

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Monday, 6th September, 2021, 7.00 pm – MS Teams (watch it [here](#))

Members: Councillors Gina Adamou (Chair), Barbara Blake, and Luke Cawley-Harrison.

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. 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', 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**

To receive any apologies for absence.

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 7 below).

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

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT GINDUNGO, 2A QUEENS PARADE, BOUNDS GREEN ROAD, LONDON, N11 (PAGES 1 - 102)

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

7. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

Fiona Rae, Principal Committee Co-ordinator
Tel – 020 8489 3541
Email: fiona.rae@haringey.gov.uk

Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
River Park House, 225 High Road, Wood Green, N22 8HQ

Thursday, 26 August 2021

Report for: Licensing Sub Committee – 6 September 2021

Title: Application for Review of a Premises licence at Gindungo, 2A Queens Parade, Bounds Green Road, London, N11.

Report
authorised by : Daliah Barrett, Licensing Team Leader, Regulatory Services.

Ward(s) affected: Bounds Green

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

1. Describe the issue under consideration

An application has been submitted by Ms Sneha Raithatha / Pooja Raithatha for a review of the licence issued to Ms M Da Silva at Gindungo, 2A Queens Parade, Bounds Green Road, N11. The applicants state they have been impacted by the operation of the premises. The application is set out at Appendix 1.

1.2 The licence permits the following activity and hours:

Supply of Alcohol

Sunday to Thursday	1200 to 2230 hours
Friday to Saturday	1200 to 2330 hours

Late Night Refreshment

Friday to Saturday	2300 to 2330 hours
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Regulated Entertainment – Recorded music

Sunday to Thursday	1200 to 2230 hours
Friday to Saturday	1200 to 2330 hours

The opening hours of the premises:

Sunday to Thursday	1200 to 2300 hours
Friday to Saturday	1200 to 0000 hours

For the consumption **ON** the premises

A copy of the current premises licence is attached at Appendix 2.

2 Grounds for review

2.1 The grounds for review are Prevention of Crime & Disorder, Public Safety & The Prevention of Public Nuisance. Protection of children from harm.

3 Relevant representations

3.1 Representations have been received from the Licensing Authority, set out at Appendix 3, and the Noise Team, set out at Appendix 4.

- 3.2 Representations from persons supporting Gindungo were received out of time or did not relate to any of the licensing objective so were not accepted.
- 3.3 As such, in accordance with the legislation the Licensing Authority must hold a hearing to consider the application and any relevant representations.

4 Background

- 4.1 The premises has operated as a wine bar under a Premises Licence for years but has received a number of complaints from nearby residents who were adversely affected by noise nuisance. It is also alleged that the venue has operated beyond its permitted hours thereby giving rise to further complaints of noise and disturbance.
- 4.2 The premises is located on the first floor of the terrace of shop units and residential properties. It is accessed from stairs at street level up to the first floor.
- 2.2. The records show that there has been 28 complaint during 2019. There was a warning letter served in 2019 and again on 21st may 2021.
- 2.3 The Planning permission was granted for change of use of upper round floor to A3 (food and drink) The application was permitted on 2 December 1991. There were a number of planning conditions attached to the permission but the hours permitted state that the operation shall not be before 0900 or after 2300 on any day.
- 2.3 Council officers are satisfied that the application has been made and advertised correctly.

5. Licensing Officer comments

5.1 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.2 The paragraphs below are extracted from either:
the Licensing Act 2003 ('Act'); or
the Guidance issued by the Secretary of State to the Home Office of April 2018
or the London Borough of Haringey Licensing Policy Statement.

5.3 General Principles:

- 5.4 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

The licensing objectives are:

the prevention of crime and disorder;
public safety;
the prevention of public nuisance; &
the protection of children from harm [Act s.4(2)].

- 5.5 In carrying out its functions, the Sub-Committee must also have regard to:
the Council's licensing policy statement; &
guidance issued by the Secretary of State [Act s.4(3)].

6 Decision:

- 6.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
the steps that are appropriate to promote the licensing objectives;
the representations (including supporting information) presented by all the parties;
the guidance; and
its own statement of licensing policy [Guid 9.38].
- 6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. It may be decided that no changes are required. However, if further steps are required, the available options are:
(a) to modify the conditions of the premises licence;
(b) to exclude an activity from the scope of the premises licence;
(c) to suspend the premises licence for a period not exceeding three months;
(d) to revoke the premises licence. [Act s.88].

6.4 Recorded Music

- 6.5 Certain types of regulated entertainment have been deregulated since April 2015 [Guid Section 16] , meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

6.6 The Live Music Act 2012

- 6.7 The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

7 Reviews - Section 11 of the Guidance:

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be

sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

8 Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music.

In both instances the condition should include a statement that Section 177A does not apply to the condition.

- 8.1 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events 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.
- 8.2 It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

- 8.3 In considering licence applications, where relevant representations are made, this 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.
- 8.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. 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.
- 8.5 Also 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.
- 8.6 Licensees have a responsibility for the conduct of their customers while they are in and Around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted endangering the continuation of the premises licence.
- 8.7 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.

9 Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

9.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

10 Use of Appendices

Appendix 1 – Review Application document

Appendix 2 – Copy of premises Licence

Appendix 3 – Representation from Licensing Authority and complaints history

Appendix 4 – Representation from the Noise Team

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy

Appendix 1 – Review Application

London Borough of Haringey, Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ

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 Pooja Raithatha

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 Premises or club premises details

Post town London	Post code (if known) N112DN
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Name of premises licence holder or club holding club premises certificate (if known) Gindungo Bar 2 Queens Parade Bounds Green
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am Pooja Raithatha

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)

Surname

Raithatha

First names

Pooja

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

[Redacted address fields]

Post town

London

Post Code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

E-mail address (optional)

[Redacted email address]

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

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

The prevention of crime and disorder : please see attached CCTV evidence and all other evidence from the dispute in 2019.

Public Safety: as above. The attendees congregate in public spaces for that is supposed to only be accessibly by residents.

Prevention of Public Nuisance: loud music, disorderly behaviour until 2/3am. Disregarding licensing rules

The Protection of children from harm: this is a residential community. No place for the type of events taking place.

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

Please see all attached evidence and most recent CCTV videos for your reference.

We have been residents at the above-mentioned premises since 1986 and over the past decade have witnessed several bars/restaurants being granted licenses to operate right in the middle of a residential block in Bounds Green.

We have made countless noise nuisance complaints over the past few years, which I am sure can be tracked through your online portal (sent by both myself and my sister, Pooja Raithatha as well as several other residents and business owners). More recently we had to call the police when intimidated by the bar owners and drunk attendees of an event as we had to leave our home at 4am on Friday October 4th 2019, to request that the music be turned off. We are also aware that the owner was not granted permission to be open until this time on this particular weekend.

We are questioning as to why the following has not been taken into consideration when granting this license and incidents we have observed over the past year:

Why was a bar/music license granted in the first place right in the middle of a residential block? This was bound to cause disruption to the day-to-day lives of the residents and their safety.

The owner of the bar is required to be on the premises at all times in accordance with the regulations of the license and she cannot be found there the majority of the time, nor is she contactable.

We were sent an email on the day a representation was due, therefore not giving us enough time (until midnight that same day) to gather evidence, further support from other residents in the parade to create a more solid case as to why the license shouldnt be issued. If I was out of the country or unreachable, we would have missed this opportunity.

We have evidence of people sitting out on the pavement in front of the bar drinking and demonstrating anti-social behaviour in the middle of the day for which I am sure they do not have a permit.

The addition of yet another restaurant in the parade is adding to the pollution on the streets as-well as the rear of the block where rubbish is littered all over the ground and left to rot.

Both my parents are elderly, and my father has recently been hospitalized for extreme anxiety and depression one of the triggers being the loud music coming from the bar below and the many confrontations we have had to engage in with the owner.

Needless to say, we are very disappointed in the support we have received from Haringey Council and the disruption it has caused in all our lives over the past several years. We ask that you take this matter more seriously and consider revoking the license for this bar right in the middle of our residential block.

The premises in question was originally a Pizza Shop, which was then split the upper level being leased to the bar in question and other bars in the past.

We have been suffering for years now and living in fear of having to confront the multiple bar owners being granted this license. Moving away isnt and shouldnt be an option we should even have to consider especially with parents who are both elderly, retired, unwell and cannot afford to uproot at this time in their lives.

I am gathering a petition with signatures from all residents and other shop owners in the parade who would also oppose this bar being allowed to operate to serve alcohol and play loud music into the early hours of the morning. I can forward this on at a later date as and when required as I was only given a day to fill in the representation form on October 17th 2019.

I have also written to our local Councillors to represent us and am waiting to gather their

feedback.

The bar not only causes disturbance to us but is also attracting a crowd of drunk and disorderly people every weekend to an otherwise peaceful and friendly community consisting of several young families and elderly or retired residents.

