

## **NOTICE OF MEETING**

# **SPECIAL LICENSING SUB COMMITTEE**

**Tuesday, 16th April, 2019, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE**

**Members:** Councillors Peter Mitchell, Liz Morris and Reg Rice (Chair)

Quorum: 3

### **1. FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### **2. APOLOGIES FOR ABSENCE**

### **3. URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

### **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

**5. SUMMARY OF PROCEDURE (PAGES 1 - 2)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

**6. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - BELMEIS (PAGES 3 - 108)**

To consider an application for the review of the Premises Licence for Belmeis, 488 Muswell Hill Broadway London N10-held by Clarke and Parker Fishmongers Ltd (t/a) Belmeis.

**7. CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE FOLLOWING CONVICTION (PAGES 109 - 112)**

To consider the suspension or revocation of a personal licence following a conviction of a relevant offence by the holder of that licence.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

**TO RESOLVE**

That the press and public be excluded from the meeting for consideration of the following items as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paragraph 1.

**9. CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE FOLLOWING CONVICTION (PAGES 113 - 128)**

As per Item 7.

Email: [glenn.barnfield@haringey.gov.uk](mailto:glenn.barnfield@haringey.gov.uk)

Bernie Ryan

Assistant Director – Corporate Governance and Monitoring Officer  
River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 08 April 2019

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## APPENDIX 3

<b>LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY</b>	
<b>INTRODUCTION</b>	
1. The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.	
2. The Chair invites Members to disclose <ul style="list-style-type: none"> <li>i) any prior contacts (before the hearing) with the parties or representations received by them; and separately</li> <li>any declarations of interest.</li> </ul>	
3. The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.	
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4. If one or both of the parties fails to attend, the Chair decides whether to:	
(i) grant an adjournment to another date, or	
(ii) proceed in the absence of the non-attending party.	
Normally, an absent party will be given one further opportunity to attend.	
<b>TOPIC HEADINGS</b>	
5. The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:	
<b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b>	
(i) the prevention of crime and disorder,	
(ii) public safety,	
(iii) the prevention of public nuisance, and	
(iv) the protection of children from harm.	
6. The Chair invites comments from the parties on any other topic headings to be discussed.	
<b>WITNESSES</b>	
7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.	
8. Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.	
<b>DOCUMENTARY EVIDENCE</b>	
9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.	
10. If so, the Chair will ask the other party if they object to the admission of the late documents.	
11. If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.	

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
<b>THE LICENSING OFFICER'S INTRODUCTION</b>		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
<b>THE HEARING</b>		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Review Applicant's main representative	
(ii)	an introduction by the Premises Licence Holder or representative	
(iii)	questions put by Members to the Review Applicant	
(iv)	questions put by Members to the Premises Licence Holder	
(v)	questions put by the Review Applicant to the Premises Licence Holder	
(vi)	questions put by the Premises Licence Holder to the Review Applicant	
<b>CLOSING ADRESSES</b>		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address.	
<b>THE DECISION</b>		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

**Report for:** Licensing Sub Committee 16<sup>th</sup> April 2019

**Item number:**

**Title:** Review of a Premises Licence under the Licensing Act 2003.

**Report**

**authorised by :** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** FG

**Report for Key/**

**Non Key Decision: Not applicable**

**1. Describe the issue under consideration**

- 1.1 An application for the review of the Premises Licence for Belmeis, 488 Muswell Hill Broadway London N10-held by Clarke and Parker Fishmongers Ltd (t/a) Belmeis was received by the Licensing Authority on 4<sup>th</sup> March 2019. A copy of the application form is attached to this report at **Appendix 1** and supporting documentation an acoustic report carried by another residents is attached at Appendix 1A.
- 1.2 The applicants of the review are residents ('other parties') and have cited their reason for the review due to the operation of the premises has failed to uphold the licensing conditions and licensing objective of:
- The prevention of public nuisance
  - Public Safety
- 1.3 The applicants speak to ongoing concerns relating to noise nuisance emanating from the venue .
- 1.4 There is also a representation from the Noise Responsible Authority outlining the number of complaints received and any formal action undertaken by the Service against the premises. Appendix 2
- 1.5 The licence holders have submitted their own response to the matters raised in the review. **Appendix 3.**
- 1.6 Other residents have submitted letters of support for the venue and these letters can be found at **Appendix 4.**

**2 Licensing history of the premises**

- 2.1 The premises previously operated as a fishmongers but held a licence that permitted the sale of alcohol. The owners altered the operation of the premises and applied for a new licence in May 2018 to operate a wine bar/tapas restaurant.
- The application received representations against it from the residents that have submitted the review application. The residents had raised their concerns about

the potential for noise nuisance being a problem from the venue.

- 2.2 The venue does not have regulated entertainment stipulated in its licence but Has been able to make use of the Live music exemption.
- 2.3 The Live Music Act took effect from 1<sup>st</sup> October 2012, and was further amended in April 2016 to include recorded music and covers larger audiences. The Act disapplies live music related conditions if the following criteria are satisfied:
- There is a premises licence or club premises certificate in place permitting 'on sales';
  - The premises are open for the sale or supply of alcohol for consumption on the premises;
  - Live or recorded music is taking place between 8am and 11pm;
  - If the live music is amplified or recorded, the audience consists of no more than 200 people

Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.

- 2.4 'The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003, it is takes place between 8am and 11pm, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents and these are:

- upon a review of the premises licence the Licensing Authority may determine to revoke the exemption. It may also
- Determine that conditions on that premises relating to live or recorded music will apply even between 8am and 11pm;
- It can also determine that live or recorded music at the premises is a licensable activity and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice.
- Other noise legislation such as the Environmental protection act 1990 will continue to apply. The Act does not allow licensed premises to cause a noise nuisance.

### **3 Copy of current Premises Licence – Appendix 5**

#### **Licensable activities authorised by the Licence:**

Late Night Refreshment

Supply of Alcohol

#### **The times the Licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

**Friday to Saturday**

**2300 to 0000**

**Supply of Alcohol**

<b>Monday to Thursday</b>	<b>1200 to 2300</b>
<b>Friday to Saturday</b>	<b>1200 to 0000</b>
<b>Sunday</b>	<b>1200 to 2200</b>

The opening hours of the premises:

<b>Monday to Thursday</b>	<b>1200 to 2330</b>
<b>Friday to Saturday</b>	<b>1200 to 0030</b>
<b>Sunday</b>	<b>1200 to 2230</b>

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

**Supply of alcohol for consumption ON and OFF the premises**

**4 Licensing Administration comments on process and guidance**

4.1 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

4.2 In accordance with section 52(2) of the Act, the Licensing authority must hold a hearing to consider the application and any relevant representations.

**4.3 Legislation**

The following provisions of the Licensing Act 2003 and associated Regulations are of particular relevance to this application:

- Sections 51 and 52

These sections detail how a review application should be made and the process which should be followed in determining the application.

The Licensing Act 2003 (Hearings) Regulations 2005 (as amended) are also relevant and detail how hearings should be conducted to determine applications submitted under the Licensing Act.

**4.4 Policy considerations**

**Council's Statement of Licensing Policy**

The following paragraphs of the licensing authority's statement of licensing policy are of particular relevance to this application:

4.5 Paragraph 90 - Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:

- Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event

#### 4.6 Paragraph 149 Licence conditions

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives.
- Be precise and enforceable.
- Be unambiguous and clear in what they intend to achieve.
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation.
- Be tailored to the individual type, location and characteristics of the premises and events concerned.
- Not be standardised.
- Not replicate offences set out in the 2003 Act or other legislation  
Be proportionate, justifiable and be capable of being met.
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
- Be written in a prescriptive manner.

Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

#### 4.7 Paragraph 170 - Review Procedures

Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing other persons, local councillors or representatives and responsible authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.

#### 4.8 Paragraph 172 - The Licensing Sub-Committee must, having regard to an application and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

#### 4.9 The following information is intended to advise Members of the relevant aspects of the guidance issued by the Secretary of State, and good practice. Members should not depart from the Councils Policy and / or Section 182 Guidance unless they consider there is good reason to do so and must provide clear reasons for so doing.

### 5. **Section 182 Guidance – relevant sections.**

The most recent statutory guidance was Issued in April 2018 and applies to this application.

The following provisions of the Secretary of State's guidance (2018) apply to this application:

- Chapter 11-this chapter gives guidance around the review process and determining an application for a review.

5.1 Paragraph (here and below) – section 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.

5.2 Paragraph 11.10 - Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by

the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

5.3 Paragraph 14.12 - Licensing is about regulating the provision of licensable activities on licensed Premises within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions.

Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

## **6 Licensing officer's observations**

6.1 It is the Licensing Authority's aim to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

In considering licence applications, where relevant representations are made, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.

6.2 The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.

6.3 In cases Members should make evaluative judgments. Where necessary to make

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findings of fact, the civil burden of proof applies, that is the balance of probability.

- 6.4 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
- 6.5 In summary, having conducted the hearing of this application, the Committee must decide which of the licensing objectives have been engaged (if any); seek to establish the cause or causes of any concerns which the representations identify; resolve any issues of fact (as necessary); decide whether the licensing objectives have been undermined and whether or not it is appropriate to exercise any powers under the review to promote those licensing objectives; take a proportionate approach to the exercise of any powers, addressing why lesser steps are not appropriate.

## 7 Options

- 7.1 The Committee must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The options are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action.

- 7.2 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the Council's statement of Licensing Policy;
- regard to the Secretary of State's National Guidance.

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may determine that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

- 7.3 The Licensing Authority's determination of this application does not have effect until the 21 days appeal period has expired or if the decision is appealed, the date the appeal is determined and or disposed of.

- 7.4 The Sub-Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

- 7.5 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the



right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of private and family life. Article 1 of the First Protocol provides for the protection of property, which may include premises licences.

**Background papers: Licensing Act 2003**  
**Section 182 Guidance**  
**Haringey Statement of Licensing policy**  
**Report Pack**

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## APPENDIX 1

### APPLICATION FORM





# **PUBLIC NOTICE**

## **Notice of Application for the review of a Premises Licence.**

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Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**Belmeis  
488 Muswell Hill Broadway  
London,  
N10 1BT**

The application for review has been made on the following grounds:

**THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING CONDITIONS AND THE OBJECTIVE OF:**

- **PUBLIC SAFETY**
- **THE PREVENTION OF PUBLIC NUISANCE**

**Failing to uphold and promote the public safety and the prevention of public nuisance repeated nuisance from smoke and noise.**

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

**Lead Officer – Licensing, Haringey Council, River Park House, Level 1, 225 High Road, Wood Green, London N22 8HQ**

**By: 31<sup>st</sup> March 2019**

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ between the hours of 10.00am and 4.00pm.

**IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**



Surname

Post

First names

Marijke

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

490 Muswell Hill Broadway

Post town

London

Post Code

N10 1BT

Daytime contact telephone number

07500830115

E-mail address  
(optional)

mconthebroadway@gmail.com

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Clare Graham (same address)

John Rodger 492 Muswell Hill Broadway

Telephone number (if any)

07504775888 (Ms Graham)

07914855892 (Mr Rodger)

E-mail address (optional)

mconthebroadway@gmail.com (Ms Graham)

misterrodger@gmail.com (Mr Rodger)

- 4 MAR 2019

London Borough of Haringey, Licensing Team, Alexandra House, Level 6, 10 Station  
Road, Wood Green, London, N22 7TR

WK/443278

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

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Marijke Post

(Insert name of applicant)

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

## Part 1 – Premises or club premises details

Post town London

Post code (if known) N10 1BT

Name of premises licence holder or club holding club premises certificate (if known)  
CLARKE AND PARKERS  
FISHMONGERS (BELMEIS),Number of premises licence or club premises certificate (if known)  
WK/408549

## Part 2 – Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

## (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr



Mrs



Miss



Ms

Other title  
(for example, Rev)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

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

Please tick one or more boxes ✓

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)**

We have experienced nuisance from the premises since it opened (and before). We have followed guidance from the council and have reported our concerns to the Noise Enforcement Team and have kept a nuisance log. We have been advised that the appropriate way to progress our concerns is to apply for a review of the premises licence.

We were in the progress of requesting this review in October 2018, but on the last day of that month the premises' planning application was approved with some clear conditions around some of the issues that concerned us. We therefore held off requesting this review as we were hopeful the premises would make the necessary changes in line with the conditions set and hoped this would improve our, and our neighbours', situation. Unfortunately this has not happened. We therefore request this review on the following grounds:

**Conditions of the licence:**

1. *"The courtyard shall solely be used for storage by the premises, and only accessed during daytime operating hours"*. This clearly states that the courtyard should not be accessed during the evening. However, we repeatedly hear people in the courtyard – either clearing away bottles or rubbish or due to the loud banging of the door between the courtyard and bar. Further, this noise occurs late in the evening past closing time. This is substantiated by our neighbours at 492 and we have recorded this in our Noise Nuisance logs (recorded 29 times between August and October). This continues to this date and as recent as the 10<sup>th</sup> February this was reported to the Noise Enforcement Team by our neighbours at 492.
2. *"Hours open to the public - Monday to Thursday 1200 to 2330 hours, Friday to Saturday 1200 to 0030 hours, Sunday 1200 to 2230 hours"* – we regularly hear music and patrons beyond these hours. This is again substantiated by our neighbours at 492. As recent as 28<sup>th</sup> December 2018 the Noise Enforcement Team visited and confirmed that the premises was open beyond their licensed hours. As recent as recent as the 10<sup>th</sup> February this was reported to the Noise Enforcement Team by our neighbours at 492 and on the 1<sup>st</sup> March when we, 490, could hear patrons and music after 01:00.  
We note that the planning application sets the following condition *"The use hereby permitted shall not be operated before 10:00 hours or after 23:00 hours Monday to Friday, before 10:00 hours or after 24:00 hours Saturdays and before 10:00 hours or after 23:00 hours Sundays and Bank Holidays. Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DMI of The Development Management DPD 2017"*. We understand the hours during which they are licensed to sell alcohol are different again. We seek clarification what their licensed and opening hours are and also confirmation during which hours they are allowed to play music.

