was at midnight.

Attached are some further images (taken at midnight) in March of people congregating outside which may be useful instead?

Thanks vm,

James





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