As we come out of lockdown, we are of course once again being disturbed by the ridiculously loud music and disturbance from the bar that has been given a licence to operate as a 'restaurant' with **light background music** that is situated beneath our property. The music goes on well beyond 3 am, is clearly operating as a bar/club with live music and DJs and we are not even sure who is even operating the events as the owner is nowhere to be found.

I find it really disappointing that Haringey council is favouring a bar to operate at ridiculous hours and clearly flouting their license rules by playing ridiculously loud music and allowing attendees to congregate outside the restaurant - over supporting two elderly people both over 70 - one with major physical disabilities and the other who is a caregiver.

This is a bar that should never have been granted a license in the first place as its right in the **MIDDLE** of a residential building.

I am attaching the Review of License form, evidence from our dispute in 2019 and some new **CCTV** videos from the last few weeks, showing people causing a nuisance, disruptive behaviour and **smoking illegal substances** outside the back entrance of the bar where we residents park our cars. It is quite clear that the owner does not understand the license she has been given and is taking blatant advantage of being given a permit to play any kind of music.

Therefore, we now would like the license completely **REVOKED and for no other licenses to be granted at this property for music/entertainment**. I am sure there are better uses for the premises.

In addition to this, every time we call the noise nuisance team to come and investigate, the music **conveniently** stops or is paused when the team arrives at our property, only to resume as soon as they leave.

I feel the only way to truly feel the level of disruption, is for an impartial person to come and live with us on the weekends without prewarning the owner or event organisers.

To this end - the owner is also nowhere to be found and according to the license agreement should be present at the property.

Please take this plea seriously as we are being left with no option but to move two old age pensioners from the home, they have lived in for the past 35 years because of a serious **misjudgement** by the Haringey Council Licensing team.

I look forward to hearing from you regarding the next steps in this matter. You can reach me at the below mentioned numbers or email address.

Yours Sincerely,

Miss Sneha Raithatha [REDACTED]

Miss Pooja Raithatha [REDACTED]

Please tick yes							
Have you made an application for review relating to the premises before							
If yes please state the date of that application	<table border="1"><thead><tr><th>Day</th><th>Month</th><th>Year</th></tr></thead><tbody><tr><td>16</td><td>10</td><td>2019</td></tr></tbody></table>	Day	Month	Year	16	10	2019
Day	Month	Year					
16	10	2019					

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

16/10/2019 – Attached
22/03/2018 – Attached

All the same reasons as stated in the above statement

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

Signature Pooja Raithatha

Date 6th July 2021

Capacity

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

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 applicants 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.

Miss Sneha Raithatha

Tel:
Mob:
Email:

Monday 21st October 2019

To whom it may concern in Haringey Licensing Authority Team,

I am writing to you regarding the licensing for; **Gindungo Bar, 2A Queens Parade, Brownlow Road, Bounds Green, London N11 2DN.**

We have been residents at the above-mentioned premises since 1986 and over the past decade have witnessed several bars/restaurants being granted licenses to open up right in the middle of a residential block in Bounds Green.

We have made countless noise nuisance complaints over the past few years, which I am sure can be tracked through your online portal (sent by both myself and my sister, Pooja Raithatha as well as several other residents and business owners). More recently we had to call the police when intimidated by the bar owners and drunk attendees of an event as we had to leave our home at 4am on Friday October 4th 2019, to request that the music be turned off. We are also aware that the owner was not granted permission to be open until this time on this particular weekend.

We are questioning as to why the following has not been taken into consideration when granting this license and incidents we have observed over the past year:

- Why was a bar/music license granted in the first place right in the middle of a residential block? This was bound to cause disruption to the day-to-day lives of the residents and their safety.
- The owner of the bar is required to be on the premises at all times in accordance with the regulations of the license and she cannot be found there the majority of the time, nor is she contactable.
- We were sent an email **on the day** a representation was due, therefore not giving us enough time (until midnight that same day) to gather evidence, further support from other residents in the parade to create a more solid case as to why the license shouldn't be issued. If I was out of the country or unreachable we would have missed this opportunity.
- We have evidence of people sitting out on the pavement in front of the bar drinking and demonstrating anti-social behaviour in the middle of the day – for which I am sure they do not have a permit.
- The addition of yet another restaurant in the parade is adding to the pollution on the streets as-well as the rear of the block where rubbish is littered all over the ground and left to rot.

Both my parents are elderly and my father has recently been hospitalized for extreme anxiety and depression – one of the triggers being the loud music coming from the bar below and the many confrontations we have had to engage in with the owner.

Needless to say we are very disappointed in the support we have received from Haringey Council and the disruption it has caused in all our lives over the past several years. We ask that you take this matter more seriously and consider revoking the license for this bar right in the middle of our residential block.

The premises in question was originally a Pizza Shop, which was then split – the upper level being leased to the bar in question and other bars in the past.

We have been suffering for years now and living in fear of having to confront the multiple bar owners being granted this license. Moving away isn't and shouldn't be an option we should even have to consider – especially with parents who are both elderly, retired, unwell and cannot afford to uproot at this time in their lives.

I am gathering a petition with signatures from all residents and other shop owners in the parade who would also oppose this bar being allowed to operate to serve alcohol and play loud music into the early hours of the morning. I can forward this on at a later date as and when required as I was only given a day to fill in the representation form on October 17th 2019.

I have also written to our local Councillors to represent us and am waiting to gather their feedback.

The bar not only causes disturbance to us but is also attracting a crowd of drunk and disorderly people every weekend to an otherwise peaceful and friendly community consisting of several young families and elderly or retired residents.

I look forward to hearing from you regarding the next steps in this matter. You can reach me at the above numbers or email address.

Yours Sincerely,

Miss Sneha Raithatha

Cllr. Dr James Chiriyankandath
Councillor for Bounds Green, Haringey
River Park House
225 High Road
Wood Green
London N22 8HQ
Email: james.chiriyankandath@haringey.gov.uk

8 November 2019

The Chair, Members and Secretary
Licensing Sub Committee A
Haringey Council
River Park House
225 High Road
Wood Green
London N22 8HQ

Dear Sirs,

I am writing to support the objections submitted by Ms Sneha Raithatha, of [redacted], and other residents of the same block, to the application made by Ms Micaela Faustino Da Silva, Gindungo Restaurant, 2A Queens Parade, Brownlow Road, Bounds Green, London N11 2DN, for an extension of the licensed hours of trade from 12.00-00.00 to 12.00-05.30 on Fridays, Saturdays, Bank Holiday Sundays, Christmas Eve and New Year's Eve (with the license to play recorded music extended from 12.00-23.30 to 12.00-05.00).

This is a completely inappropriate use of the premises, situated as it is in the middle of a residential block where several households reside including an elderly couple with health issues and small children. The restaurant/bar is practically invisible from the road, apart from a small sign and menu card on the wall, and accessed by customers via a dingy doorway with a buzzer at the side and a back entrance by the waste bins. According to the complaints made by the residents in their representation the licensee has frequently breached the conditions of the license issued on 22 March 2018, playing live - not recorded - music and continuing to operate well beyond the licensed hours, aggressively dismissing complaints that residents have had to make well past midnight up to shortly before dawn. The noise, the threatening and rowdy behaviour of some customers of the establishment, and the lack of consideration shown by the licensee appear to have become regarded as more than a nuisance by neighbours who now live in apprehension of their safety and the security of their property. These adversely relate to at least three licensing objectives: prevention of public nuisance; prevention of crime and disorder; and the protection of children from harm.

The Noise EHO has mentioned the possibility of a conditional increase in the hours of operation to 03.00 rather than 05.00. However, given the fact that the licensee is reported to have repeatedly breached the conditions of the existing license, there appears to be no reason to have confidence that they will faithfully observe any additional ones.

On this basis, I support the plea that the request for an extension of the licensed hours be rejected and that a review of the existing license be undertaken in the light of the reported breaches.

Regards,

Cllr. Dr James Chiriyankandath

Noise Nuisance Complaints

Date and time submitted	Ref Number	Notes
10/02/2018, 05:36	ID: HC-420573	
12/02/2018, 01:51	ID: HC-420728	
26/10/2018, 20:16	ID: HC-462635	
09/12/2018, 19:34	ID: HC-468372	
08/09/2019, 01:15	ID: HC-1601407	
04/10/2019, 22:27	ID: HC-1619971	
05/10/2019, 00:04	ID: HC-1620054	
05/10/2019, 01:19	ID: HC-1620057	Had to go down to the bar around 4am when the police were called as around 4-5 drunk and disorderly people from the club as well as the owner came out and surrounded Sneha Raithatha, threatening and intimidating her. If she has CCTV like she claims, this evidence should be available on her own camera.
19/10/2019, 03:23 19/10/2019 03:17 (ASB Report)	ID: HC-1626351 HC-1626353	
20/10/2019, 17:57	ID: HC-1626690	
02/11/2019, 03:23 02/11/2019 03:36 (ASB Report)	ID: HC-1631257	
02/11/2019, 17:22	ID: HC-1631396	
03/11/2019, 00:55	ID: HC-1631427	
03/11/2019, 00:57	ID: HC-1631428	

We have been called several times by Safe neighbourhood Bounds Green (PCSO) and described the events taking place.

LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details

Name Sneha Raithatha, Pooja Raithatha, Ghanshyam Raithatha, Shobha Raithatha

Address

Postcode

Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Application Number (WK/443738)

Name of Licensee (not provided)

Name of Premises (if applicable) Gindungo Bar

Premises Address (where the Licence will take effect 2A Queens Parade, Brownlow Road, Bounds Green

Postcode N11 2DN

Reason/s for representation

*Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet **Variations, Representations and Appeals for Premises Licences and Club Premises Certificates**).*

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder

We've have had to visit the club individually several times when they have been playing music until 5am – which they aren't even licensed for yet - (on one occasion having to call the police as people from inside the club came outside to intimidate us). This call will have been recorded early morning on 5th October 2019 where I was advised to go back to my home in case they got violent. Shortly after this I was contacted by 'Safe Neighbourhood Bounds Green' PCSO to arrange a meeting regarding this incident. We also have recordings of people behaving drunk and disorderly on the street late at night, which can be heard from our property 2 floors up.

Public Safety

I was threatened and intimidated by the owner as well as members of the public attending the event at the bar when I went down to ask them to lower the music. This needless to say makes us feel unsafe and vulnerable in our homes. I was then told that the same level of music would be repeated the following night. Mr and Mrs Raithatha are both retired and over 65 years of age and cannot constantly be feeling afraid to step out of their homes when events are taking place. There are also several families with young children living on the parade. The application also mentioned 'recorded music' when clearly there is a DJ playing music and often increasing the volume/bass as the night goes on.

The Prevention of Public Nuisance

People falling out of the bar at odd times of the night are often heard arguing or fighting with the bouncer and there are cigarette butts/litter thrown outside and around the bar on the pavement. We have reported the noise nuisance several times to the Haringey council noise nuisance team (email evidence available if required) and often have to wait up late into the night to be paid a visit to monitor the music.

The Protection of Children from Harm

There are several families on the parade with children under 5 and young families/ elderly people coming home on the underground at night to be met with drunk and disorderly people outside the bar.

I Sneha Raithatha hereby declare that all information I have submitted is true and correct.

Signed:
Sneha Raithatha

Date:
16/10/2019

Please send completed form to:
Haringey Council Licensing Team
River Park House,
Level 1 North,
225 High Road,
Wood Green
London, N22 8HQ

Environment & Neighbourhoods

Licensing Team Leader Daliah Barrett-Williams



Your Ref:

Our Ref: WK446205

Date: 22nd November 2019

Sneha, Pooja, Ghanshyam & Shobha Raithatha
Via Email

For a large print copy contact 020 8489 8232

LICENSING ACT 2003 – HEARING DECISION NOTICE

**TO DETERMINE AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE
AT GINDUNGO RESTAURANT, 2A QUEENS PARADE, BROWNLOW ROAD,
LONDON N11 2DN**

**We write to advise you of the outcome of the Licensing Sub Committee hearing
that took place on 14th November 2019**

RESOLVED

The Committee carefully considered the application for a variation of the premises licence, the representations of the Licensing Authority and Environmental Health (Noise), the premises license holder (applicant), objectors to the application, the Council's Statement of Licensing Policy, the Licensing Act 2003 & the Licensing Act 2003 (Hearings) Regulations 2005 & the Licensing Act 2003 s182 Guidance.

Having had regard to all of the evidence and representations, the Committee decided to refuse to grant the application to vary the premises Licence.

Reasons

The Applicant explained that she was a business graduate. She had saved to buy her business to support herself. She operated the premises as a bar and her application for an extension was prompted by a wish to increase her sales. She stated that currently the business was not profitable. She was struggling to pay her rent and held late night events under cover of temporary event notices in order to try to make money.

She said that her bar served the Angolan community and that during the day the venue was not busy. She did not attract passing trade and the bulk of her business was late at night. From the Applicant's point of view the business would not be viable without an extension in the operating hours.

The Applicant informed the panel that she was aware of the allegations of neighbouring residents that her premises were a regular source of noise nuisance. She told the panel that she had not taken any steps to install sound proofing because it was too expensive. She had more recently installed a sound limiting device, at a cost of £2000.00 and had received some advice from the council's noise team. The panel heard evidence from the applicant and the noise team that the sound limiter could be overridden and that the limiter would not affect drumming noise or noise produced by acoustic performances.

The panel also heard that vibration noise from bass sounds could continue to be a problem even though the premises has a sound limiting device.

The Applicant said she had regard to the licensing objectives. She said there was never any trouble at the premises that resulted in the police having to attend.

Whilst she could satisfy the panel that she understood the implications of licensing objective relating to crime and disorder, the applicant could not satisfy the panel that she appreciated that a bar operating beneath residential premises could be a source of public nuisance.

The Committee heard extensive credible representations from the objectors about frequent instances of noise nuisance that they had to deal with. Their evidence was that the noise was occurring at all times of the day and night. Its effects were most keenly felt during the small hours, when elderly vulnerable relatives of the objectors were trying to asleep. The noise was affecting their quality of life and in at least one case was exacerbating an illness.

The Committee noted that whereas the applicant had originally wanted to operate until 5am, she then sought to extend her operating hours to 3am. However, the Committee was not satisfied that the adverse effects of the noise would be removed by a reduction in hours as the evidence they heard was that noise nuisance was sometimes an all-day problem even with the existing hours.

The Committee took account of the licensing authority's recommendation and was satisfied that in view of the noise levels, the lack of sound proofing at the premises, the close proximity of the premises to residential properties, the effect the noise was having on neighbours and decided that it would not be appropriate to increase the operating hours.

The Committee only made its decision after having heard all the evidence and considered it appropriate and proportionate.

You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Highbury Magistrates Court is: Highbury Magistrates' Court, 51 Holloway Road, London N7 8JA. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.

If any of the above is unclear or you require further clarification, please contact me on 020 8489 8232.

Yours sincerely,

Daliah Barrett-Williams
Licensing Team Leader

Licensing Team
Level 1, River Park House
225 High Road
London, N22 8HQ

T 020 8489 8232
E licensing@haringey.gov.uk

www.haringey.gov.uk

Miss Sneha & Miss Pooja Raithatha

Thursday 7th November 2019

RE: REPRESENTATION AGAINST THE APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR GINDUNGO RESTAURANT, 2A QUEENS PARADE, BROWNLOW ROAD LONDON N11 2DN

To the Licensing team,

I am writing to represent AGAINST the above application for a variation of the license for the above premises.

I, as well as my family, would strongly like to OBJECT to this variation by challenging the integrity of the agreement made by the applicant on several basis of the conditions presented to her in March 2018 (See '**Licence referenced**' attached dated 29.03.18).

To start I would like to bring to attention that this is indeed an application to extend the operational hours of a premises, described as a 'Restaurant' by the council themselves, to 0500hrs. This in itself defeats any logic and/or reason and should be enough to not grant any such license, nevertheless I will continue with my representation.

FYI: The above premises was granted a license on the 29th of March (REF: WK/401724 – attached to this email as '**License referenced**'), to which I will be referring to numerous times and to several different licensing conditions throughout this representation (as Reference 'X' and so on), along with any further material I deem relevant to support the representation (as Figure 'X' etc). The license REF: WK/401724, from my knowledge, is the only and final documentation given to us after the last hearing and verdict. Besides the newly pledged operating hours that were sent to us in August 2019, the license declared on 29th March 2018 is the CURRENT license to which they should be adhering to strictly in order to operate.

I would like to start by discussing the functioning hours stated in the license, which is the predominant factor of the variation proposed today.

Reference 1.0 (see attached copy of license titled 'License referenced' dated 29th March 2019)

Hours open to the public:

1200 to 2300 Sunday to Thursday

1200 to 0000 Friday to Saturday

Please refer to **Fig 1.0, 1.1, 1.2, 1.3, 1.4, 1.5**, (attached within email) showing numerous advertisements on social media on different occasions, promoting operating hours till 5am to the public and their patrons. Kindly note the dates of these are before the application of functioning till 5am. This clearly was not agreed upon at those moments in time.

Reference 1.1

Regulated entertainment: Recorded Music

Please see **Figure 1.6, 1.7, 1.8, 1.9** clearly showing live music being performed in the premises, clearly going against this condition. Advertising of live music is also presented on the 'Restaurant's' social media shown on **Figure 1.5**.