**Prevention of Public Nuisance:**

1. *"Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed."* – We regularly hear staff in the courtyard clearing bottles (see above). As part of their planning authorisation on the 31<sup>st</sup> October the following condition was set *"Details of a scheme for the storage and collection of refuse from the premises shall be submitted within 1 month of the date of permission. The approved scheme shall be implemented within 1 month of the date of determination of that application and permanently retained thereafter to the satisfaction of the Local Planning Authority."* We have not seen any evidence this has been completed.
2. *"Prevention of Nuisance from Odour - All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour."* – An extraction system was installed without appropriate planning permission. We, and other neighbours in area (492 and 508 Muswell Hill Broadway), have experienced repeated and frequent nuisance from

this extraction system which was placed underneath our (490) balcony. On at least 2 occasions our flat was engulfed in smoke, which led us to believe there was a fire and caused high levels of stress. We have experienced the smell of paraffin, barbecue or burning wood/coals/oils in our home on a nearly daily basis until winter started and understand that this has been coming from their indoor barbecue. Following the smoke incidents a referral was made to Environmental Health. Following their visit, the premises requested formal planning permission for an improved system that should prevent these smells and smoke coming into our flat. This was granted on the 31<sup>st</sup> October and conditions to their planning authorisation included *"The proposed extractor flue as detailed on drawing No. 03A shall be installed entirely no later than 1 month from the date of this permission unless otherwise agreed in writing with the Local Planning Authority. The equipment shall thereafter be maintained and operated in accordance with the manufacturer's instructions"*. More than 3 months have passed since this deadline and no building work have commenced on this which to us means the premises is breaching conditions of the premises and planning licenses.

3. *"Prevention of nuisance from light - Illuminated external signage shall be switched off when the premises is closed. Security lights will be positioned to minimise light intrusion to nearby residential premises."* – the premises installed a construction in the internal courtyard without planning permission, which was acknowledged by the Planning Enforcement Team as *"a minor breach of planning control has occurred. A breach of planning control is not however a criminal offence."* on the 26<sup>th</sup> June 2018 and therefore no changes had to be made to the construction. However, it has a plastic roof which acts as a reflector for light from adjacent flats and thus causing a nuisance to our flat. More recently lighting appears to have been installed in the patio which is shining into our flat (although this is not switched on all the time). This plastic roof also amplifies the noise from rain.
4. *"Prevention of nuisance from noise / vibration and Structure borne noise"* – we have raised concerns about noise nuisance for over a year. Prior to the premises being open we experienced regular noise nuisance from building work outside the agreed hours (*The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:- 8.00am - 6.00pm Monday to Friday, 8.00am - 1.00pm Saturday, and not at all on Sundays and Bank Holidays*) and warned the premises directly (verbally) and in our objections to the premises licence panel that we could clearly hear music and loud voices from 488 and that we therefore had serious concerns about how adequately the premises has been soundproofed. Since the premises opened, we have experienced near daily nuisance from noise. We are well aware that we live in a busy city and on a high street, but feel that the noise levels of the premises, and the times at which these occur, are not acceptable. We have reported our concerns to the premises on various occasions, but unfortunately there has been very little improvement. We have reported our concerns to the Noise Enforcement Team multiple times and filed over 100 complaints with the team since the premises opened. The team visited us several times to check our concerns. An Abatement Notice has been served and we understand that the premises has been served various fines for continuing to cause noise nuisance. The various members of the Noise Enforcement Team expressed to us their view that the premises does not have adequate soundproofing in place, which is recorded in the planning document dated the 31<sup>st</sup> October 2018 (*LBH Noise Enforcement Response Team – It is not suitable for any music related activities within the bar premises without significant sound insulation works*). As part of the planning authorisation the following conditions were set *"Within 2 months of the date of this permission full particulars and details of a scheme for sound insulation between the proposed A3 ground floor use and the residential use of the building shall be submitted to the Local Planning Authority. The sound insulation and noise control measures shall be implemented as soon as is practically possible and no later than 2 months of being approved by the Local Planning Authority. The sound insulation and noise control measures shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority."* and *"There shall be no amplified sound, speech or music (excluding voice alarm systems for fire*

*alarm and evacuation purposes) used in connection with the commercial use hereby permitted that is audible above background noise levels when measured outside the window of the nearest noise sensitive or residential premises.” Since the planning was given the latter condition has been breached multiple times. We still have not seen the particular and details of a scheme for sound insulation and have reported this to the Planning Enforcement Team who we understand visited on the 24<sup>th</sup> January. We had a recent email correspondence with the premises licence holder, Louis Cawson, who seemed to indicate that he did not think further soundproofing was necessary as “I can confirm that we have met the Noise Enforcement Teams requirements by putting into force the following actions; Removing live music from the premises (including acoustic live music)”. We reminded him of the conditions set to his planning authorisation, but received no response.*

**Public Safety:**

We are concerned about the impact of the aforementioned smoke coming into our flat.

In early 2018 we were informed by the premises that they needed to cut the gas to our building off for a day due to works they were undertaking. We believe this work took place Saturday the 27<sup>th</sup> January 2018. Recently we experienced a gas-leak in our building (it started on 25<sup>th</sup> January 2019). The gas inspector and surveyors from Cadent Gas visited us several times the following week and told us that in their opinion the pipes at 488 had been “*tampered with*”. The Gas Inspector showed us pictures of a red gas pipe in 488 and indicated that the changes made to the pipe were “*not the work of Cadent engineers*”. I explained about the work early last year and the Inspector advised us to contact Cadent to confirm a gas engineer was present when the work was carried out. We contacted Cadent Gas – they confirmed that any notice to switch off the gas to a building needs to be confirmed in a letter from Cadent and an engineer needs to be present. Cadent Gas told us that they have no record of being involved with gas works on our building. We are therefore concerned about the works carried out and have raised this with the agencies responsible for the building, Keats Estate Agents and Prickett & Ellis. Our neighbour John Rodger wrote his concerns to the building agencies and stated that during the 488 building period “*I asked on several occasions if they had permits or licensed tradespeople doing the work and they had no positive response*”.

Whilst our gas was switched off recently it was also very difficult for Cadent to access 488 – they required access on Monday the 28<sup>th</sup> January but the bar manager was not making himself available and therefore causing further delays to the repairs. There was also an issue with making keys available to the agencies, Keats Estate Agents.

Therefore our concerns to public safety are whether the works they carried out are safe, whether they used permits and licensed tradespeople and access in case of emergencies.

**Please provide as much information as possible to support the application** (please read guidance note 3)

**This is our evidence:**

We, 490, have filed over 100 complaints with the Noise Enforcement Team since the premises opened and have kept a Noise Nuisance Log in which we have recorded almost daily nuisance (from July 2018 to January 2019). We would like to point out that we also have recorded positive things in there. The reference numbers for all our concerns are available from the Noise Enforcement Team.

We ask the panel to request evidence from the Noise Enforcement Team about the abatement order, fines and prosecutions. As stated above, we have in writing that the premises has no adequate soundproofing in place and that a condition has been set to install this.

We reported our concerns about the smoke and smells to the Environmental Health team on the 19<sup>th</sup> September 2018.

Our neighbour at 492, John Rodger, reported his concerns to the Environmental Health team on the 21<sup>st</sup> July and again in the beginning of September 2018. Mr Rodger and his wife confirmed to us that they regularly hear people in the courtyard in the evening and that they can also hear loud music and patrons at times. They have a small baby and in particular the banging of the door between the courtyard and the bar in the evenings disturbs his sleep.

Our neighbour at 508 Muswell Hill Broadway has kept a daily nuisance log of the smells and smoke she experiences from the extraction fan below our balcony up until autumn 2018. However, she confirmed she has not noticed any further issues in recent months.

**This is how we have tried to resolve it:**

We informed the premises in person before they opened about our concerns about noise nuisance. We objected to the premises licence and presented our concerns about noise nuisance at the hearing dated the 12<sup>th</sup> July.

We objected to the planning application by raising our concerns about noise nuisance.

We informed the premises of our concerns by email on the 19<sup>th</sup> July, 29<sup>th</sup> July, 31<sup>st</sup> July and 17<sup>th</sup> September. They did offer to meet with us, but we preferred to initially understand from them in writing what they have put in place to reduce the nuisance we experience. We never got a response to this.

We again contacted the premises in January 2019 due to our concerns about a radio left on all night. As part of their response the email stated *"As always please do let us know if there is anything else you feel we can do to avoid any further complaints. We hope communicating with us will be your first port of call with any issues as this will ultimately notify us at the earliest point which will inevitably result in a swift resolution."* – however when we then responded with our concerns about noise (on the 11<sup>th</sup> and 14<sup>th</sup> January), we never got a reply.

We again emailed them on the 9<sup>th</sup> February as loud music was being played before 12:30. They did respond immediately which was positive and said they reduced the volume as low as deemed reasonable.

In their email to us on the 9<sup>th</sup> February, Mr Louis Miller states *"We have always taken onboard criticism and complaints and have changed our operation to be accommodating to your complaints. We do not feel that we can do anything more to stop you from consistently complaining to the local authority"*. We, and our neighbours at 492, disagree with this – the premises continues to breach the hours of their opening times, regulations about noise and we have seen no evidence that they have engaged with conditions set on their licence and planning permissions.

We are aware that the relationship between 488 and us has completely broken down and we are open to mediation, however we do believe they need to show willingness to reduce nuisance to us by complying with building and licence regulations and conditions.

Mr Miller ended the email of the 9<sup>th</sup> February by stating *"Our doors are always open to you if you would like to discuss any issues"* which is of course a friendly gesture, but we really feel in this case actions speak louder than words. That same night our neighbours at 492 complained to the Noise Enforcement Team about loud music and people in the courtyard till 01:00, the following Wednesday (13<sup>th</sup>) around 22:30 we heard a patron being given access to the courtyard and she then proceeded to squeal *"oh my god"* several times at the top of her voice and the following Thursday (14<sup>th</sup> February) we reported to the Noise Enforcement Team that music was being played beyond licensing hours. We therefore do not feel the premises is serious about reducing the nuisance to us, as all these 3 recent issues are all avoidable. We did not respond to their latest email as a result.

There have been other occasions where we have attempted to resolve noise complaints directly with 488 and were met with a less than positive response. For example, recently on 20<sup>th</sup> January 2019, there was loud noise from patrons and music past 01:30, and both ourselves and neighbours at 492 were experiencing marked disruption. We called them downstairs and reported the noise, which the response was to be laughed at and the phone being put down, therefore there was no choice other than to make a complaint to the Noise enforcement team and the police. This was extremely distressing to experience, and was a clearly disrespectful response, giving no regard for the disruption they were causing.

As recent as Thursday the 28<sup>th</sup> February and Friday the 1<sup>st</sup> March music was being played beyond licensing hours (00:30 on the 28<sup>th</sup> and beyond 01:00 on the 1<sup>st</sup> March). On Thursday 28<sup>th</sup> February we stamped on the floor (the universal sign for keep the noise down) at 00:20 due to loud music, to which we could then hear laughter and the music then being turned up. This particularly upsets

us as music played outside their opening hours is clearly not for the benefit of their patrons, but the pleasure of staff and in our view shows a disregard for the wellbeing of neighbours.

In terms of Mr Miller's above statement "*We do not feel that we can do anything more to stop you from consistingly complaining to the local authority*", we do not agree with this. Our neighbours above La Luna, 462-464 Muswell Hill Broadway, experienced similar problems until La Luna put in an acoustic ceiling. We understand from the Noise Enforcement Team that premises need to do all they can to reduce noise and other nuisance and we understand from this team that 488 does not have adequate soundproofing in place. Another issue is that the level of music varies greatly. Some evenings are very quiet and we hardly hear a thing, whilst other nights music is played so loud we can hear it clearly over our own radio or TV. And some nights the volume of certain songs is turned high (we can name all their favourite songs) – therefore the premises in our opinion can do things to reduce the nuisance to us.

We would also like to note that the premises apparently informed Daliah Barrett, Licensing Team Leader, in September 2018 by telephone that "*the licence holders were trying to make contact with you for some sound level testing to be done so that they could fit a noise limiter in their premise thereby ensuring that music noise would not impact on residents*". This is not entirely correct - on 2 occasions we were confronted by Mr Cawson on our doorstep demanding immediate access for sound checking. On the 7<sup>th</sup> March 2018 I returned home from work when Mr Mr Cawson approached me on my doorstep asking access for sound checking that evening. I informed him it was not convenient, which he clearly found difficult to accept. It was eventually rescheduled for the following Thursday, but on the day cancelled by Mr Cawson himself. The second occasion was in September when Mr Cawson rang our doorbell requesting immediate access for sound checking. In our experience he didn't appear to want to take no for an answer. We feel that this has been a very unprofessional approach and that it is normal procedures to make an appointment in advance, further that any sound checks would be from an independent party and that we would be provided with the relevant credentials. We have requested they make any such requests in writing. We were assured by Noise Enforcement Team that we did the right thing by not letting him in, as appointments should be made in advance and we have no obligation to let him in our home without a third party representative present. So in our view no appropriate attempts have been made.

In summary, we have, and continue to, experience daily nuisance from 488 Muswell Hill Broadway. We are in particularly concerned that they have not made any attempts to adequately sound proof the premises and, whilst they are fully aware of the nuisance caused to us, continue to turn music up high, play music and allow loud patrons access after licensing hours and seem to not comply with conditions set in both applications. As a result we are unable to sleep before midnight on most Thursdays and on weekends we are kept awake much later. In addition during opening hours we are unable to enjoy the peace of our home as we can clearly hear their music played (often over the sound of our own TV and radio) and the banging of doors and clearing of bottles in the courtyard disturbs our peace further. We do feel the premises can do many things to reduce this nuisance to us (in line with the conditions of their applications), but choose not to. We are really end the end of our tether and, on the advice from the Noise Enforcement Team and the Licensing Team, are requesting this review. We hope the outcome will be that the premises will comply with all conditions – most importantly soundproofing. We do understand that we will hear a certain level of noise, but for example Wednesday the 27<sup>th</sup> and Thursday the 28<sup>th</sup> February we heard very little noise from the premises (unfortunately our peace was then disturbed by staff playing music after hours), which demonstrates to us that they are able to operate their business without causing a nuisance. As said to us by a Police Officer who attended with Noise Enforcement Team on the 13<sup>th</sup> October 2018 "*it's like you are living in a bar*".

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

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

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

We presented our concerns at the premises hearing licence on the 12<sup>th</sup> July 2018. We, and various other neighbours and local residents, objected to the premises licence mainly due to the concerns about noise nuisance. We and our neighbour John Rodgers attended the hearing and listed our concerns. I wasn't present, but Clare Graham was, and I understand that the premises licence holder, Louis Cawson, assured the panel that adequate soundproofing would be put in place but that in July he could not afford this. Now it is 9 months later and still no soundproofing is in place.

Please tick ✓/yes

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

**IT IS AN OFFENCE, 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.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

..... *MPOT*

Date **2<sup>nd</sup> March 2019**

.....