I would now like to draw your attention to the list of numerous noise nuisance complaints we have made to the council regarding the level of music and vibrations through our home, going against the license conditions that the Recorded music should be inaudible (**Reference 1.5**) and NO vibrations should be transmitted from the premises (**Reference 1.4**).

Date and time submitted	Ref Number	Notes/Description
10/02/2018, 05:36	ID: HC-420573	
12/02/2018, 01:51	ID: HC-420728	
12/05/2018, 21:54	ID: HC-434384	
19/10/2018, 21:29	ID: HC-461654	
25/10/2019, 20:01	ID: HC-462486	
26/10/2018, 20:16	ID: HC-462635	
09/12/2018, 19:34	ID: HC-468372	
20/12/2018, 22:23	ID: HC-469674	
26/12/2018, 21:02	ID: HC-470063	
27/12/2018, 21:17	ID: HC-470140	
08/09/2019, 01:15	ID: HC-1601407	
20/01/2019, 21:41	ID: HC-473057	
31/03/2019, 23:16	ID: HC-1496416	
29/06/2019, 21:51	ID: HC-1554431	
04/10/2019, 22:27	ID: HC-1619971	
05/10/2019, 00:04	ID: HC-1620054	
05/10/2019, 01:19	ID: HC-1620057	Sneha Raithatha from in the parade had to personally visit the bar at 4am, due to lack of response from the applicant/owner over the level of noise from the bar. 4-5 drunk and disorderly patrons as well as the owner emerged from the bar, surroundings her in an intimidating manor. The police thereafter had to be called. The applicant's CCTV installed on entry of the premises (a condition and requirement of the license Reference 1.2) should have these events available for the police or council members to call upon to view.
19/10/2019, 03:23 19/10/2019 03:17 (ASB Report)	ID: HC-1626351 HC-1626353	
20/10/2019, 17:57	ID: HC-1626690	
20/10/2019, 17:59	ID: HC-1626691	
27/10/2019, 20:02	ID: HC-1628905	
02/11/2019, 03:23 02/11/2019 03:36 (ASB Report)	ID: HC-1631257	
02/11/2019, 17:22	ID: HC-1631396	

03/11/2019, 00:55	ID: HC-1631427	
03/11/2019, 00:57	ID: HC-1631428	

The number of reports speak for themselves.

Reference 1.3

Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking

Reference 1.6

The Pavement shall be kept clear for pedestrians and not be blocked by patrons.

Reference 1.8

No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway

The above three conditions have been not been met on several occasions – please see attached **Figure 2.0, 2.1, 2.2, 2.3** clearly showing patrons sitting outside, blocking the pavement, and drinking outside the premises with opened drinking vessels.

Reference 1.7

The premises shall promptly display signage informing customers:- (a) To leave quietly and respect neighbours

No such signage has been placed.

An email (See attached document titled ‘**Proposed License Amendments email 22.03.18**’) was sent to myself before the hearing on 22nd March 2018,, stating points of which the applicant wanted to amend her license appeal. One of which was to provide a telephone number given to any local resident in order to be able to contact her. This was done however the purpose unfulfilled. Numerous phone calls and texts have been made to the applicant in order to communicate with her in order to report inappropriate noise levels, however all of which are unanswered (see **Figure 2.4, 2.5**) Another amendment was that the maximum capacity of customers shall be 50 – which can be easily disproved by looking at various event videos on the applicant’s social media.

To put things into perspective, over the last year my family and I have had numerous very stressful events occur, including several deaths in the family and more importantly the declining physical, and now mental health of my Father since December 2018. We have been on hospital runs through days and nights, needless to say he as well as ourselves have been exhausted and distressed, to put it lightly. Therefore coming home to or hearing loud music or antisocial behaviour is the last thing we want to deal with.

My father is currently under section 3 of the mental health act, after a major mental health episode in April 2019, and has also been classed as visually impaired and disabled. We are trying our best to transition him into home life again by having him visit home for the weekend to spend time with us, however while the unjust and if I may say so, illegal operation of this so called ‘restaurant’ continues to disrupt us causing us anxiety and distress, the recovery of my father is in jeopardy and this is highly unacceptable.

In particular, Sunday 27th October this year, our father was able to return home for the evening as it was Diwali. Instead of being able to peacefully celebrate in our own home , it had us waste several hours of the evening trying to contact the council due to loud music coming from the ‘restaurant’. This is not how we want to continue any weekend let alone a very special one for us.

We have been returning home between hours of 11pm to 2am from various visits with our father at his section residence/hospital visits, and at those times, we have encountered patrons of the 'restaurant' still active in and around the premises as well as experience loud music at ridiculous hours of the night (or morning I should say).

We should not have to resort to thinking of moving home from a community that we have been living in for over 34years, because of the above. We are first and foremost a residential community. An environment that is safe, peaceful to live and sleep in is surely more of priority than that of an entertainment hub that serves alcohol and promotes antisocial behaviour in an environment that it clearly does NOT belong in. I am utterly disgusted that time and time again, with no regard to the history of the disruption these businesses cause, licenses are appointed to individuals who cannot follow simple conditions.

An entertainment hub/bar setting is not welcome in a residential environment – where there is loud music, and alcohol served there WILL be disruption and antisocial behaviour and this is a simple fact. This should be reason to not grant a license however here we stand trying to fight the nth applicant for exactly the same reasons decades on.

We have been preoccupied with helping our father recover physically and mentally the last year and we do not intend to regress with the progress he has made in his recovery due to unhealthy triggers, caused by the inability of the applicant to not adhere to the conditions she has agreed on.

We have several signatures petitioning for revoking the license she has been granted (See attached document titled '**Petition**'), as well as agreement and supporting statement by Councillor James Chiriyankandath (See attached document titled '**Letter of Support From J.Chiriyankandath**').

The petition has been signed by several different families, including a family with very young children who live directly above Gindungo.

Year after year we receive notice of another individual applying for an 'innocent' license to serve alcohol with food, masquerading a disruptive bar as a 'restaurant' so as to obtain a license from yourselves.

Please take all of this into consideration before granting and/or amendmending this license. I truly hope you can appreciate the disruption that this particular premises (2A Queens Parade) has had on our lives the last 2 decades, and to think twice before granting any such license to future applicants.

Petition for revoking bar and music license from
Gindungo Bar, 2A Queens Parade, Bounds Green, N11
2DN

Residents and Business owner signatures

Name and Address	Date	Signature
AZZ Express	06-11-19	[Redacted]
POST OFFICE (DILIP RAITHATHA) [Redacted]	06-11-19	[Redacted]
POST OFFICE (DHIREN BHANJARI) [Redacted]	06/11/19	[Redacted]
[Redacted] Sneha Raithatha.	6/11/19	[Redacted]
[Redacted] Ghanshyam Raithatha	6/11/19	[Redacted]
[Redacted] Shobha Raithatha	6/11/19	[Redacted]
[Redacted] Pooja Raithatha. N	6/11/19	[Redacted]
Noor Gul [Redacted]	7/11/19	[Redacted]
SHARIF HOAMEE) [Redacted]	7/11/19	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

DATE	NAME	ADDRESS	SIGNATURE
7/11	Sharon Jacobs	[REDACTED]	[REDACTED]
"	IAN GREENSLADE		
"	BASEER		
"	NASIR HAFDARI		
"	MARY CHUGRS		
"	NASIR HAFDARI		
"	S. SATTI		
"	E. Chasme		
"	ANTHONY LUCAS		
"	Asimo		
	Moa Almenfors Grevsting		

Commercial & Operations

Licensing Team Leader Daliah Barrett -Williams



Your Ref:

Our Ref: WK401724

Date: 29th March 2018

Miss Sneha Raithatha and Miss Pooja Raithatha
Via Email

For a large print copy contact 020 8489 8232

LICENSING ACT 2003 – HEARING DECISION NOTICE

**TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE GINDUNGA,
2A QUEENS PARADE, BROWNLOW ROAD, LONDON N11 2DN**

I write to advise you of the outcome of the Licensing Sub Committee hearing that took place on 22nd March 2018.

RESOLVED

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

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Sunday to Thursday 1200 to 2300 hours
Friday to Saturday 1200 to 0000 hours

Reference 1.0

Regulated Entertainment: Recorded music

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

Reference 1.1

Provision of Late Night Refreshment

Friday to Saturday 2300 to 2330 hours

Supply of Alcohol

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

For consumption ON the premises

With the following conditions:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Council Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.

Reference 1.2

... recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.

- An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service
- Staff training – appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including but not limited to:
 - (a) the responsible sale of alcohol with staff to be fully trained in, and fully aware of, the law relating to the responsible sales of alcohol to those under the age of 18.
 - (b) the prevention of under-age sales of alcohol, the Challenge 25 policy, and in checking and authenticating accepted forms of identification
 - (c) the responsibility to refuse the sale of alcohol to any person who is drunk
 - (d) fire safety and emergency evacuation procedures
 - (e) the operation of the CCTV system
- Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.