Capacity

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

#### Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Diary completed by: Clare Graham and Marijke Post

Nuisance arises from: 488 Muswell Hill Broadway, N10 1BT

Type of Nuisance: Noise and smell + breach of condition of premises license (not to access courtyard in the evenings)

Date	Time started	Description of Nuisance & how it affected you in your home	Time stopped
07/08/18		Smell of barbecue throughout the evening but no noise can be heard (positive!)	
08/08/18	19:30 20:00 21:30 22:30 23:25	Came home to smell of barbecue. Music can be heard from downstairs in our flat. Music turned up louder – bass tones are very distinct Turned up louder again – <b>HC-450226</b> Noises can be clearly heard from patrons/staff	23:50
09/08/18	18:30 20:00 22:00 22:30	Came home to smell of barbecue Music can be heard clearly in our flat from downstairs Loud music continuing – <b>HC-450365</b> Music got louder	Not recorded
10/08/18		We were not at home	
11/08/18	19:00 22:30 23:00	Smell of barbecue throughout the evening Loud music from downstairs – <b>HC-450551</b> Music turned up louder – <b>HC-450563</b> Music turned down but can still be heard clearly in our flat	00:00
12/08/18	19:30 20:30 22:30	Smell of barbecue throughout the evening Live amplified music – very loud in our flat <b>HC-450624</b> Live amplified music – very loud in our flat <b>HC-450626</b> (noise enforcement team visited at 21:30 when it just finished) Music from be heard from downstairs in our flat	23:00
13/08/18		Premises is closed – but we can hear people in the courtyard clearing bottles	
14/08/18	20:00 22:00	Smell of barbecue throughout the evening Volume of music turned up – bass tones very distinct	Not sure (put earplugs in)
15/08/18		Smell of barbecue throughout the evening Music can be heard throughout the evening – bass tones very distinct	Not recorded
16/08/18	19:00 19:30	Cigarette smoke coming up from the courtyard We can hear someone in the courtyard Music can be heard throughout the evening – bass tones very distinct	Not recorded
17/08/18		We were not at home	
18/08/18	23:00	Smell of barbecue throughout the evening Music can be heard throughout the evening – bass tones very distinct Music turned up from 23:00	Not sure (used noise cancellations headphones)
19/08/18	16:15 17:00 19:30 23:00	Door to courtyard seems open and loud music can be heard. Smell of barbecue throughout the evening Live amplified music can be heard very loudly in our flat <b>HC-451621</b> Loud noises from staff talking and clearing can be heard in our	23:30+

		bedrooms	
20/08/18		Premises closed	
21/08/18	17:00	Very strong smell of barbecue	
	20:00	Barbecue smell stronger and lots of smoke visible around our balcony	
	21:10	Music turned up louder	
	23:15	Loud talking from staff can be heard	Not recorded
22/08/18	22:30	Smell of barbecue throughout the evening Volume of music turned up – distinct bass notes	Not recorded
23/08/18		Smell of barbecue throughout the evening Music can be heard throughout the evening – bass tones very distinct	
	21:00	Music is louder	
	22:40	Music is louder	23:40
	23:00	Loud noises from patrons	
24/08/18		We were not at home	
25/08/18	00:05 00:30	We came home at midnight – music still being played Loud noises from staff/patrons	Not recorded
26/08/18		We were not at home	
27/08/18		We were not at home (bank holiday Monday)	
28/08/18	22:50	Smell of barbecue throughout the evening Music can be heard throughout the evening – bass tones very distinct Someone in the courtyard clearing bottles	23:00
29/08/18	23:05	Smell of barbecue throughout the evening Music can be heard throughout the evening Music turned up loud – <b>HC-453102</b>	23:15
30/08/18		Smell of barbecue throughout the evening but no noise can be heard (positive!)	
31/08/18	20:00	Smell of barbeque throughout the evening Patrons smoking in our doorway We then went out	
01/09/18	23:00 00:00	Smell of barbeque throughout the evening Music can be heard throughout the evening Music played louder Loud music after midnight – <b>HC-453513</b> Loud talking from patrons/staff and banging noises.	02:00 (!)
02/09/18	18:10 19:30 22:30	Smell of barbeque throughout the evening Really loud music from downstairs Live amplified music – <b>HC-453578</b> Music can be clearly heard after closing hours	18:20 21:30 Not recorded
03/09/18		Premises closed	
04/09/18	21:45 22:00 23:40	Smell of barbeque throughout the evening Music turned up loud People in the courtyard Loud talking from patrons/staff	23:05 22:05 Not recorded
05/09/18	18:40 19:30 21:00 22:20	Arrived home to very strong smell of barbecue. Live music – not as loud as Sunday nights Live music got louder – must be amplified as we can hear a keyboard – <b>HC-454344</b> Loud recorded music from downstairs with distinct bass tones – <b>HC-454364</b>	21:30 23:05

06/09/18		Not at home	
07/09/18		Not at home	
08/09/18		Not at home	
09/09/18		Not at home	
10/09/18		Premises closed	
11/09/18		Smell of barbecue throughout the evening Loud music throughout the evening – the bass tones are very intrusive <b>HC-455430</b>	23:00
12/09/18	19:30 22:00 23:00	Smell of barbecue throughout the evening Live music which can be heard loudly in our flat <b>HC-455616</b> Someone in the courtyard Someone in the courtyard	21:30
13/09/18	22:15 22:20 23:08	Smell of barbecue throughout the evening Someone in the courtyard Music could not be heard until now – then clearly turned up Someone in the courtyard	23:00
14/09/18	22:30	Smell of barbecue throughout the evening Music turned up	00:05
15/09/18	18:30 20:00 22:50 00:25	Smell of barbecue throughout the evening Someone in the courtyard Very loud music Music turned up again – <b>HC-456088</b> Music is still being played beyond background noise level	20:30 00:35
16/09/18	19:30	Smell of barbecue throughout the evening Loud amplified liv music – <b>HC-456164</b>	21:30
17/09/18		Premises closed	
18/09/18	19:00	Arrived home to a very strong smell of fire and lots of smoke, which had entered our bathroom. Reported this downstairs as we thought there was a fire - apparently they had run out of coal for the barbecue and were using wood instead. Our flat smelled like fire for 24 hours. <b>WK419707</b>	
19/09/18	23:00 23:40	Our flat still smells like fire. Someone in the courtyard Music being played beyond background noise level	Not recorded
20/09/18	19:55 20:30 21:20 21:30 23:30	Smell of barbecue throughout the evening Someone in the courtyard Door to courtyard sounds open – loud noises from downstairs Someone in the courtyard Music and patrons can be heard loudly in our flat – some songs are being played much louder than others Patrons and staff are talking loudly and music played beyond background noise level – <b>HC-457071</b>	00:05
21/09/18	18:50	Strong smell of smoke in our flat Loud music – reported by telephone <b>CJ1917254</b>	
22/09/18	23:00 00:40	Arrived home – had to navigate around people drinking in the street outside. Loud patrons can be heard clearly in our flat We can still hear loud talking and shouting from downstairs.	Not recorded
23/09/18	19:30	Smell of burned wood in our flat Loud amplified music can be heard – <b>HC-457395</b>	21:30

24/09/18		Premises closed	
25/09/18	20:30	Loud music and patrons can be clearly heard talking and shouting in our flat – <b>HC-457817</b>	
	21:30	Someone in the courtyard	
	22:10	Someone in the courtyard	
26/09/18	22:50	Arrived home at 22:30 now music has been turned up quite loud – <b>HC-458041</b>	Not recorded
27/09/18		Smell of barbecue throughout the evening	
		Music was okay	
	21:40	Someone in the courtyard	
28/09/18	21:20	Loud music and noise from patrons can be clearly heard in our flat – <b>HC-458400</b>	
	23:50	Very loud noises from patrons and staff can be heard – <b>HC-458411</b>	
	00:25	Disturbance to us continues – <b>HC-458415</b>	Not recorded
	00:50	Someone in the courtyard	
29/09/18		Smell of barbecue throughout the evening	
	17:00	Loud music – the bass in particular	19:00 (we went out)
			Not recorded
	23:00	Loud music and noise from patrons – <b>HC-458494</b>	
	01:10	Someone in the courtyard	
30/09/18		Smell of barbecue throughout the evening	
	19:30	Live music can be clearly heard in out flat – <b>HC-458566</b>	21:30
01/10/18		Premises closed	
02/10/18	19:50	Arrived home to loud music – particular the bass.	
	21:20	Music turned up – <b>HC-458995</b>	23:00
03/10/18		Smell of barbecue throughout the evening	
	19:30	Live amplified music can be clearly heard in our flat – <b>HC-459148</b>	21:30
04/10/18		Smell of barbecue throughout the evening	
	22:00	Loud music and noise from patrons – <b>HC-459351</b>	
	23:09	Noise continues after 23:00 – <b>HC-459359</b>	Not recorded
05/10/18		Smell of barbecue throughout the evening	
	23:00	Loud music and noise from patrons after 23:00 – <b>HC-459549</b>	00:15
06/10/18		Smell of barbecue throughout the evening	
	23:00	Loud music and noise from patrons after 23:00 – <b>HC-459633</b>	Not recorded
07/10/18		Smell of barbecue throughout the evening	
	00:10	The live music was considerably quieter (positive!)	
		Loud music and noise from patrons after 23:00 – <b>HC-459720</b>	00:35
08/10/18		Premises closed	
09/10/18	18:30	Arrived home to very loud music – this was later turned down	
	20:00	Smell of burning wood and lots of smoke on our balcony and drifting into bathroom	
	22:00	Music turned up quite loud – <b>HC-460087</b>	23:10
10/10/18		Smell of barbecue throughout the evening	
	19:30	Live music can be clearly heard	
	21:00	Live music got much louder (accordion?) with loud stamping – can be clearly heard over our radio.	
	21:30	Recorded music can be clearly heard over our radio (although less loud than last night)	22:50
	23:34	Someone in the courtyard	

11/10/18	20:00	Loud music and patrons can be heard throughout the evening over the sound of our TV or radio (not as loud as Tuesday night)	23:00
12/10/18	18:00	Smell of barbecue throughout the evening	Not recorded
	21:00	Loud music and patrons can be heard over the sound of our TV or radio	
	23:10	Music turned up – <b>HC-460611</b>	
	23:15	Music turned up again – <b>HC-460613</b>	
	23:35	Someone in the courtyard	
	23:50	Someone in the courtyard	
13/10/18	20:30	Music has been turned up and very loud. We can clearly heard the songs (Billy Jean by Michael Jackson, Kiss by Prince, Lady Marmalade etc) – <b>HC-460690</b>	23:40
	23:00	Loud music continues (Police attended with Noise Enforcement Team)	
	00:55	Someone in the courtyard	
	01:00	Someone in the courtyard	
14/10/18	19:30	Live music can be clearly heard in our flat (saxophone and contrabass?) and over the sound of our TV – <b>HC-460771</b>	21:30
15/10/18		Premises closed	
16/10/18	20:00	Arrived home – can hear music but not too bad	
17/10/18	14:00	Strong smell of paraffin	22:40
	19:30	Live music – initially not too bad, but from 21:00 drumming can be heard clearly over the sound of our TV	
	21:40	Loud recorded music (their favourite tune – the riff from a Portishead song are amongst the tunes we can hear) – <b>HC-461378</b>	
18/10/18	16:25	Loud music can be heard (Sarah by Fleetwood Mac) and they are not even open	
	19:45	Loud music can be heard over the sound of our TV and radio (again the Portishead song)	
	20:30	Music turned up (more Fleetwood Mac) – very loud till 22:05 then a little quieter	
	21:25	Someone in the courtyard	
	00:05	Someone in the courtyard	
	00:15	Someone in the courtyard	
19/10/18	01:50	We were not in Arrived home and saw and could hear patrons/staff in the bar downstairs – <b>HC-461670</b>	
20/10/18		We were not in	
21/10/18	19:30	Live music (saxophone and bass?) can be clearly heard in our flat over the sound of our TV – <b>HC-461830</b>	21:30
	21:30	Loud recorded music can be heard over our TV	22:20
	22:38	Someone in the courtyard	
22/10/18		Premises closed	
23/10/18	21:40	Smell of barbecue throughout the evening	
	23:09	Music was initially okay, but turned up at this time. Still loud music and it is after 23:00 – <b>HC-462234</b>	
24/10/18	22:00	Smell of barbecue throughout the evening	22:50
	22:29	Very deep bass tones – <b>HC-462382</b> Someone on the patio	
25/10/18		We were not home.	
26/10/18		Smell of barbecue throughout the evening. Loud music can be heard throughout the evening.	

27/10/18	23:10	Still playing loud music and it is after 23:00 – <b>HC-462647</b>	23:55
	23:35	Music is turned up even higher (Fat Bottom Girls by Queen).	After 01:00
27/10/18	00:40	Loud patrons can be heard screaming, shouting and singing.	
	00:30	Loud music and patrons can be heard throughout the evening. Loud patrons can be heard screaming, shouting and singing – <b>HC-462721</b>	03:00
28/10/18		No live music can be heard (normally played on Sunday evenings). Patrons are particularly loud this evening throughout the evening.	
	22:05	Music turned up loud (Sarah by Fleetwood Mac) – <b>HC-462822</b> .	
	22:35	Turned up even louder (they supposed to close at 22:30 on Sundays) – <b>HC-462824</b> .	
	22:45	Still playing music – but less loud.	
29/10/18	00:45	Loud patrons cheering and shouting.	01:00+
		Premises closed.	
30/10/18	14:15	Loud music being played.	14:30
	19:40	Someone in the courtyard.	
	20:55	Music was fairly quiet (great), but turned up very high – <b>HC-463129</b> .	21:05
	22:00	Music turned up loud again (Portishead).	22:55
31/10/18		Quiet evening (great)	
	20:55	Music turned up very loud – reported this at 21:56 <b>HC-463279</b>	23:15

Diary completed by: Clare Graham and Marijke Post

Nuisance arises from: 488 Muswell Hill Broadway, N10 1BT

Type of Nuisance: Noise and smell + breach of condition of premises license (not to access courtyard in the evenings)

Date	Time started	Description of Nuisance & how it affected you in your home	Time stopped
01/11/18	21:00 22:55 23:20	Loud music – <b>HC-463412</b> Turned up further – Sarah by Fleetwood Mac Loud music continues with song with Portishead riff and loud patrons – <b>HC-463419</b>	00:15
02/11/18	19:00	Loud music and patrons all evening and continued beyond 23:00 – <b>HC-463557</b>	
03/11/18	18:00 20:45 21:15 00:00 00:20 00:40	Very deep bass tones Music in general lower but loud song played at this time. Again music turned up high for few songs – then lowered again. Again music turned up high for few songs – then lowered again. Someone in the courtyard Someone in the courtyard	
04/11/18		No loud music or loud patrons – great!	
05/11/18		Closed	
06/11/18	23:05 23:45	Throughout evening no loud music, but very loud patrons Loud music started – <b>HC-464039</b> Loud patrons (should be closed by now) – <b>HC-464041</b> and <b>WK413884</b>	
07/11/18		Closed	
08/11/18		We were away till 11/11/18	
12/11/18		Premises is normally closed on Mondays, but seems to be a private event with very loud music and patrons – <b>HC-464761</b>	
13/11/18		Closed	
14/11/18		We were away till 17/11/18	
18/11/18		Loud music – <b>HC-465575</b>	
19/11/18		Closed	
20/11/18		Closed	
21/11/18		We can hear music, but not too bad and acceptable until soundproofing is put in place.	
22/11/18	22:20 23:10 23:30	Music much louder than last night and loud patrons – <b>HC-466143</b> Music turned up even louder (it's after 11!) – <b>HC-466145</b> Someone in the courtyard (slamming doors)	
23/11/18	23:30	Loud music and patrons when we arrived home	
24/11/18		We were out	

25/11/18	19:30 20:00 20:30	Door slamming in courtyard quite a few times Very strong smell of paraffin/oil Noise turned up (Portishead)	
26/11/18		Closed	
27/11/18		We can hear music, but not too bad and acceptable until soundproofing is put in place.	
28/11/18		We can hear music, but not too bad and acceptable until soundproofing is put in place.	
29/11/18		We were out.	
30/11/18	21:00 22:30 23:40	Arrived home to loud music Turned up louder (I can name the songs) – <b>HC-467248</b> Turned up louder again (usual songs – Fleetwood Mac and Portishead)	00:10
01/12/18	20:40 21:45	Quiet evening Music turned up – but manageable Turned up louder – put my headphones on	23:15
02/12/18		Quiet evening, but few songs played quite loud. Closed at 21:30.	
03/12/18		Closed	
04/12/18		Quiet	
05/12/18	22:40	Much noisier than last night Music turned up	23:10
06/12/18	18:30 23:35	Very loud music (Land down Under by Men at Work) – out rest of the evening Arrived home – witnessed patrons still present and emailed Licensing Team by email. Music still playing beyond closing time.	00:00
		<b>BREAK IN DIARY – only reporting on contact with Enforcement Service</b>	
18/12/18	23:50	Loud music and patrons after closing hours – <b>HC-469459</b>	
23/12/18		Notice on premises stating they are closed till 03/01/19	
28/12/18	18:30 23:20 23:45 00:35	Loud music and patrons all evening (despite being closed) <b>HC-470255</b> Noise continuing beyond licensing hours – <b>HC-470259</b> Very loud music continues – <b>HC-470260</b> We called the premises to no avail and called the council various times. Noise Enforcement Team visited – agreed in breach of licesing hours and noise nuisance.  Premises remained closed till 9 <sup>th</sup> January.  <b>Restarted diary January 2019</b>	
02/01/19	19:00	Although premises closed they are still playing loud music.	22:00
09/01/19	00:01 07:10	Premised closed, but someone seems to have left a loud radio on – <b>HC:471514</b> Loud radio has disturbed sleep all night – <b>HC-471520</b> Reopened in the evening – fairly quiet	
10/01/19	23:08 23:40	Arrived home – hardly any patrons in the bar however music played loudly – <b>HC-471846</b> Someone in the courtyard	



11/01/19		We were out	
12/01/19	23:00 00:50	Fairly quiet evening, but music turned up after 11 and beyond midnight Still playing music and loud patrons beyond licensing time – <b>HC-472037</b>	
13/01/19	21:50 22:20	Fairly quiet evening, but music turned up from 21:50 till 22:45 beyond opening time. Someone in courtyard (door slamming)	
14/01/19	18:00	Premises closed but loud music is being played – emailed them as clearly no benefit to their business so unclear why necessary to disturb our peace?	20:30
15/01/19		Closed	
16/01/19	15:30 19:20 22:15 22:55 23:15 23:20	Working from home and loud music being played – outside opening times so not benefit to their business Door slamming in courtyard repeatedly (x4) Music quiet in the evening than it was this afternoon. Music turned up – Sarah by Fleetwood Mac Music turned up further Loud music and patrons after 11 – <b>HC-472614</b> Someone in courtyard (clearing bottles)	19:25
17/01/19	22:05 22:25 22:40 23:10	We can hear music, but not too bad and acceptable until soundproofing is put in place. Music turned up Someone in the courtyard Music stopped early – great! Someone in the courtyard	
18/01/19	00:30	Loud music most evening and beyond licensing hours – <b>HC-472907</b>	
19/01/19	01:00 01:30	Arrived home to very loud music (the loudest we experienced) beyond licensing hours – <b>HC-472994</b> This continued and we called the Council – <b>HAR22279</b> and the Police – <b>054420/01</b> We called the premises; they answered but sounded like they left the phone off the hook. Nobody wanted to talk to us. Also our neighbours at 492 contacted us to state they had been hearing loud music since 20:00 and also reported it to the council – <b>HAR22273</b>	
20/01/19		We were out	
21/01/19		Closed	
22/01/19		Closed	
23/01/19	19:00 19:09 19:33 20:00 21:50 22:35 22:50 23:00	Arrived home – no patrons could be seen Music turned up very high, level reduced after 5 minutes. Music turned up high again for few songs Music turned up high again – Portishead Fairly quiet night, but music keeps being turned up high which is very unsettling Someone in courtyard Song with very deep bass notes Music stopped, but loud patrons	
24/01/19	23:10 23:40 00:00 00:20	Arrived home – music still playing loudly Should be closed, but can hear loud patrons Music still being played – <b>HC-473747</b> Strong smell of cooking in our flat (burgers?!)	
25/01/19	00:30	We can hear music, but not too bad and acceptable until soundproofing is put in place. Still playing music and loud patrons beyond licensing hours.	

	00:32 00:35	Someone in courtyard Still playing music – <b>HC-473903</b>	
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APPENDIX 1A

ACOUSTIC REPORT



Licensing Team  
Level 1 - North - River Park House  
225 High Road  
Wood Green  
N22 8HQ

31 March 2019

**Belmeis, 488 Muswell Hill Broadway**  
*Assessment of noise transmission*

To whom it may concern,

I have been requested by the residents of 490 Muswell Hill Broadway to undertake an assessment of the levels of noise transmission from the Belmeis at 488 Muswell Hill Broadway located directly below their flat.

**Statement of qualification**

I have worked as an acoustic consultant for over 10 years, currently working as an Associate at Sandy Brown, with my primary role in building acoustics. I hold a BSc in Acoustics from Salford University, MSc in Environmental and Architectural acoustics from London South Bank University am a Member of the Institute of Acoustics (MIOA), and a registered tester under the Association of Noise Consultants (ANC) sound insulation testing scheme.

**Noise survey**

A noise survey was carried out at the 490 Muswell Hill Broadway between Wednesday 27<sup>th</sup> and Sunday 31<sup>st</sup> March. The survey included measurements carried out using a Rion type NL-52 class 1 sound level meter. The equipment was calibrated prior to and after the measurements were taken, with no calibration drift occurring.

The sound level meter was installed in different locations between Wednesday 27<sup>th</sup> and Sunday 31<sup>st</sup> March 2019. Between Friday 29<sup>th</sup> and Sunday 31<sup>st</sup> March, the meter was located within one of the bedrooms which was not occupied during this period, the information captured during this time has been used for the purpose of the assessment.

The noise climate in the bedrooms of the property is subjectively very quiet. Although the property is located along a well trafficked road, the bedrooms have windows open to a lightwell and therefore are not exposed to high levels of sound. During the weekday daytimes between approximately 11 am and 5 pm, the measured noise levels within the bedroom ranged between  $L_{Aeq,5mins}$  20-25 dB. At night time, noise levels reduced to lows of around  $L_{Aeq,5mins}$  18 dB.

The average noise levels measured between 6 pm and 1 am on Friday 29<sup>th</sup> and 6 pm and 1 am Saturday 30<sup>st</sup> are  $L_{Aeq,7hour}$  33 dB and  $L_{Aeq,7hour}$  35 dB.

A comparison of the frequency content of the noise levels measured during the Friday night, Saturday night and typical background noise levels are presented in Figure 1. The values are presented as A-weighted noise levels in the various octave bands.

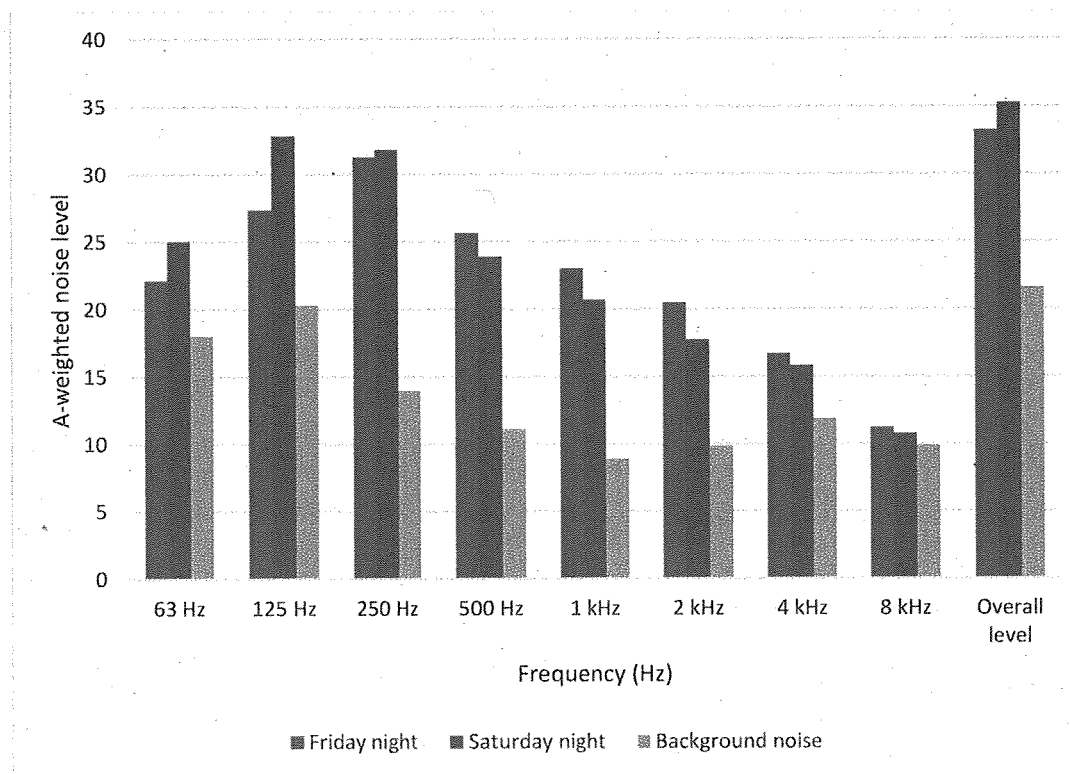


Figure 1 Frequency content of the measured noise levels

It can be clearly seen that when the bar is operating that noise levels in the bedroom increases by at least 10 dB with the bass frequencies 125 Hz and 250 Hz increasing by around 7-18 dB. Subjectively a change in noise level of 10 dB is considered to be a subjective doubling or halving of noise level.

Whilst the noise monitoring was unmanned, subjective notes were also taken by myself during the set up and the removal of the equipment. When collecting the equipment on Sunday 31<sup>st</sup> March, the bass beat of music was clearly audible within the residential property, even with the radio playing background music. The noise level observed at that time, was approximately  $L_{Aeq}$  33 dB. In my opinion the subjective level of music transmission was annoying and would disrupt reasonable enjoyment of the residence and would even disrupt the ability to fall asleep.

#### Acceptability criteria

For new residential development and for the refurbishment of existing developments it is typical for that internal noise levels comply with the levels set out in British Standard BS 8233 and the WHO Guidelines for Community Noise. These criteria are typically set as planning conditions for residential developments. These criteria set out average noise levels of  $L_{Aeq}$  30 dB for bedrooms at night (23:00-07:00) and  $L_{Aeq}$  35 dB for bedrooms and living rooms during the day (07:00-23:00). However, these values are given as recommendations where noise sources are without specific character.

The acceptability or likelihood of annoyance due to sound is subjective and varies depending on specifics of the situation and as such no single figure values have been presented in British Standards for the assessment of nuisance. In other European countries, the criteria for noise intrusion from entertainment noise are typically around  $L_{Aeq}$  25 dB, with the following guidance as evidence:

• Switzerland	DEP	$L_{Aeq}$ 24 dB
• Germany	VDI 2058B11	$L_{Aeq}$ 25 dB
• France	Recommendation CNB (1993)	$L_{Aeq}$ 22 dB
• Italy	DPCM 14/11/97 No280	$L_{Aeq}$ 25 dB
• Netherlands	Catering order (1998)	$L_{Aeq}$ 25 dB

A research project, Noise from Pubs and Clubs, was commissioned by the Department for Environment, Food and Rural Affairs to determine how a rigorous UK method for assessing noise from pubs and clubs might be devised. The absolute level in terms of  $L_{Aeq}$  was found to be one of the best indicators of subjective acceptability/annoyance. The research indicates that with noise levels of around  $L_{Aeq}$  20-25 dB, would be at a level that would be acceptable.

In addition, the relative noise levels difference between the ambient noise levels, when music isn't playing and the level when it is playing is also a useful indicator of annoyance.

#### Statutory nuisance guidance

A statutory nuisance is more than a mere annoyance and will have a significant impact on the health and wellbeing of anyone affected. The factors taken into account in assessing noise nuisance include:

- Time of day or night the noise is occurring – higher noise levels are likely to be more acceptable during the day than at night
- Duration – the longer the noise continues, the more unreasonable it may become
- Frequency – if the noise occurs every day it will be more unreasonable than if it occurs once a month
- Nature of the noise - noises which have a tonal element such as a knock, hiss, hum, or impulsive elements, such as music bass beats, may be considered more annoying
- Nature of the area – for example, a cockerel crowing may be considered more unreasonable in a residential setting than in a rural setting, whereas noise from an air conditioning unit may be more acceptable in a town centre environment than in the countryside
- Who is affected and where are they being affected – noise levels are likely to be less acceptable in locations where people are trying to rest or sleep.
- Unusual sensitivity – the noise would affect a 'reasonable' person's enjoyment of their property

#### Assessment

The noise transmission from Belmeis to the 490 Muswell Hill Broadway is considered to be at a level that would disrupt reasonable enjoyment of the residence and would even disrupt the ability to fall asleep.

The absolute noise levels from the space are considered to be approximately 10 dB above what would be acceptable. This is subjectively twice as loud as it should be.

Noise transmission to 490 Muswell Hill Broadway should be mitigated by at least 10 dB, through enhancements to the sound insulation, and or through positive sound control of the music within Belmeis.

Sound insulation enhancement would need to be carried out, with consideration for the direct sound transmission through the floor/ceiling and also through flanking transmission paths (e.g. exposed masonry walls). It is recommended that an assessment of sound insulation enhancement is carried out by a suitably qualified person.