Reference 1.3

- Regular waste disposal is undertaken in accordance with the Council's requirements. No collections of waste or recycling materials (including bottles) from the premises shall take place between 2300 and 0800 Monday to Sunday.

- The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc periodically throughout the premises opening hours and specifically at the end of trading hours.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. Reference 1.4
- Music should be inaudible from the nearest noise sensitive premises. Reference 1.5
- The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside. Reference 1.6
- All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.
- The main street door must be accessible when licensable activities are taking place at the premises.
- The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
- The premises shall prominently display signage informing customers:- Reference 1.7
 - (a) To leave quietly and to respect your neighbours
 - (b) Stating that CCTV is in operation and police have instant access to the footage
 - (c) Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway. Reference 1.8
- A fire risk assessment will be conducted and regularly reviewed.
- In line with the fire risk assessment:
 - (a) Heat / smoke detectors are installed and maintained by a competent person.
 - (b) Fire detection and fire safety equipment checks are recorded.
 - (c) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - (d) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - (e) All emergency exits are marked on the premises plan.
- Adequate first aid boxes will be maintained.
- No children under the age of 18 shall be permitted on the premises without an adult to supervise.

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- A sound limiting device within the premises shall be installed to control amplified sound levels on the premises. The device shall be approved by and set to the Council's satisfaction and thereafter maintained for the duration of use.
- Any patrons smoking shall be requested to stand away from the entrance to the residential premises.
- One SIA door supervisor will be at the premises on a Friday and Saturday[^] from 2100 hours until 15 minutes after the premises closes.

The Committee noted the request of the Responsible Authorities that the lock be removed at the main entrance door, and the acceptance of the Applicant to do so.

The Committee heard from local residents in regard to noise nuisance from the premises when under previous management, and the two incidents since the Applicant had taken over the premises. They considered that the combination of a reduction to the requested hours and the implementation of the above conditions would serve to reduce the impact of noise on the neighbouring residential properties.

Informative

The Committee noted the undertaking of the Applicant to install soundproofing once the business has been established.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Highbury Magistrates Court is: Highbury Magistrates' Court, 51 Holloway Road, London N7 8JA. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.

If any of the above is unclear or you require further clarification, please contact me on 020 8489 8232.

Yours sincerely,

Daliah Barrett-Williams
Licensing Team Leader

Licensing Team

Level 6, Alexandra House
10 Station Road
London, N22 7TR

T 020 8489 8232

E licensing@haringey.gov.uk

www.haringey.gov.uk

From: GRAHAM HOPKINS [mailto:]
Sent: 21 March 2018 13:28
To: Licensing <Licensing.Licensing@haringey.gov.uk>; Barrett Daliah
<Daliah.Barrett@haringey.gov.uk>; mark.greaves@met.police.uk
Subject: Gindungo, 2A Queens Parade // Licensing Hearing

Dear Sir / Madam,

On behalf of Arch Planning & Licensing we will be representing Ms Micaela Da Silva the applicant for a new premises licence for Gindungo, 2A Queens Parade London N11 2DN at the Licensing Hearing on 22nd March.

We wish to make it perfectly clear to the representors that it is intended that the premises will operate as a small Bar with a maximum capacity of 50 customers plus staff. The request for the sale of alcohol (for consumption on the premises) is to any customer over 18 with no requirement to have a table meal and NOT ANCILLARY TO FOOD. Customers will be required to be seated with service by staff. A food offer will be available during the day and evening.

The applicant intends to install a noise limiter in liaison with the Council's Noise Officer within 30 days of a Licence being granted through which all amplified music will have to be played.

Please see below the amended hours that Ms Da Silva proposes for the new premises licence and additional conditions that she offers to promote the Licensing Objectives:

Gindungo, 2A Queens Parade / Amendments to Application for a New Premises Licence

A) Amended hours for licensable activities

Sale of alcohol

Sunday to Thursday 12.00 to 23.00

Friday & Saturday 12.00 to 01.30

Provision of LNR

Friday & Saturday 23.00 to 01.30

Provision of recorded music

Sunday to Thursday 12.00 to 23.00 (potentially deregulated)

Friday & Saturday 12.00 to 01.30 (potentially deregulated until 23.00)

B) Amended Conditions

- 1) The premises will operate as a bar where the sale of alcohol (for consumption on the premises) may be made to any person over 18 (and not just be sold ancillary to food). (For clarity no restaurant conditions are offered) A food offer will be available during the day and evening. Customers shall be seated while drinking with service by waiting staff only.
- 2) A noise limiter will be installed and set in conjunction with LB Haringey`s Noise Team (within one month of any Licence being granted) and through which all amplified music shall be played.
- 3) A telephone number for the venue will be prominently displayed by the entry door. The telephone number will be given to any local resident on request and will be circulated as a flyer to residents in the adjacent flats. Any complaints received will be investigated by management with details of the complaint and outcome to be recorded in the Incident Book.
- 4) 1 SIA Licensed Door Supervisor shall be on duty from 21.00 to 15 minutes after close on Friday & Saturday nights. The Door Supervisor shall ensure that no drinks, glasses or bottles are removed from the premises and that no more than six smokers are outside the premises at any time. They shall remind customers to respect local residents, to leave quietly and not loiter outside. The Door Supervisor shall comply with the venues dispersal policy.
- 5) When an SIA licensed Door Supervisor is not on duty a member of staff shall be placed on the inner door at close until all customers have left the premises to remind customers to respect local residents, to leave quietly and not to loiter outside.
- 6) The maximum capacity for customers shall be 50.

Additionally Miss Da Silva accepts the majority of conditions proposed by Ms Barrett Licensing Team Leader except for the one that says " All sales of alcohol to be ancillary to food." We request 2 weeks from the grant of any Premises Licence to prepare a Dispersal Policy.

For the record our client does not accept the hours proposed by Ms Barrett - see instead those proposed by the applicant.

Kind regards,

Graham Hopkins
GT Licensing Consultants

Environment & Neighbourhoods

Licensing Team leader: Daliah Barrett



Sneha Raithatha
Via Email

Your Ref:
Our Ref: WK/446205
Date: 5th November 2019

For a large print copy contact 020 8489 5639

NOTICE OF LICENSING HEARING

Under sections 9(2) and 183(1) of the Licensing Act 2003 ("Act") and the Licensing Act 2003 (Hearings) Regulations 2005 (S.I.2005/44)

Please note the timings for hearings are only a guide and there is a possibility of delay if earlier cases take longer than scheduled.

Dear Sir/Madam,

Re: Application for a Variation of a Premises Licence for Gindungo Restaurant, 2A Queens Parade, Brownlow Road London N11 2DN

The above application has received representation from the prevention of crime and disorder, public safety and the prevention of noise nuisance objectives.

This hearing will be held in public on **Thursday 14th November 2019, at 19.00pm** in the Civic Centre, High Road, Wood Green, London N22. Please note any documents which parties wish to rely on at the hearing must be submitted to the Licensing Authority no later than 12th November 2019.

At the hearing all parties are entitled to address the Licensing Sub-Committee and be assisted or represented by any person. That person may or may not be legally qualified. It is recommended that the Applicant, the Premises Licence Holder and the Designated Premises Supervisor attend the hearing, even if they choose to be represented. Other parties who have made representations are also invited to attend to support their representations. Please note, a party will not normally be allowed to question another party, unless they have first requested and been given express permission to do so by the Licensing Sub-Committee.

WHAT YOU NEED TO DO NOW

You must send the following information to the Licensing Service at the address below to reach the licensing authority no later than five working days before the day of the hearing. **This information must be given by**

completing and returning the enclosed notice. You must confirm the following:-

1. Whether you intend to attend the hearing and if so, whether you intend to be represented. If you intend to be represented, please provide the name and address of the person who will be representing you.
2. Whether it is your intention or that of your representative to call any witnesses. If you intend to call witnesses please provide:-
 - their name;
 - a brief description of the point or points with which the witness (es) may be able to assist the Licensing Sub- Committee.
 - a request to allow the witness to speak at the hearing.

If you have any specific requirements regarding these papers or your participation in the hearing, please contact Licensing Services on 020 8489 8232 or e-mail licensing@haringey.gov.uk.

DECLARATIONS OF INTEREST

Any Member of the Committee, or any other Member present in the meeting room, who has a disclosable pecuniary interest in a matter to be considered at the meeting is reminded to disclose the interest to the meeting and to leave the room while any discussion or vote on the matter takes place. Members are also reminded that if they have any other significant interest in a matter to be considered at the meeting, which they feel should be declared in the public interest, such interests should be declared to the meeting. In such circumstances Members should consider whether their continued participation, in the matter relating to the interest, would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests, or whether they should leave the room while any discussion or vote on the matter takes place.