Should the Belmeis look to control the music levels within the space, it is recommended that a compression limiter is installed. However, to calibrate the limiter testing would need to be carried out within with agreement from the residents and should be witnessed by an independent third party (e.g. Haringey Council Enforcement Response team) to ensure that the system is set up correctly and cannot be tampered with.

If you require any further assistance from me, please contact me on the details below.

Regards

Robert Burrell

458 Muswell Hill Broadway  
Muswell Hill  
London  
N10 1BS

07588681340

[Roburrell@hotmail.com](mailto:Roburrell@hotmail.com)



APPENDIX 2

NOISE RA REPRESENTATION

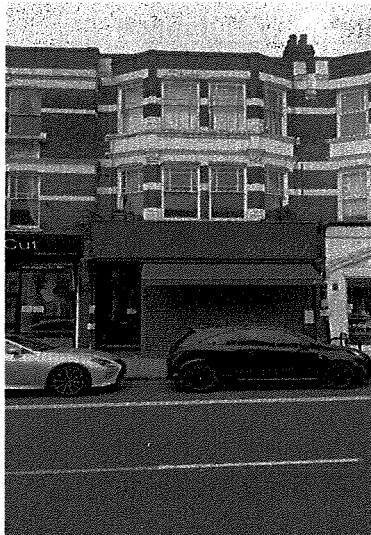


Representation in support of Application to Review a Premises Licence

Premises	Belmeis 488 Muswell Hill Broadway, London N10 1BT.
Representation	Haringey ASB Enforcement (Noise Team – Responsible Authority)
Officer	Mr Rockwell Charles
Position	ASB Specialist Officer (Noise)
Date	30 <sup>th</sup> March 2019

**Introduction**

The London Borough of Haringey – ASB Enforcement (Noise Team) as a responsible authority have examined the application seeking a review of the premises licence for Belmeis - 488 Muswell Hill Broadway, London N10 1BT. I can confirm that this representation supports the application for a review of the premises licence on the grounds of the licensing objective the prevention of public nuisance not being upheld.



Belmeis – 488 Muswell Hill Broadway, London N10 1BT 27/03/2019

**Background**

Belmeis currently operates as a social bar providing exciting music, infused cocktails and original, creative small plates to visitors and the local community of Muswell Hill. According to its profile on social media it provides a cosy, unpretentious atmosphere that allows visitors to enjoy the concept of World Music, such as Jazz, Brazilian Bossa Nova or Afghani Rubab. Belmeis is also available for private hire with food, drinks and music for between 80-100 people.

**Location**

Belmeis occupies the ground floor of a three-storey building within a terrace row along Muswell Hill Broadway, London N10. This area along Muswell Hill Broadway is classified as mixed-use, comprising of commercial/retail shops on the ground floor with residential dwellings directly above occupying the first and second floors.

### **Premises Licence**

The current premises licence for Belmeis sanctions late night refreshment and the supply of Alcohol only. A summary of the Premises Licence including conditions consistent with the operating schedule can be found in **Appendix 1**.

### **Complaints History**

Clarke And Parker Fishmongers Ltd became the premises licence holder for Belmeis 488 Muswell Hill Broadway, London N10 1BT on 12<sup>th</sup> July 2018. I have interrogated the Council's records and can confirm that from 12<sup>th</sup> July 2018 to 29<sup>th</sup> March 2019, **101 noise complaints** have been recorded on the Council's Noise database. Details of the 101 complainants are provided in the Noise Complaints Summary attached in **Appendix 2**.

The Council's ASB Enforcement (formally part of Enforcement Response) has engaged with the management and the Premises Licence Holder of Belmeis in the attempt to resolve the on-going noise issues. However these actions have not curtailed statutory noise nuisance or the continual noise complaints arising from the playing of live and pre-recorded music. The Council's ASB Enforcement has substantiated six incidents of statutory noise nuisance. An account of the ASB Enforcement Officer's observations with respect to these incidents is as follows;

#### **27<sup>th</sup> July 2018 – 1<sup>st</sup> Incident of Statutory Nuisance**

A complaint of loud amplified music was registered at 22:03hrs to the Council's Out of Hours Noise Response Service. The Noise Team visited the complainant at 22:55hrs on 27<sup>th</sup> July 2018. Officers gained access to the complainant's bedroom and heard loud amplified music being played at such a level that would prevent the average person from sleeping. Officers could clearly identify the vocals of the music playing "Let's Stay Together" by the artist Al Green. The music noise was loud and intrusive within the complainants home and officers were satisfied that the noise amounted to a statutory nuisance.

The officers approached Belmeis on the night and informed Mr James Murphy the bar manager that statutory noise nuisance had been substantiated. The noise level was lowered on the officers' request and a noise warning letter dated 27<sup>th</sup> July 2018 was issued forthwith **Appendix 3**. Officers did advice Mr Murphy on noise control measures and also passed on the complainant's concern of smell/smoke associated with a low-level extraction system.

#### **2<sup>nd</sup> September 2018 - 2<sup>nd</sup> Incident of Statutory Nuisance**

A member of the public registered a complaint of loud amplified music to the Council's Out of Hours Noise Response Service at 19:11hrs. Officers visited the complainant at 19:51hrs on 2<sup>nd</sup> September 2018. Access was gained to the premises and whilst standing in their living room the officer heard loud amplified music playing at such an intrusive level that it interfered with the normal use and enjoyment of their home. The officers subjectively assessed that the sound insulation between the structures was substandard but were satisfied that the music heard constituted a statutory noise nuisance in law.

The officers visited Belmeis and spoke with the owner Louis. He was advised of the nuisance and inadequate sound insulation. The owner lowered the music level on the officers' request. As remedial works would be required to resolve the on-going noise issues the officers decided that instigating enforcement action under the Environmental Protection Act 1990 was warranted. A noise abatement notice dated 11<sup>th</sup> September 2018 was served on the legal owner of Belmeis. **Appendix 4**.

**23<sup>rd</sup> September 2018 - 3<sup>rd</sup> Incident of Statutory Nuisance**

A complaint of loud amplified music was registered at 19:36hrs to the Council's Out of Hours Noise Response Service. The Council's Noise Team visited the complainant at 20:26hrs on 23<sup>rd</sup> September 2018. As officers walked past Belmeis they observed a man playing an amplified acoustic guitar and a woman singing into a microphone through the window. Within the complainant's livingroom the same live music was heard at a level that materially interfered with the normal use and enjoyment of their home.

The officer approached the Belmeis and spoke with the owner Mr Louis Carsaw and informed him that the noise level from the live music was in contravention of the noise abatement notice. A fixed penalty notice for breaching the requirements of the noise abatement notice was issued on 23<sup>rd</sup> September 2018 **Appendix 5**.

**13<sup>th</sup> October 2018 – 4<sup>th</sup> Incident of Statutory Nuisance**

A complaint of loud amplified music was registered at 21:44hrs to the Council's Out of Hours Noise Response Service. Officers visited the complainant at 23:20hrs on 13<sup>th</sup> October 2018 and reported that the amplified music was clearly audible within complainant's bedroom to the extent that sleep would be disturbed. The officers were satisfied that the noise amounted to a statutory nuisance.

Officers visited Belmeis and spoke with the Bar manager who lowered the music on the officers' request.

**21<sup>st</sup> October 2018 – 5<sup>th</sup> Incident of Statutory Nuisance**

A complaint of loud amplified music was registered at 19:57hrs to the Council's Out of Hours Noise Response Service. As officers walked towards the complainant's home, they observed two male performers sitting near to the front window of Belmeis. One was on double bass and the other was playing the saxophone. Within the complainant's livingroom the noise from the live music was intrusive and materially interfered with the normal use and enjoyment of their home.

**29<sup>th</sup> December 2018 – 6<sup>th</sup> Incident of Statutory Nuisance**

A complaint of loud amplified music and operating past their licensing hours was registered at 00:35hrs to the Council's Out of Hours Noise Response Service. Officers visited the complainant at 01:05hrs on 29<sup>th</sup> December 2018 and reported excessive loud amplified music that amounted to a statutory nuisance from within the complainant's bedroom. The officers also observed that an open "private party" was taking place outside trading hours.

### **Evaluation**

I have inspected the documentary records relating to Belmeis - 488 Muswell Hill Broadway, London N10 1BT. I can confirm that over the period 12<sup>th</sup> July 2018 to present the Council's ASB Enforcement have received **101 noise complaints** regarding live music, recorded music and voices. Officer substantiated statutory noise nuisance on six separate occasions. A Noise Abatement Notice under section 80 of the Environmental Protection Act 1990 was served on the premises licence holder Clarke And Parker Fishmongers Ltd on 12<sup>th</sup> September 2018 Appendix 5. Officers have witnessed four further contraventions of the Noise Abatement notice. The Premises Licence Holder was issued and paid a Fixed Penalty Notice that discharged his liability from being prosecuted for one of the offences, however complaints regarding noise nuisance are still being received.

I met with the Mr Louis Cawson the owner of Belmeis on 30<sup>th</sup> October 2018. We discussed the on going complaints as well as the legal implications if nuisance persists. Further advice on noise control measures including the installation of an approved scheme of sound insulation were discussed. However, all of our actions have failed to curtail the complaints of noise nuisance derived from the playing of live or pre-recorded music.

### **Conclusion**

To conclude, the premises licence holder as well as the noise control measures in place have been ineffective and inadequate in controlling noise associated with live or pre-recorded amplified music. In my opinion a review of the Premises Licence is fair and just in ensuring that the licensing objective the prevention of public nuisance is upheld.

### **Recommendation**

Belmeis currently benefits from the exemption under the Licensing Act 2003, in that live music and recorded music is not a licensable activity between 08:00hrs to 23:00hrs. Therefore I request the following;

Modify and Exclude a licensable activity from the Premises Licence.

- 1) Under section 177A(3) of the Licensing Act 2003 I request to lift the suspension of the relevant conditions and give renewed effect to live music and recorded music as regulated entertainment between 08:00hrs to 23:00hrs. I then further seek under sections 177A(4) and 52(4)(b) to remove live music and recorded music in its entirety as a licensable activity from the premises licence.

LICENSING ACT 2003  
Sec 24

## PREMISES LICENCE

Receipt: WPSR00303450

Premises Licence Number: LN/000020725

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
1<sup>st</sup> Floor River Park House, 225 High Road,  
Wood Green, London N22 8HQ**

Signature:.....

Date: 12<sup>th</sup> July 2018

### Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**BELMEIS  
488 MUSWELL HILL BROADWAY  
HORNSEY  
LONDON  
N10 1BT**

Telephone:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Late Night Refreshment

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Late Night Refreshment

Friday to Saturday 2300 to 0000

Supply of Alcohol

Monday to Thursday 1200 to 2300

Friday to Saturday 1200 to 0000

Sunday 1200 to 2200

The opening hours of the premises:

Monday to Thursday 1200 to 2330

Friday to Saturday 1200 to 0030

Sunday 1200 to 2230

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

Supply of alcohol for consumption ON and OFF the premises

**APPENDIX 1**

EX/13/1A

PREMISES DETAILS [CONT'D]

Part 2

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

Clarke and Parker Fishmongers  
488 Muswell Hill Broadway  
Hornsey  
London  
N10 1BT

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

10233456

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Finneas Spiteri  
13 Trecastle Way  
London  
N7 0EL

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

Personal Licence:	LN/15451
Issued by:	London Borough of Islington



## **Annex 1 –Mandatory Conditions**

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
    - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on

**Annex 1 –Mandatory Conditions**

request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1 –
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
  - (i) The holder of the premises licence
  - (ii) The designated premises supervisor (if any) in respect of such a licence, or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the



## **Annex 1 –Mandatory Conditions**

premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

A digital CCTV system will be installed in the premises.

Cameras will be sited to observe the entrance doors from inside.

Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Cameras will be sited to cover all areas to which the public have access including any outside smoking areas.

Provide a linked record of the date, time of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Member of staff trained in operating CCTV at venue during times open to the public.

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.

An incident log shall be kept at the premises 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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

The incident book will be examined and signed on a regular basis by the Premises Supervisor.

### **PUBLIC SAFETY**

#### **THE PREVENTION OF PUBLIC NUISANCE**

All external doors and windows shall be kept closed at any time when regulated entertainment is taking place.

Notices will be prominently displayed at all exits requesting patrons respect the needs of local residents and leave the area quietly.

No drinks or refreshments will be permitted to be consumed outside the premises.

#### Prevention of nuisance from noise / vibration and Structure borne noise

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

No inset ceiling speaker.

#### Deliveries and collections

Deliveries and collections associated with the premises will be arranged between normal working hours, so as to minimise the disturbance caused to the neighbours



## **Annex 2 – Conditions consistent with the Operating Schedule**

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

### Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

### Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Regular liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities

### Prevention of Nuisance from Odour

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

### Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Security lights will be positioned to minimise light intrusion to nearby residential premises.

## **THE PROTECTION OF CHILDREN**

The 'Challenge 25' policy will be implemented, staff will be trained accordingly and signage will be displayed.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**RESOLVED 12<sup>th</sup> July 2018**

The Committee carefully considered the application for a new premises licence, the representations made by local residents, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act s182 guidance.

The Committee resolved to GRANT the licence as applied for:

**Provision of Late Night Refreshment**

Friday to Saturday 2300 to 0000 hours

**Supply of Alcohol**

Monday to Thursday 1200 to 2300 hours

Friday to Saturday 1200 to 0000 hours

Sunday 1200 to 2200 hours

For the consumption **ON** and **OFF** the premises

**Hours open to the public**

Monday to Thursday 1200 to 2330 hours

Friday to Saturday 1200 to 0030 hours

Sunday 1200 to 2230 hours

**With an additional condition:**

"The courtyard shall solely be used for storage by the premises, and only accessed during daytime operating hours".

The Committee heard the representations by the local residents in opposition to the application, but felt that the Applicants had demonstrated their commitment to engaging with local residents and attempting to resolve any issues. The committee was only able to have regard to relevant representation and found the applicants proposals with respect to the premises, in particular how they planned to address the licensing objectives to be credible.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties' representations. The committee considered its decision to appropriate and proportionate.

# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant– 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

	Date/Time	Source of Noise	Type of Complaint	Complainant	Action Taken	Outcome
1	19/07/2018 at 22:20:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 23:13hrs – No reply, left message on voicemail.	Logged only NFA
2	19/07/2018 at 23:10:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 23:21hrs & 23:46hrs – No reply, left message on voicemail.	Logged only NFA
3	25/07/2018 at 20:36:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
4	27/07/2018 at 22:03:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	Officers visited complt at 22:55hrs. Witnessed Statutory Noise Nuisance due to LAM. Noise level in complt's bedroom was intrusive enough to interfere with sleep.	Officers approached Belmeis spoke to bar manager who abated the nuisance on request. Warning letter dated 27/7/18 was issued.
5	29/07/2018 at 19:39:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
6	29/07/2018 at 21:04:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
7	31/07/2018 at 20:52:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
8	31/07/2018 at 21:41:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
9	31/07/2018 at 21:57:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

## APPENDIX 2



# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

10	01/08/2018 at 22:33:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
11	05/08/2018 at 19:46:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
12	05/08/2018 at 20:43:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
13	08/08/2018 at 21:42:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
14	09/08/2018 at 21:52:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 22:21hrs – No reply, left message on voicemail.	Logged Only NFA
15	11/08/2018 at 22:33:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 23:02hrs and was advised that music was lowered.	Logged Only NFA
16	11/08/2018 at 19:39:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 20:35hrs – music was not loud enough to amount to a statutory nuisance.	Officers approached Belmeis and spoke to general manager
17	12/08/2018 at 19:49:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Music	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers called back complt at 20:15hrs and were advised that music was lowered.	Logged Only NFA
18	12/08/2018 at 20:38:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Music	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 21:36hrs and were advised that music ceased before time of arrival.	Logged Only NFA
19	19/08/2018 at 19:42:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 21:50hrs and were advised that music ceased before time of arrival.	Logged Only NFA
20	29/08/2018 at 23:12:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

## APPENDIX 2



# **NOISE COMPLAINTS SUMMARY – Belmeis Restaurant– 488 Muswell Hill Broadway, London N10 1BT** **12/07/18 – 29/03/19**

21	02/09/2018 at 00:08:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 01:40hrs – No reply, left message on voicemail.	Logged Only NFA
22	02/09/2018 at 19:11:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, London, N10 1BT	Officers visited complt at 19:51hrs and witnessed Statutory Noise Nuisance caused by the playing of LAM from Belmeis, noise level in complt's bedroom interfered with the normal use and enjoyment. No Officer on Duty	Officers approached and spoke with a business partner at Belmeis, EPA 90 enforcement action taken. Noise abatement notice served on 12/09/2018 Logged Only NFA
23	05/09/2018 at 21:36:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Music	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
24	05/09/2018 at 22:48:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
25	11/09/2018 at 22:16:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
26	12/09/2018 at 19:47:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
27	15/09/2018 at 22:52:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 23:43hrs – No reply, left message on voicemail.	Logged Only NFA
28	16/09/2018 at 19:31:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Music	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 21:45hrs – No reply, left message on voicemail.	Logged Only NFA
29	20/09/2018 at 23:47:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Voices	Complainant 1 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 00:15hrs – No reply, left message on voicemail.	Logged Only NFA
30	21/09/2018 at 19:54:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 20:00hrs – No reply, left message on voicemail.	Logged Only NFA

\* LAM – Loud amplified music

## **APPENDIX 2**

# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT

## 12/07/18 – 29/03/19

31	21/09/2018 at 21:40:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers called complit at 21:40hrs and were advised that music had been lowered.	Logged Only NFA
32	23/09/2018 at 19:36:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Live Music	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers visited complit at 19:51hrs – Statutory Noise Nuisance. <b>witnessed</b> from LAM interfering with sleep. Officers approached Belmeis nuisance abated and activities ceased on request.	Fixed Penalty Notice was issued on 23/09/2018 and paid
33	26/09/2018 at 22:54:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
34	28/09/2018 at 21:23:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers visited complit at 22:20hrs – music not loud enough to be a statutory nuisance.	Officers approached Belmeis and had an informal word with the general manager
35	28/09/2018 at 23:53:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back complit at 00:30hrs – No reply, left message on voicemail.	Logged Only NFA
36	28/09/2018 at 23:54:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Loud Noise	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
37	29/09/2018 at 00:27:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back complit at 00:44hrs – No reply, left message on voicemail.	Licensing Warning letter sent for breach of conditions
38	29/09/2018 at 00:28:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
39	29/09/2018 at 23:25:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
40	30/09/2018 at 20:12:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back complit at 20:33hrs and were advised that the music had stopped.	Logged Only NFA

\* LAM – Loud amplified music

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# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

41	30/09/2018 at 20:13:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Music	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
42	02/10/2018 at 21:26:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
43	03/10/2018 at 20:18:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
44	05/10/2018 at 23:34:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officers visited complt at 00:20hrs – all quiet on time of arrival.	Logged Only NFA
45	06/10/2018 at 23:43:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officers visited complt at 00:25hrs – music ceased before time of visit.	Logged Only NFA
46	08/10/2018 at 00:18:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 00:32hrs – No reply, left message on voicemail.	Logged Only NFA
47	09/10/2018 at 22:08:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA
48	12/10/2018 at 22:43:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officers visited complt at 23:00hrs – music ceased before time of arrival.	Logged Only NFA
49	12/10/2018 at 23:17:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Visit - Other	Logged Only NFA
50	12/10/2018 at 23:53:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 23:25hrs and were advised that noise had ceased.	Logged Only NFA
51	13/10/2018 at 21:44:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officers visited complt at 23:20hrs – Statutory Noise Nuisance witnessed within bedroom. LAM loud enough to interfere with sleep.	Officers approached Belmeis and spoke to general manager who abated nuisance on request

\* LAM – Loud amplified music

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# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

52	14/10/2018 at 19:27:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live Acoustic music Saxophone	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 19:42hrs Complmt requested log only.	Logged Only NFA
53	17/10/2018 at 21:52:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
54	20/10/2018 at 01:54:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
55	20/10/2018 at 02:24:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Loud Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
56	21/10/2018 at 19:57:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Live music ,double bass & Saxophone	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 21:00hrs – Statutory Noise <u>Nuisance</u> <u>witnessed</u> from Live music (sax & double bass) intrusive enough to interfere with normal conversation.	Logged Only NFA
57	23/10/2018 at 23:09:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
58	24/10/2018 at 22:13:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM deep bass	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
59	26/10/2018 at 23:12:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
60	28/10/2018 at 22:09:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 22:54hrs – music was at a very low within complt's bedroom and did not amount to a statutory nuisance.	Logged Only NFA
61	30/10/2018 at 20:56:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
62	31/10/2018 at 21:56:00	Belmeis Restaurant 488 Muswell Hill Broadway	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

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# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

63	01/11/2018 at 22:03:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 22:30hrs & 22:41hrs No reply, left message on voicemail.	Logged Only NFA
64	01/11/2018 at 23:06:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Muswell Hill Broadway, . London, N10 1BT	Officers called complt at 23:16hrs and were advised that the noise had Stopped.	Logged Only NFA
65	02/11/2018 at 22:45:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers visited complt at 23:23hrs – music was lowered and not loud enough to amount to a statutory nuisance.	Officer visited Belmeis and observed low background music barely audible over normal conversation.
66	03/11/2018 at 20:18:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
67	06/11/2018 at 23:08:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM loud patron after 11pm	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
68	06/11/2018 at 22:21:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
69	12/11/2018 at 20:22:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
70	18/11/2018 at 19:40:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 20:05hrs – No reply, left message on voicemail.	Logged Only NFA
71	22/11/2018 at 22:22:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officers called complt at 22:43hrs and were advised that music was lowered, but only voices audible.	Logged Only NFA
72	22/11/2018 at 23:12:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 23:20hrs & 23:28hrs – No reply, left message on voicemail.	Logged Only NFA
73	30/11/2018 at 22:35:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back complt at 23:07hrs & 23:15hrs – No reply, left message on voicemail.	Logged Only NFA

\* LAM – Loud amplified music

## APPENDIX 2

# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant– 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

74	18/12/2018 at 23:56:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
75	28/12/2018 at 23:21:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 23:57hrs – No reply, left message on voicemail.	Logged Only NFA
76	28/12/2018 at 23:46:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 23:57hrs – No reply, left message on voicemail.	Logged Only NFA
77	29/12/2018 at 00:11:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 00:11hrs – No reply, left message on voicemail.	Logged Only NFA
78	29/12/2018 at 00:35:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM opened passed licensing hrs	Complainant 1 Muswell Hill Broadway, , London, N10 1BT	Officers visited complt at 00:40hrs and 01:05hrs respectively. <b>Statutory Noise Nuisance</b> witnessed within complt's bedroom due to LAM in Belmeis. Noise loud enough to prevent sleep.	Recommendation to instigate prosecution under EPA '90
79	09/01/2019 at 09:14:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
80	09/01/2019 at 00:07:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	TV or Radio broadcast	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	No Officer on Duty	Logged Only NFA
81	10/01/2019 at 23:08:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 23:44hrs – No reply, left message on voicemail.	Logged Only NFA
82	13/01/2019 at 00:51:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, , London, N10 1BT	Officer called back complt at 01:29hrs – No reply, left message on voicemail.	Logged Only NFA
83	16/01/2019 at 23:17:00	Belmeis Restaurant 488 Muswell Hill Broadway	LAM & Voices	Complainant 1 Muswell Hill Broadway, ,	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

# NOISE COMPLAINTS SUMMARY – Belmeis Restaurant – 488 Muswell Hill Broadway, London N10 1BT 12/07/18 – 29/03/19

84	19/01/2019 at 00:30:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices opened passed hours	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officer called back compit at 00:53hrs – No reply, left message on voicemail.	Logged Only NFA
85	20/01/2019 at 01:02:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 1 Muswell Hill Broadway, . London, N10 1BT	Officers called compit at 01:41hrs and were advised that the noise had Stopped.	Logged Only NFA
86	20/01/2019 at 01:15:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 3 Muswell Hill Broadway, . London, N10 1BT	Officers called compit at 01:44hrs and were advised that the noise had Stopped.	Logged Only NFA
87	25/01/2019 at 00:01:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back compit at 00:15hrs – No reply, went straight to voicemail. Officer visited Belmeis at 00:26hrs – shutter half down staff in only no noise no licensing issues.	Logged Only NFA
88	26/01/2019 at 00:37:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	Opened after hrs	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back compit at 00:50hrs – No reply, went straight to voicemail.	Logged Only NFA
89	30/01/2019 at 23:11:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Log Only	Logged Only NFA
90	02/02/2019 at 00:44:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back compit at 01:00hrs – No reply, went straight to voicemail.	Logged Only NFA
91	03/02/2019 at 00:40:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM opened past licensing hrs	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	Officer called back compit at 00:51hrs – No reply, went straight to voicemail. Officer visited Belmeis at 00:55hrs – premises was closed no customers staff clean	Logged Only NFA
92	06/02/2019 at 21:16:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
93	06/02/2019 at 23:18:00	London N10 1BT Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, . London, N10 1BT	No Officer on Duty	Logged Only NFA
94	09/02/2019 at	London N10 1BT Belmeis Restaurant	LAM	Complainant 2	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

## APPENDIX 2

**NOISE COMPLAINTS SUMMARY – Belmeis Restaurant– 488 Muswell Hill Broadway, London N10 1BT**  
**12/07/18 – 29/03/19**

	12:25:00	488 Muswell Hill Broadway London N10 1BT		Muswell Hill Broadway, London, N10 1BT		
95	10/02/2019 at 15:33:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM, voices, shouting slamming doors	Complainant 3 Muswell Hill Broadway, London, N10 1BT	e- complaint made Log Only	Logged only NFA
96	14/02/2019 at 23:43:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 23:48hrs – Noise ceased	Logged Only NFA
97	28/02/2019 at 23:56:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Time To Visit	Logged Only NFA
98	01/03/2019 at 00:23:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 00:40hrs – No reply, left message on voicemail.	Logged Only NFA
99	02/03/2019 at 01:06:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 01:16hrs – No reply, left message on voicemail.	Logged Only NFA
100	24/03/2019 at 01:10:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM & Voices	Complainant 2 Muswell Hill Broadway, London, N10 1BT	Officer called back complt at 01:30hrs – No reply, left message on voicemail.	Logged Only NFA
101	25/03/2019 at 21:44:00	Belmeis Restaurant 488 Muswell Hill Broadway London N10 1BT	LAM	Complainant 2 Muswell Hill Broadway, London, N10 1BT	No Officer on Duty	Logged Only NFA

\* LAM – Loud amplified music

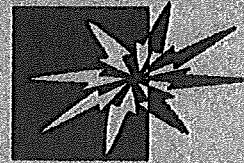
**APPENDIX 2**



**Enforcement Response team**Regulatory Services, Level 6, Alexandra House,  
10 Station Road, Wood Green, London N22 7TR

Tel: 020 8489 1000 E: enforcement.response@haringey.gov.uk

www.haringey.gov.uk/noise

**Haringey Council**

Date:

29/7/18

Time:

22:55 hrs

**Environmental Protection Act 1990: Noise Nuisance**

Address:

Belmont, 486 Muswell Hill Broadway, N10

Type of noise:

Loud Music

**You have received this letter because a Haringey Council Noise Enforcement officer has witnessed noise from your premises.**

The Council has a duty to investigate complaints regarding disturbance caused by noise. An investigation, in response to a complaint, confirmed that noise coming from your premises was excessive. The Council have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise.

The Council must serve an Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe noise nuisance. The effect of an Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises). Fixed Penalty Notices of £100 (£400 for commercial premises) may be considered in appropriate circumstances. The Council is unlikely to offer this option for repeat offences. Offenders against a noise Abatement Notice may have their noise making equipment removed.

Please co-operate by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance to avoid formal action by the Council.

**Enforcement Response Team****APPENDIX 3**



This relates to noise nuisance. If you want this in your own language please tick the box, fill in your name and address and send to the Freepost address below. A noise control customer charter is also available.

**Albanian**

Kjo ka të bëjë me bezdinë nga zhurma. Nëse e doni këtë në gjuhën tuaj, ju lutem shënjoni kutinë, plotësoni emrin dhe adresën tuaj dhe dërgojeni tek adresa e mëposhtme me Postim Falas. Statuti i klientëve mbi kontrollin e zhurmës është gjithashtu në dispozicion.

**Kurdish**

Ev li ser acizîya dengzariyê ye. Heke hun wê bi zimanê xwe dixwazin, ji kerema xwe qutikê îşaret bikin, nav û navnîşana xwe binivîsin û ji navnîşana posta bêpere ya jêrîn re bişînin. Peymaneke mîşterî ya kontrola dengzarîyê ji peyde dibe.

**Bengali**

এই প্রচারপত্র অতিরিক্ত শব্দজনিত উপদ্রব সম্পর্কে। আপনি যদি এটা আপনার নিজের ভাষায় পেতে চান তাহলে বাজে টিক্ চিহ্ন দিন, আপনার নাম ও ঠিকানা লেখার জায়গা পূরণ করুন এবং নিচের ফ্রীপোস্ট বা বিনা ডাকঘাণ্ডলের ঠিকানায় পাঠিয়ে দিন। শব্দের মাত্রা নিয়ন্ত্রণের একটা কাস্টমার চার্টার বা খরিদদারদের সনদও পাওয়া যায়।

**Polish**

Informacje tu zawarte odnoszą się do zakłóceń wyrikających z hałas. Jeżeli chcesz je otrzymać w twoim własnym języku, zaznacz kwadracik, napisz swoje imię i adres i wyslij pod znajdujący się poniżej adres bezpłatny. Dostępna jest również kontrolująca hałas karta klienta.

**French**

Ce document concerne les nuisances sonores. Si vous souhaitez l'obtenir dans votre langue, veuillez cocher la case, compléter votre nom et adresse et le renvoyer à l'adresse au port payé ci-dessous. Un charte des clients relative aux nuisances sonores est aussi disponible.

**Romanian**

Acest document are ca subiect Deranjul Locatarilor Zgomotul. Dacă doriți să vă fie tradus în limba dvs vă rugăm, bifați căsuța, completați-vă numele și adresa, și trimiteți-l la adresa gratuită de mai jos. Vă putem pune la dispoziție și Drepturile Clientului cu privire la Controlul Zgomotului.

**Greek**

Το έντυπο αυτό αφορά την ενόχληση από το θόρυβο. Αν το θέλετε στη δική σας γλώσσα παρακαλούμε σημειώστε το τετράγωνο, συμπληρώστε το όνομα και τη διεύθυνσή σας και στείλετε το στην πιο κάτω διεύθυνση χωρίς ταχυδρομικά. Διατίθεται επίσης η χάρτα πελατών για τον περιορισμό του θορύβου.

**Somali**

Qoraalkan waxa uu ku saabsan yahay dhibaatooyinka laxidhiidha buuqa iyo sawaxanka. Haddii aad jeceshahay in lagu soo diro asaga oo ku qoran afkaaga hooyo, fadlan calaamad ee sanduuqa buuxina foomka kadibna dib ugu soo dir cinwaanka hoos ku xusan. Waxaa hale ood heli karataa qoraalka axdiga xakamaynta buuqa.

**Gujarati**

આને ઘોષાટના ત્રાસ- પજવણી સાથે સંબંધ છે. જો તમને આ તમારી પોતાની ભાષામાં જોઈતું હોય તો, કૃપા કરી બોક્સમાં નિશાની કરી, તમારું નામ અને સરનામું ભરી, અને નીચેના ફ્રીપોસ્ટ સરનામે તે મોકલો. ઘોષાટના અંકુશવાળું કસ્ટમર ચાર્ટર પણ મળી રહેશે.

**Turkish**

Bu, gürültü yaparak rahatsızlık verme konusuyla ilgilidir. Bunu kendi dilinizde edinmek istiyorsanız lütfen kutuyu işaretleyip adınızı ve adresinizi yazarak aşağıdaki ücretsiz posta adresine gönderin. Gürültü denetimi ile ilgili müşteri bildirgesi de mevcuttur.

Please tell us if you would like a copy of this letter in another language that is not listed above or in any of the following formats, and send the form to the Freepost address below.

☐ In large print

☐ On audio tape

☐ In Braille

☐ In another language, please state:



Name:

Tel:

Address:

Email:

Please return to: Freepost RLXS-XZGT-UGRJ, Haringey Council,  
Translation and Interpretation Services, 8th Floor, River Park House, 225 High Road, London N22 8HQ

Haringey Council offers this translating and interpreting service to Haringey residents. We can translate this document into one language per resident ONLY.  
Noise Nuisance



*MOE 1. Delivered by hand 12/9/18 at 16.14 hrs MD*

Haringey Council

EPA90.Sec.80 LMV

Rev: March 2017

**Environmental Protection Act 1990 - Part III**

**Statutory nuisance - Abatement notice**

To: Clarke And Parker Fishmongers Ltd

at: Belmeis, 488 Muswell Hill Broadway, Hornsey, London, N10 1BT

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as Belmeis, 488 Muswell Hill Broadway, Hornsey, London, N10 1BT

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 requires 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 notes 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 (unlimited in the case of industrial, trade or business premises) plus a further £500 for each day on which the offence continues after conviction.


Dated: 11th September 2018

Our Ref: C&O/RS WK/000418171

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

Assistant Director,  
Commercial & Operations  
Regulatory Services  
1<sup>st</sup> Floor North, River Park House,  
225 High Road, Wood Green, London N22 8HQ

Telephone: 020 8489 1335

  
being the Officer appointed for this purpose

This matter is being dealt with by:  
Enforcement Response Team

MDE 1. Delivered by hand 12/9/18 at 16.14 hrs MDE

Haringey Council

EPA90 Sec.80 LMV

Rev. March 2017

**Environmental Protection Act 1990 - Part III**

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Dated: 11th September 2018

Our Ref: C&O/RS WK/000418171

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

Assistant Director,  
Commercial & Operations  
Regulatory Services  
1<sup>st</sup> Floor North, River Park House,  
225 High Road, Wood Green, London N22 8HQ

Telephone: 020 8489 1335

  
.....  
being the Officer appointed for this purpose

This matter is being dealt with by:  
Enforcement Response Team



**Office Use:**

FPN payments to be credited to P30004 GL 19200  
 Notify [enforcement.response@haringey.gov.uk](mailto:enforcement.response@haringey.gov.uk) when  
 payment made.

# Haringey

LONDON

**London Local Authorities Act 2004 - Fixed Penalty Notice**

London Local Authorities Act 2004  
 (Sections 15 and 16 and Schedule 2 as amended)  
 & the London Local Authorities Act 1990  
 (Sections 34 and 38)

Reference  
 number:  
 WK/000419832

**Part A**  
**Notice of opportunity to pay Fixed Penalty**

Notice given by Haringey Council  
 1<sup>st</sup> Floor North, River Park House, 225 High Road, Wood Green, London N22 8HQ

Notice given to: Clarke And Parker Fishmongers Ltd

of: Belmeis, 488 Muswell Hill Broadway, Hornsey, London, N10 1BT

I am an authorised officer of Haringey Council. I have reason to believe that you have committed an offence. Details of the alleged offence are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. No proceedings will be taken for this offence before the expiration of twenty-eight [28] calendar days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty within that period of 28 days. The acceptable methods of payment are set out in Part B of this notice. If you fail to pay the fixed penalty within that period, legal proceedings for the offence may be commenced against you. An early payment discount as set out in Part C will apply if this fixed penalty is paid before the expiration of a period of fourteen [14] calendar days following the date of this notice.

If you do not accept that you should pay any penalty or consider you have not committed an offence, you should write to the council at the address shown at the end of this notice before the end of the 28 day period setting out your reasons and you should not pay the fixed penalty. If the council does not accept your reasons, then you will have a further opportunity to pay this fixed penalty but at the full amount.

Signature of authorised officer:

Date: 23rd September 2018

Offence code (The offence is described beside this code in Part C of this notice): E2

Amount of Fixed Penalty (£400):

£100 (Residential) (E1)

£400 (Industrial/Trade/Business) (E2)

Date of alleged offence: Sunday 23<sup>rd</sup> September 2018

Location of alleged offence: Belmeis, 488 Muswell Hill Broadway, Hornsey, London, N10 1BT

Circumstances alleged to constitute the offence: on Sunday 23<sup>rd</sup> September 2018 at 20:36 hrs to 21:10 hrs did allow to be played music that was intrusive and a nuisance to a resident nearby, contrary to a Noise Abatement Notice served at the property on the 12<sup>th</sup> September 2018

**Part B  
Payment Methods**

You may pay the fixed penalty by the following method:

To make a payment over the phone using either a debit or credit card, please phone us on 020 8489 1335.

When you phone please state that FPN payments are to be credited to P30004 GL 19200 and ask for a receipt number. It is important that you retain this.

If you cannot pay by this method, please contact Commercial & Operations on 020 8489 1335 to discuss alternative payment arrangements.

Please note office hours are 9am to 5pm Monday to Friday (closed bank holidays).

**Part C**

**Offence codes and description of offences**

Offence Code	Act	Section	Description of Offence	Fixed Penalty Level
E1	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (residential premises)	£100.00  £60 if paid within 14 days
E2	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (industrial, trade or business premises)	£400.00  £240 if paid within 14 days

If you make payment within 14 days then you will qualify for a 40% early payment reduction

## APPENDIX 3

### RESPONSE FROM LICENCE HOLDERS





**Barrett Daliah**

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**From:** Louis Cawson <info@belmeis.com>  
**Sent:** 31 March 2019 17:04  
**To:** Barrett Daliah  
**Subject:** Belmeis

Dear Daliah,

Please see our letter in support of the operation and management of the Business.

From reading the complaints and discussing the issues raised with all parties involved we have broken down and addressed each complaint individually.

Firstly there have been consistent complaints made with regards to the repeated nuisance from smoke.

The business previously operated and served hot grilled food using the 'Big Green Egg' which is a smoker/grill and at the time was one of our USP's.

Having spoken to the planning department and our Architect we decided not to pursue further planning requests to extend the extraction system as this would still take on board our neighbours feedback which based on our past and present experience was not going to be positive and therefore open up further room for discussions and pressure on our new business.

We made the decision to alter our operation and change our whole menu to avoid the use of appliances such as grills, fryers and ovens. More importantly any appliance which would create smoke. This decision was not taken lightly by the business as this was a big part of our offering however felt this maybe seen and taken as an olive branch by our neighbours. I will send through supporting images on my following email which will denote both the current menu on offer at our premises and the kitchen itself.

I would just like to state on the matter of smoke that prior to opening we was made aware and so was the committee at the first hearing that our neighbours were worried that our internal garden would be used by the public for smoking. As we stated then this was and has only ever been used for storage and our neighbours can at least agree on that. I have also attached images of the garden for you.

Prior to opening we was informed by multiple residents and business that a petition supporting the closure of the business prior to opening was issued by our neighbour this alongside the fact that the Fishmongers recieved multiple complaints about smell really worries us that our neighbours may always be looking for a reason to question our operation.

Finally we are a very small premises with a reduced number of 30/32 covers and as such never have more than 2/3 people smoking outside the premises. Even so we have clear signage outside which clearly inform customers to take our neighbours into consideration and to keep noise levels at a minimum. Again I have attached a photo of the notices.

Secondly and most importantly there have been consistent complaints made with regards to the repeated nuisance from noise.

I say most importantly because this has been the main issue raised to us and to the local authorities from our understanding.

In our license we have not requested a clause to permit playing of recorded and live music beyond the hours of 11pm.

The reason for this is that the premises does not open beyond 11pm on Wednesday, Thursday and Sunday and based on the forms we completed it only stated that we was to tick that box if we was planning to play music beyond 11pm. It may have been better to tick this box at the time looking at it in hindsight.

On Fridays and Saturdays when we open until midnight we have had recorded music turned off.

At the start of our operation we did offer live jazz between 7-9pm on Wednesdays and Sundays which did involve amplification. After repeated complaints and visits from the noise enforcement team who deemed the noise reasonable at times and unreasonable at others we took the decision to remove amplification and kept the live music acoustic only.

This action did reduce the complaints slightly however we again were visited by the noise team.

It was after numerous visits and complaints that the team could not take the stress of the unknown minimum and maximum levels of sound transfer that we took the decision to remove the offering of live music from our premises which was a very large part of our business.

We as a team and business have done everything in our power to keep residents happy and have changed our entire operation based on there needs and complaints however this still does not seem to prevent consistent complaining.

The premises is not fitted with commercial speakers or amplifiers instead only two home bluetooth speakers. Images will be attached in the following email.

We have instructed an electrician to now lower the speakers by 1m from the ceiling with the hope this will have a postive effect.

The premises is not a nightclub nor is it open late enough from our point of view to justify major club/music venue soundproofing as this is not deemed as reasonably practical.

Our late General Manager James Murphy who passed away prior to Christmas was in communication with our neighbours above to attempt to arrange access for a sound engineer to carry out tests at our cost to provide us with results and possible options.

Unfortunately his attempts to exchange contact numbers and arrange a visit were unsuccessful.

We have now been told only recently that our neighbours thought it was us who were going to carry out a test and not a professional.

As a business we feel that we have suffered huge amounts of stress caused by the constant complaining, at times banging of the floors above during operating hours scaring our customers away, verbal abuse and aggression which in fact scared some of our staff and finally the two notices outside our premises stating that our license is under review which has impacted how we are perceived by the local residents and the fact that this has made residents question if the business is even operating.

We have always done what we have been advised and it does not feel like it is ever enough and that the only way the complaints will stop is if the business closes which is totally unfair as we have put our lives into this venture.

The business in general has been taken very well by our local community and we have huge support which is great.

I would just like to end by making the point that since opening we have not had even 1 incident where the police or any authorities have been required nor any removal of any persons from the premises.

The demographic of our customer base is a more mature, repectible local clientele.

We hope this hearing will bring postive steps which will allow all parties to move on in a postive way.

Louis Millner  
Director of Belmeis  
488 Muswell Hill Broadway  
@belmeismuswellhill









CHOCOLATE DIPPED STRAWBERRIES 5

MEALS YARD CHEESE BOARD 12

COBBLE LANE CHARCUTERIE BOARD 12

TORTILLA CHIPS WITH HOMEMADE GUACAMOLE 5

TRUFFLE AND PECORINO NUTS 4.5

NOCELLARA OLIVES 4

FRESHLY BAKED SOURDOUGH & FONTODI OLIVE OIL 3.5

SHARING

**BELMEIS.**















## APPENDIX 4

### REPRESENTATIONS FROM OTHER PERSONS



**Barrett Daliah**

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**From:** Ravin Maharajah <rm@nrgeurope.net>  
**Sent:** 30 March 2019 16:41  
**To:** Barrett Daliah  
**Subject:** Belmeis, Muswell Hill Broadway

Dear Ms Barrett,

I am writing in connection to the licence review for the above-mentioned premises. As a patron of this establishment and a member of the close local community (I live approximately 20m away), I am surprised to learn that there have been complaints about the premises with regards to noise nuisance and public safety.

I am a licensee registered by Haringey Council and have owned and run late night venues during the past decade. On every visit that I have made to the premises, I have found low levels of easy listening music, conversational level of speech and attentive management. Since Belmeis opened, I have not witnessed or heard of anything that would provide evidence of the complaints that have been made against the establishment.

On 07/11/18, I hosted a bourbon tasting night at Belmeis with 36 guests in attendance. Throughout the duration of this event, there was nothing that occurred that would contravene any of the licence conditions. Both my wife and I frequently walk past Belmeis at various times during its opening hours and on no occasion has there been noise audible on the street or any form of a public safety issue.

My overall experience of the premises is that it is a well-managed establishment and an asset to the local area and community. It operates as a relaxed lounge bar/restaurant and is well received in the area.

I hope this letter of support will go some way towards assisting Belmeis in this matter and am available to provide any further information if required.