LATE AMENDMENTS

Applicants must immediately notify licensing@haringey.gov.uk and if they are seeking to make any amendments to their application. This must be done in sufficient time prior to the hearing to inform all parties of any changes to the application.

WITHDRAWAL OF REPRESENTATIONS

A party who wishes to withdraw their representation may do so by advising The Licensing Services Section (020 8489 8232 or licensing@haringey.gov.uk) no later than 24 hours before the day the hearing is due to take place. In order to avoid unnecessary time and costs being wasted, parties are encouraged to advise the Licensing Service if they wish to withdraw their representation as soon as they have reached that decision.

If you have any queries regarding the hearing or the procedure to be adopted, please contact the Licensing Service on the telephone number below.

GENERAL INFORMATION

Documentary Evidence

All documentary evidence in support of the application or the representation (as the case may be) should have been served with the application or the relevant representation. Generally **the licensing authority will not**

consider documentary evidence which has been served late. However it **may** exercise its discretion to consider late evidence depending upon the merits of the case, **provided that evidence has been served in advance and in sufficient time before the date of the hearing** on the Governance Services section of the Licensing Authority, the Applicant and any other parties to the application, of whom they are aware. The person serving the late evidence should ensure they have sufficient extra copies of that evidence available for the hearing. You may only produce additional documentary evidence at the hearing itself with **the consent of all parties** attending the hearing, in which case you should supply a sufficient number of copies of that evidence so that it can be circulated to all the other parties. Please be aware that there is a risk the other parties may not consent, in which case your additional documentary evidence may be inadmissible. **You should attempt to describe your case as fully as possible on paper because the time given for oral evidence at the hearing itself may be limited.**

Failure to attend the Hearing

If you do not attend the hearing then the Licensing Sub-Committee has the discretion to proceed and to hear the application in your absence, in which case it will consider the application/ representations (as the case may be) and any papers you have submitted. The Licensing Sub-Committee may decide that it is in the public interest to adjourn the hearing to another date, in which case it will, without unreasonable delay, notify the parties of the date, time and place to which the hearing has been adjourned. However, the Licensing Sub-Committee is only likely to adjourn the case if there are justified reasons for an adjournment. It will not be able to adjourn the hearing if to do so would prevent the application from being determined within the time limits prescribed by the Act or the Regulations.

Yours sincerely,
Licensing Service

If you have any queries please do not hesitate to contact me on the number below.

Yours faithfully,

Daliah Barrett
Licensing Team Leader
Commercial & Operations
Haringey Council

T. 020 8489 8232
E. Daliah.barrett@Haringey.Gov.Uk

www.haringey.gov.uk
twitter@haringeycouncil
[facebook.com/haringeycouncil](https://www.facebook.com/haringeycouncil)

2 Queens Parade has been a longstanding noise nuisance location for over 2 decades. This will now be the third time we are opposing the operational license for said premises under the name Gindungo Restaurant Bar.

Since before and after being granted the license for 'Recorded Music' over three years ago, there have been almost over 30 recorded noise nuisance complaints made to the council regarding the excessive noise from the premises.

The business and its license holder has gone against and broken several terms of their license.

Example 1

“No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance”

“music should be inaudible from the nearest noise sensitive premises”

This has clearly been breached – witnessed by noise nuisance officers on a handful of occasions. A letter of warning was issued on one occasion on 21/05/2021 from the ASB enforcement team regarding excessive noise witnessed. It was stated that a Noise Abatement Notice would be served to the license holder if the excessive noise continues. Since this incident, on 16/07/2021 two noise officers witnessed the excessive noise of the music as well as vibrations through the floor of our residence. We are yet to hear whether a notice was given to the license holder.

Example 2

Regulated Entertainment: Recorded Music

Sunday to Thursday 1200 to 2230

Friday to Saturday 1200 to 2330

Please refer to the evidence provided, obtained from the premises' social media account, advertising live music events (figure 1 & 2) at the venue as well as video 2 & 3 showing such.

Example 3

“The premises shall promptly display signage informing customers:- (a) to leave quietly and to respect your neighbours”

There has been no signage displayed. We have been disturbed several times by loud voices of either patrons or workers from the restaurant/bar late at night or early hours of the day. 05/06/2020, 16/07/2021 and 01/08/2021 have reports of loud noises from patrons and workers from the restaurants.

Example 4

HOURS OPEN TO THE PUBLIC; NOT UPHELD

Sun-Thurs 1200 to 2300

Friday- Sat 1200 – 0000

There have been several incidences whereby they have been operating outside hours without holding a TENs license (please refer to the table containing noise nuisance reports dated 15/02/2020, 05/09/2020, 03/07/2021). These are only just a few examples over the last year. There have been several more incidences in 2019 whereby they acquired TENs licenses to operate till 5am. The review of the operating hours of the premises was held end of 2019, where it was proposed the venue should be able to function till 5am. This was rejected by the committee stating "...the hours being requested could mean the premises is operational with loud music 17 hours a day 7 days a week. Residents would therefore get 7 hours respite from the operation of the venue once it closes at 5:30am each morning should this licence be granted. This is likely to impact on the resident's quality of life and cause noise nuisance" – [source: Part 2 Gindungo Appendix 2 – Representations from Licensing Authority].

Given that they have gone against this restriction of functioning hours, at times without a TENs license, this then poses the question; what is the use of giving a license with restricted functioning hours on based on the grounds of being situated within a residential block, when a TENs license can be easily obtained to override this and operate till severely antisocial hours of the morning?

Example 5

Amendments that were put forward by the applicant herself that are not upheld

1. A telephone number for the venue will be prominently displayed by the entry door. The telephone number will be given to any local resident on request and will be circulated as a flyer to residents in the adjacent flats. Any complaints received will be investigated by management with details of the complaint and outcome to be recorded in the Incident Book.-
NEVER AVAILABLE NOR ANSWERS CALLS
2. 1 SIA Licensed Door Supervisor shall be on duty from 21.00 to 15 minutes after close on Friday & Saturday nights. The Door Supervisor shall ensure that no drinks, glasses or bottles are removed from the premises and that no more than six smokers are outside the premises at any time. They shall remind customers to respect local residents, to leave quietly and not loiter outside. The Door Supervisor shall comply with the venues dispersal policy. **PROOF OF LOITERING AND SMOKING AT THE BACK OF THE PREMESIS ADJACENT TO RESIDENTIAL ENTRY EXIT ACCESS / ARGUMENTS AND LOUD VOICES HEARD SEVERAL TIMES PAST FUNCTIONING HOURS**

Noise References:

DATE	TIME	REFERENCE	DESCRIPTION	OTHER
01/02/2020	21:02	HC-1655994	Loud music from bar downstairs	
15/02/2020	03:23	HC-1660051	Loud music from bar Don't care if they have a temp licence. It has WOKEN ME UP FROM SLEEP.	
15/02/2020	04:22	HC-1660054	Music still loud. still awake. No response from council. What's the use enforcing licenses when you still give 5am tens licenses every weekend to Gindungo when they clearly don't adhere to other parts of their license, proved by our representation?	
05/09/2020	04:02	HC-1743408	Congregation of people outside my property in the yard space behind the row of flats I live in out the back of the shops. talking very loudly .	

			Woken me up at 4am. Second weekend in a row now	
05/09/2020	05:06	HC-1743412	Music playing and groups of people talking loudly outside back entrance of premises Gindungo , 2 Queens Parade since 4:30am. Several offenses of breaching of this license including smoking and drinking outside the premises however it seems the council doesn't not want to bother investigating themselves and responsibility falls on me to challenge the license AGAIN when a clear representation was made TWICE by myself. I have an elderly father to look after however am expected to do the council's Job for them. The council should really consider where they are granting a license and the history of complaints received about the premises. Noise problems from said premises have been going on for over a decade, almost 2 decades now. it is complete ignorance and incompetence by the council to reissue licenses to the same property for the same purpose. No TENS license can be seen on the website for either today or last week Friday or should I say Saturday morning.	
21/05/2021	21:16	HC-11482861	Loud singing and music from downstairs premises	Letter received from ASB enforcement team regarding excessive noise witnessed. It was stated that a Noise Abatement Notice would be served to the license holder if the excessive noise continues. Since this incident, on 16/07/2021 two noise officers witnessed the excessive noise however no notice was given to the license holder.
30/05/2021 Sunday	17:53	HC-11489829	Music and loud singing from downstairs	
"	18:22	HC-11489834	"	
03/07/2021 Saturday	21:55	HC-11518951	Excessive music from 'restaurant' downstairs	
03/07/2021 Saturday	0:31	HC-11518386	Loud Music and bass from the 'restaurant' downstairs past their licensing hours.	
04/07/2021 Sunday	19:00	HC-11519784	Loud music from bar downstairs	
04/07/2021 Sunday	20:29	HC-11519842	Persistent loud music from bar downstairs	
09/07/2021 Friday	22:29	HC-11526340	Loud music from bar downstairs	No call back from the noise team