Kind Regards  
Ravin Maharajah

18 Colney Hatch Lane  
London N10 1DU





**Barrett Daliah**

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**From:** Barry Maher <barrygmaher@gmail.com>  
**Sent:** 30 March 2019 20:30  
**To:** Barrett Daliah  
**Subject:** Belmeis

Hi Daliah,

I hope you are well

Just to say I would like to support belmeis on the bases that i believe they are a really positive addition to the community.

I have been there on many nights and I cannot understand why they have been seen as a nuisance.

The music is mainly jazz and is played at a low background volume and the crowd is anything but disruptive or troublesome

I hope you will take into consideration my views

Many thanks,

Barry G Maher



**Barrett Daliah**

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**From:** tomek essiam <t.essiam@yahoo.co.uk>  
**Sent:** 31 March 2019 03:18  
**To:** Barrett Daliah  
**Subject:** Just next to mine home

Hi,

Am leaving in Muswell hill Broadway over 3yrs. This lovely bar is just next to my home is very descent and i love it. Have only good things to say about the little family friendly jazz bar. And personal am happy to have a cosy friendly bar next to mine.

Kind Regards,

Thomas.



**Barrett Daliah**

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**From:** Fi Carroll-Lewis <fificarrolllewis@gmail.com>  
**Sent:** 31 March 2019 20:27  
**To:** Barrett Daliah  
**Subject:** Belmeis

Dear Ms Barrett,

I want to put in an extremely positive word on behalf of Belmeis -They are an extremely original, creative and well thought through bar set up by young people who want to try and do something different and add to the culture of the High Street. They are an absolute positive addition to Muswell Hill. They should be encouraged and supported by Haringey Council to succeed in their venture.

Yours sincerely

Fi Carroll

90 Coniston Road

N10 2BN

Sent from my iPhone



**Barrett Daliah**

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**From:** Dave Lewis <dave1upsax@gmail.com>  
**Sent:** 31 March 2019 22:44  
**To:** Barrett Daliah  
**Subject:** In Support of Belmeis

Dear Daliah

Please support Belmeis as it's a unique bar with a special atmosphere and its providing Muswell Hill with a fantastic amenity. I also curated the music which was of the highest calibre - many artists who regularly perform at Ronnie Scott's This is too precious to be lost.

Dave Lewis

[www.davelewis1up.com](http://www.davelewis1up.com)





**APPENDIX 5**

**COPY OF CURRENT PREMISES LICENCE**



LICENSING ACT 2003

Sec 24

**PREMISES LICENCE**

Receipt: WPSR00303450

Premises Licence Number: LN/000020725

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
1<sup>st</sup> Floor River Park House, 225 High Road,  
Wood Green, London N22 8HQ**

Signature:.....

Date: 12<sup>th</sup> July 2018**Part 1 – PREMISES DETAILS**

**Postal Address of Premises or, if none, Ordnance Survey map reference or description:**

**BELMEIS  
488 MUSWELL HILL BROADWAY  
HORNSEY  
LONDON  
N10 1BT**

Telephone:

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

**Late Night Refreshment****Supply of Alcohol**

**The times the Licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

<b>Friday to Saturday</b>	<b>2300 to 0000</b>
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**Supply of Alcohol**

<b>Monday to Thursday</b>	<b>1200 to 2300</b>
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<b>Friday to Saturday</b>	<b>1200 to 0000</b>
---------------------------	---------------------

<b>Sunday</b>	<b>1200 to 2200</b>
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**The opening hours of the premises:**

<b>Monday to Thursday</b>	<b>1200 to 2330</b>
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<b>Friday to Saturday</b>	<b>1200 to 0030</b>
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<b>Sunday</b>	<b>1200 to 2230</b>
---------------	---------------------

**Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:**

Supply of alcohol for consumption **ON** and **OFF** the premises

PREMISES DETAILS [CONT'D]

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:**

Clarke and Parker Fishmongers  
488 Muswell Hill Broadway  
Hornsey  
London  
N10 1BT

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

10233456

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

Finneas Spiteri  
13 Trecastle Way  
London  
N7 0EL

**Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:**

Personal Licence:	LN/15451
Issued by:	London Borough of Islington

## Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

  - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on

## Annex 1 –Mandatory Conditions

request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### Minimum Drinks Pricing

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1 –
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
  - (i) The holder of the premises licence
  - (ii) The designated premises supervisor (if any) in respect of such a licence, or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the



## **Annex 1 –Mandatory Conditions**

premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

A digital CCTV system will be installed in the premises.

Cameras will be sited to observe the entrance doors from inside.

Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Cameras will be sited to cover all areas to which the public have access including any outside smoking areas.

Provide a linked record of the date, time of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Member of staff trained in operating CCTV at venue during times open to the public.

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.

An incident log shall be kept at the premises 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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

The incident book will be examined and signed on a regular basis by the Premises Supervisor.

### **PUBLIC SAFETY**

#### **THE PREVENTION OF PUBLIC NUISANCE**

All external doors and windows shall be kept closed at any time when regulated entertainment is taking place.

Notices will be prominently displayed at all exits requesting patrons respect the needs of local residents and leave the area quietly.

No drinks or refreshments will be permitted to be consumed outside the premises.

#### Prevention of nuisance from noise / vibration and Structure borne noise

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

No inset ceiling speaker.

#### Deliveries and collections

Deliveries and collections associated with the premises will be arranged between normal working hours, so as to minimise the disturbance caused to the neighbours

## **Annex 2 – Conditions consistent with the Operating Schedule**

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.

### Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

### Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Regular liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities

### Prevention of Nuisance from Odour

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

### Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Security lights will be positioned to minimise light intrusion to nearby residential premises.

## **THE PROTECTION OF CHILDREN**

The 'Challenge 25' policy will be implemented, staff will be trained accordingly and signage will be displayed.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

#### **RESOLVED 12<sup>th</sup> July 2018**

The Committee carefully considered the application for a new premises licence, the representations made by local residents, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act s182 guidance.

The Committee resolved to GRANT the licence as applied for:

#### **Provision of Late Night Refreshment**

Friday to Saturday 2300 to 0000 hours

#### **Supply of Alcohol**

Monday to Thursday 1200 to 2300 hours

Friday to Saturday 1200 to 0000 hours

Sunday 1200 to 2200 hours

For the consumption **ON** and **OFF** the premises

#### **Hours open to the public**

Monday to Thursday 1200 to 2330 hours

Friday to Saturday 1200 to 0030 hours

Sunday 1200 to 2230 hours

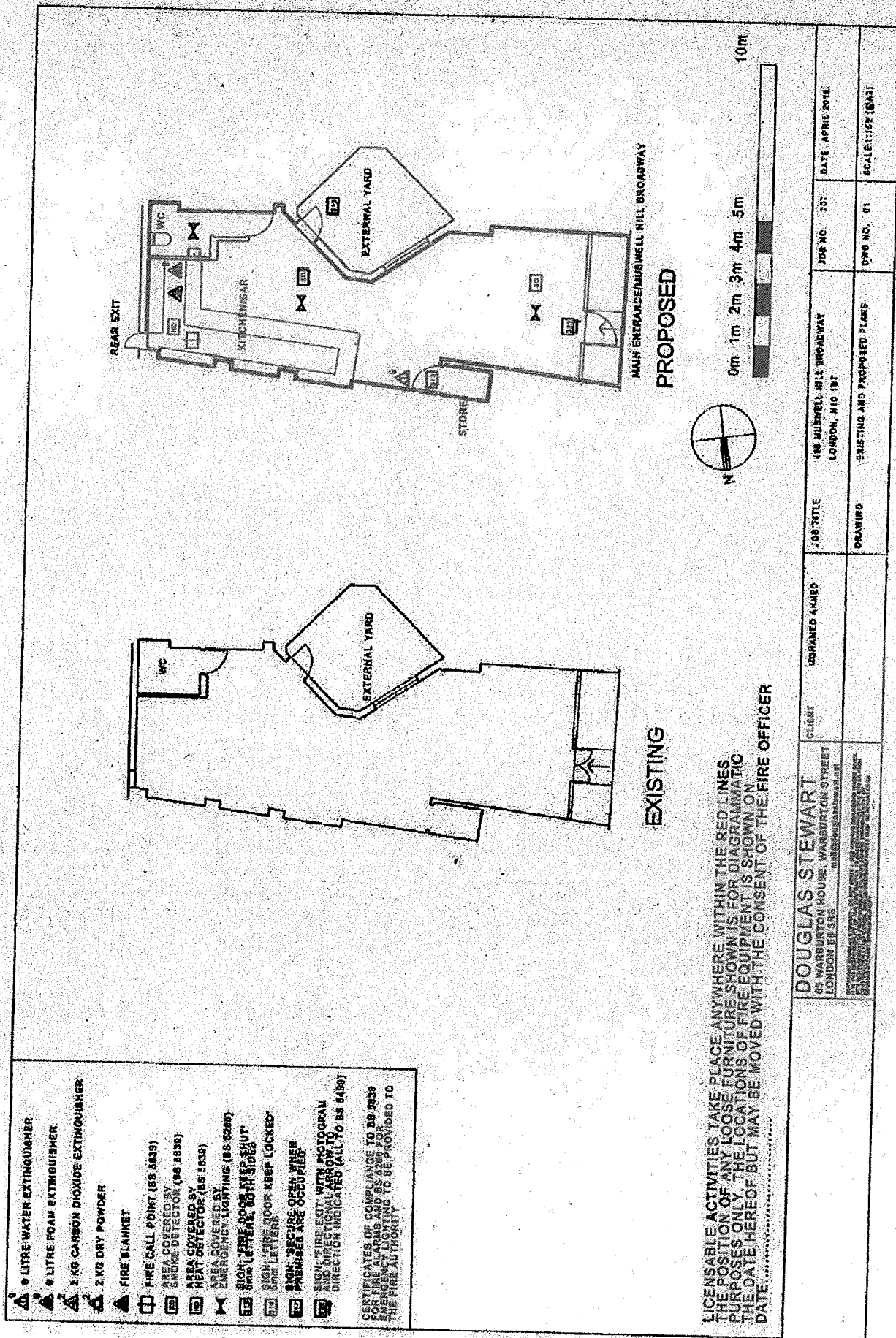
#### **With an additional condition:**

"The courtyard shall solely be used for storage by the premises, and only accessed during daytime operating hours".

The Committee heard the representations by the local residents in opposition to the application, but felt that the Applicants had demonstrated their commitment to engaging with local residents and attempting to resolve any issues. The committee was only able to have regard to relevant representation and found the applicants proposals with respect to the premises, in particular how they planned to address the licensing objectives to be credible.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties' representations. The committee considered its decision to appropriate and proportionate.

Annex 4 - Plans







**Report for:**                **Licensing Sub Committee 16<sup>th</sup> April 2019**

**Item number:**

**Title:**                    **Consideration of suspension or revocation of a Personal licence following conviction under the Licensing Act 2003.**

**Report authorised by :**    **Daliah Barrett-Licensing Team Leader – Regulatory Services.**

**Ward(s) affected**    **N/A**

**Report for Key/  
Non Key Decision: Not applicable**

**1.        Describe the issue under consideration**

- 1.1    The Licensing Sub Committee are asked to consider the suspension or revocation of a personal licence following a conviction of a relevant offence by the holder of that licence.
- 1.2    Since 06 April 2017, a Licensing Authority which issued a Personal Licence is now able to suspend (for up to 6 months) or revoke the Personal Licence where the Licensing Authority becomes aware that an individual holding a personal licence has been convicted of a "relevant offence" or a "foreign offence". A "foreign offence" being an equivalent offence committed in any place other than England and Wales. A list of relevant offences is attached at Appendix 1.
- 1.3    Where the Licensing Authority becomes aware that a holder of a Personal Licence has been convicted of a relevant offence or foreign offence, a Notice must be sent to the holder of a Personal Licence inviting the Personal Licence Holder to make representations regarding the conviction within 28 days. This notice cannot be sent until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it must be decided and the conviction upheld in order for the Licensing Authority to exercise its powers.
- 1.4    This notice can be issued by The Licensing Team Leader at the expiry of the 28 day period, the Licensing Authority must determine whether or not to suspend/revoke the licence. Where the Licensing Authority is minded not to revoke the licence, it must notify the Commissioner of the Metropolitan Police of this decision. The Commissioner may make representations within 14 days of being notified of the Licensing Authority's proposed decision. A final decision on the suspension/revocation of the Personal Licence can be made after the expiry of the 14 day period. The Personal Licence Holder may appeal the decision to the Magistrates Court.

**2    Policy considerations**

2.1 The Policing and Crime Act 2017 does not set out any hearing procedures for

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Determining whether or not to suspend/revoke Personal Licences. The Section 182 Guidance issued by the Secretary of State specifies at paragraph 4.45 that a Licensing Committee or Sub-Committee should determine the application to revoke a Personal Licence. However, it does not specify whether or not a hearing needs to take place.

2.2 The personal licence holder should inform the local authority and also the Court should also be informing the local authority of the conviction. After the licensing officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the LSC to consider whether the licence should be revoked or suspended.

2.3 A notice must be given to the licence holder confirming the intention to take the matter to LSC for consideration.

Officers also collect any additional information that may be relevant to the case. The licence holder has 28 days to provide any relevant information as explained in the notice. Representation made by the licence holder will be taken into account along with any other information received from the officer's investigation. This could involve any evidence and statements provided by the Police or Home Office in regards to the circumstances surrounding the conviction.

2.4 A report will be produced for Sub-Committee detailing the conviction and relevant offence, information supplied by licence holder and any further information gathered during course of investigation. A Sub-Committee hearing will be held where the report will be presented and the licence holder invited to attend to provide a submission and answer any questions from members.

2.5 Members will have the option of 4 decisions that can be made:

- To take no action
- To suspend the personal licence for a period not exceeding 6 months
- To revoke the personal licence

If the decision made is to take no action, or suspend the personal licence, the officer must then notify the chief of police and/or Home Office of the decision and give them 14 days to make any comments.

11. If Police and/or Home Office respond and ask for the revocation of personal licence, a second hearing will be held for members to consider the original information, the new representations from police or Home Office, any representations from the licence holder and give a final decision. Following consideration of the new information, the same four options apply:
- To take no action
    - To suspend the personal licence for a period not exceeding 6 months
    - To revoke the personal licence
12. If no response is received from Police or Home Office, or the response indicates it is for information only, then Sub-Committee will need to confirm if the original decision stands. This may be done without a second hearing but they may decide to convene a second hearing. All communication on this matter will be in writing.
13. Once a final decision has been made, a decision letter will be sent to licence holder, police and/or Home Officer detailing the decision made and reasons for it. The licence holder is the only that can appeal and will have 21 days to appeal to Magistrates.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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