16/07/2021 Friday	21:24	HC-11533222	Loud music from bar downstairs	Made two separate logs o The Noise App #1 @ 21:36 #2 @ 21:42
16/07/2021	21:36	The NoiseApp	Recording on App of music	
16/07/2021	23:08	TheNoise App	Recording of loud voices from back of the premises heard from bedroom	
31/07/2021 Saturday	21:52	HC-11556290	Loud music from downstairs restaurant	
01/08/2021	1:11	The Noise App	Loud voices heard from back of the premises heard from bedroom	

The venue's social media however clearly shows that COVID guidelines as well as their licensing terms were not followed, as patrons are clearly see standing up/dancing. (see video 1+4)

Statements from business owners within same vicinity state the issues they have faced with the license holder and those working at the restaurant. (see statement 1 + CCTV footage submitted to the licensing team passed on by business owners Nasir Ahmad Haidari & Bashir Ahmad of Euro Foods, 6 Brownlow Rd, London N11 2DN). There is evidence of patrons smoking out the back entrance of the restaurant as well as arguments between patrons going into the early hours of the morning on 20/06/2021 – this greatly disturbed my parents and unfortunately a noise log could not made as my mother is primary carer for my father and I was not present on this particular evening. She cannot leave the responsibility of looking after him or staying awake to wait for the noise team when she has to also tend to my Father.

There have been several other license terms being broken by the license holder ie drinking on pavement outside premises on public pathways as well as playing music outside hours, all shown in our previous representation in 2019 when opposing operational hours to be extended to 5am. She has been going against her licensing terms since obtaining it and clearly continues to do so. This track record of not abiding to her license terms should enough reason to reevaluate and rethink the council's decision to grant the license to the applicant as well as anyone in the future who wishes to run a similar business within the same building as a residential block of flats. These hearings opposing these licenses will continue to be held so long as the businesses they are granted, create issues. We should not be driven out of our home of 30+ years due to the council's inability to recognise the trend of disruptive business owners that have been granted licenses for such things.

To conclude, our quality of lifestyle has been affected severely every weekend. I am a part time carer to my Father who is disabled as well as a healthcare worker. I have spent Friday evenings in anticipation of being kept up till early hours of the evening for the last few years due to the ongoing issues when I have to be up early on Saturdays for work. We should not have to live in fear of conflict with anyone who chooses to take up renting the space of 2A Queens parade. This is not the first time nor the first license holder we have had issues with regarding noise nuisance. There is a clear track record of the number of times and number of license holders who continually go against the guidelines set out.

I am not opposed anyone wanting to run a business, however if it starts to disrupt the quality of life of me and my family, I will continue to oppose anyone who is applying for or given a license to play disruptive music till early hours of the morning. In general, decisions are made based on what has been and what is, and based on the history of the premises and the number of noise nuisance complaints being made regarding 2A Queens parade, its safe to make the assumption that these issues will continue not just with Gindungo, but any other 'Recorded Music' license that will be granted to any future business owner within the premises. The music is only a part of the disruption of having a 'restaurant' within the same building as residential properties. Antisocial behaviour, loud voices and arguments are part and parcel of granting a license to serve alcohol and allow music to be played within such close proximity to residential properties

← Posts



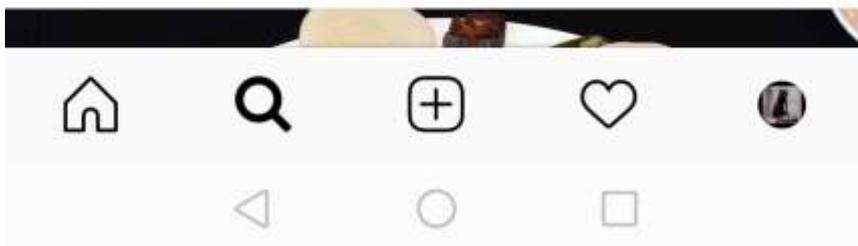
6 likes

gindungo_restaurant_bar Guys gindungueiros and already July 20th the event organized by our sister Micaela and our cota Jaime, so let's all contribute to our house in North London, we will be full and be a pleasant evening with 60's songs. , 70 and 80 that marked part of our generation. It will be a nice event with buffet from 8 PM until 12 am for £ 18. Then from 12 am until 5 am entrance £ 5 for men at the door and free to Women will also have semba music and a little bit of everything, with our cota Jaime playing for the first time live in the space of our sister Micaela. Tickets are already flying, anyone who wants a ticket please contact números:07466356043 or 07501 938835 ATTENTION: between 8 pm to 12 am the doors will be closed for people who don't buy tickets . This schedule is reserved only for people who will buy tickets.

13 July · See Original



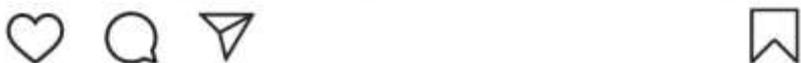
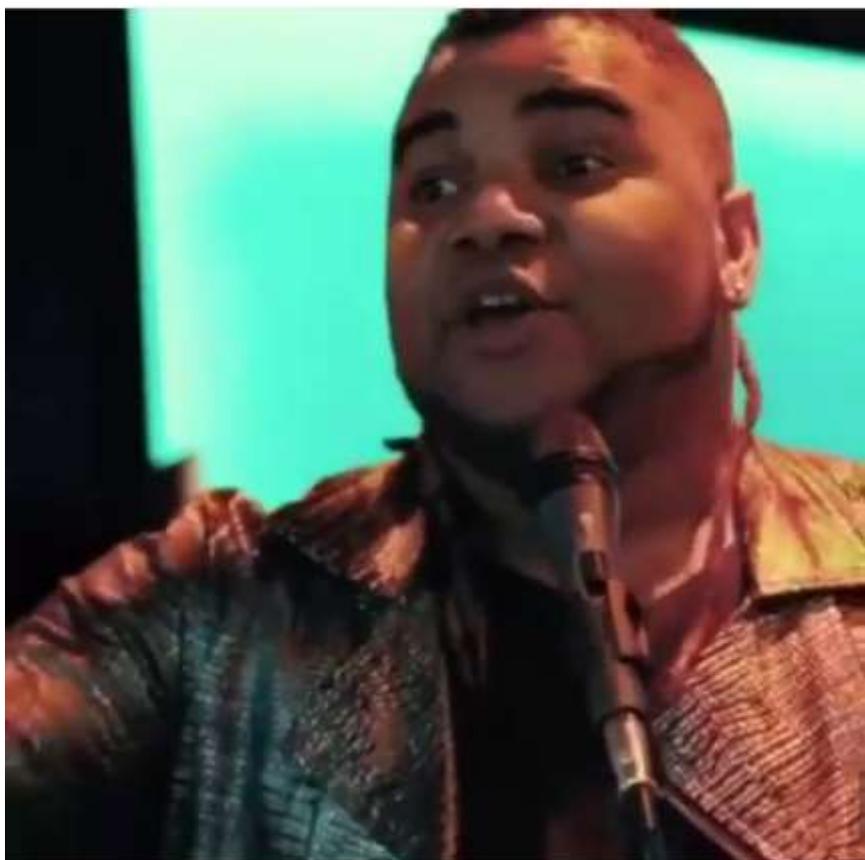
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Station(Piccadilly Line) Angola mais perto
28 March



gindungo_restaurant_bar



55 views

gindungo_restaurant_bar Gindungo Restaurant Bar(2A Queens Parade, N11 2DN) Bounds Green Station(Piccadilly Line) " Angola mais perto"

View 1 comment

28 March



gindungo_restaurant_bar



34% 49.8 K/B Station (Piccadilly Line) Angola mais perto 73% 16:47
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gindungo_restaurant_bar Gindungo Restaurant Bar(2A Queens Parade, N11 2DN) Bounds Green Station(Piccadilly Line) " Angola mais perto"

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Station(Piccadilly Line) Angola mais perto
28 March



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55 views

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View 1 comment

28 March



gindungo_restaurant_bar



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28 March

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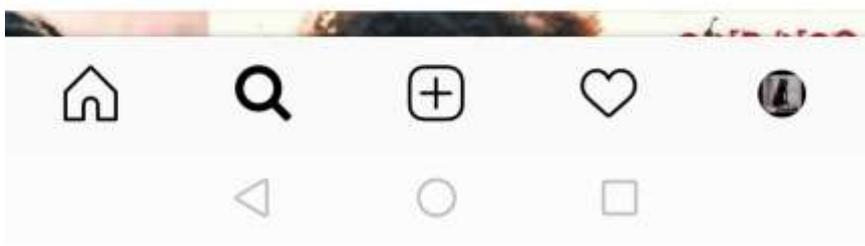
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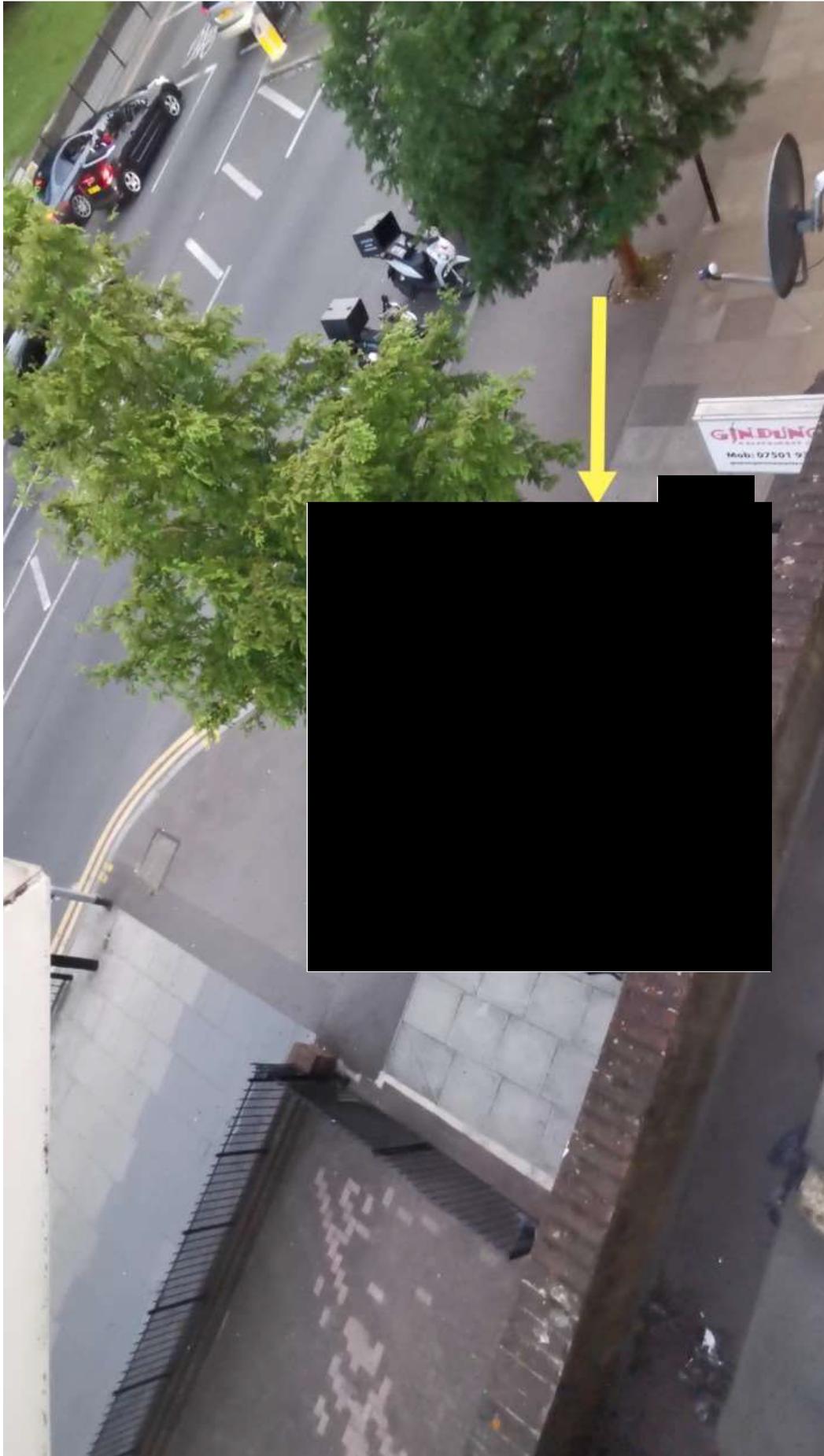
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Bar(2A Queens Parade, N11 2DN) Bounds Green
Station(Piccadilly Line) " Angola mais perto"

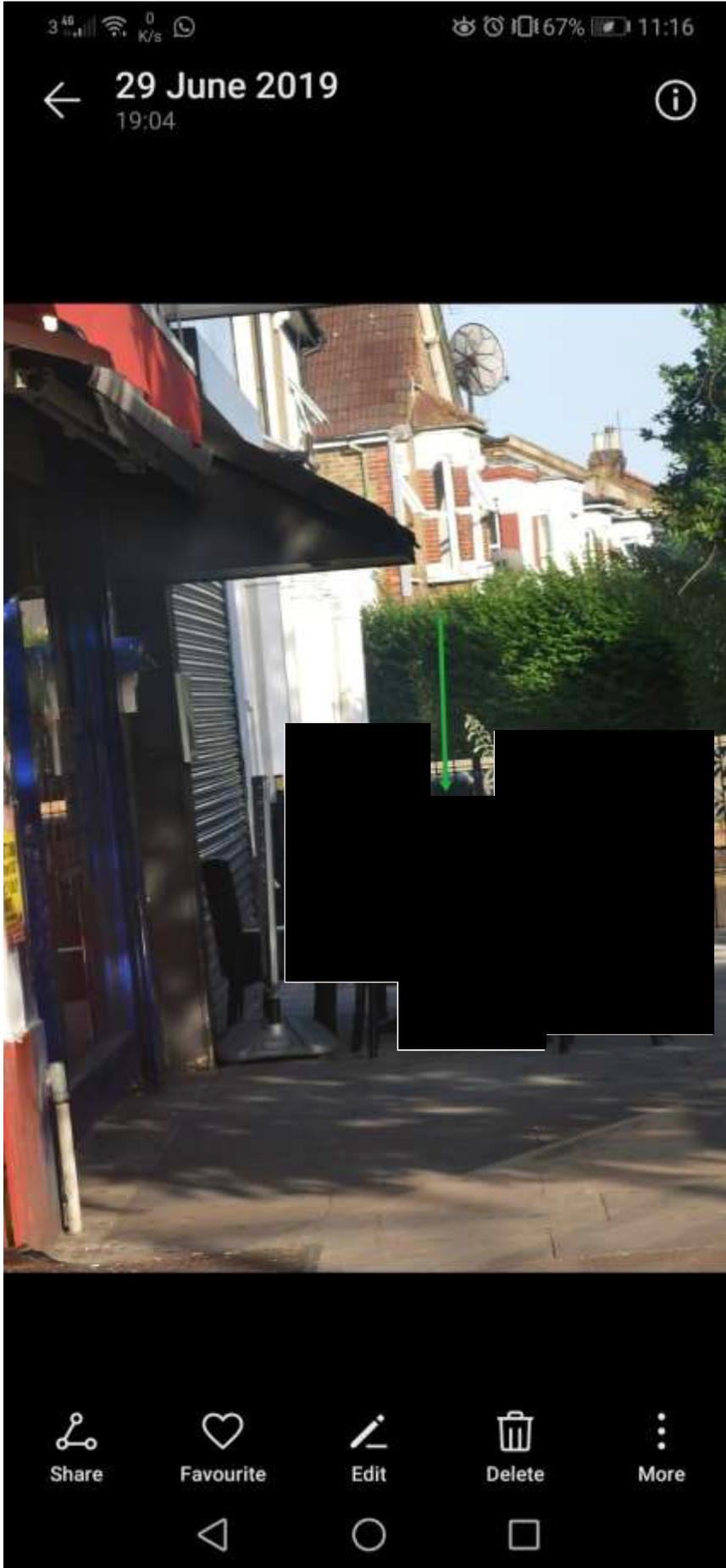
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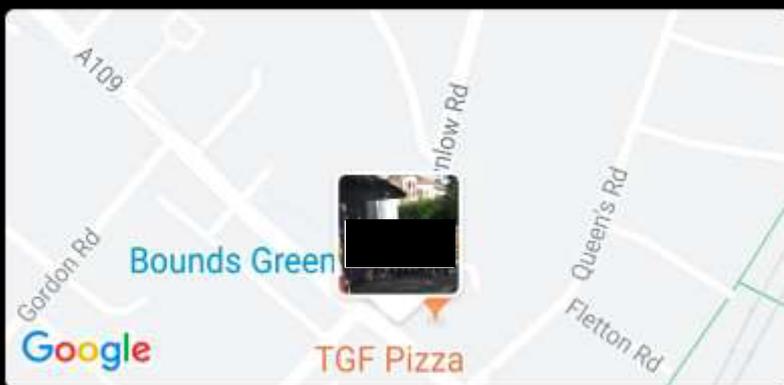


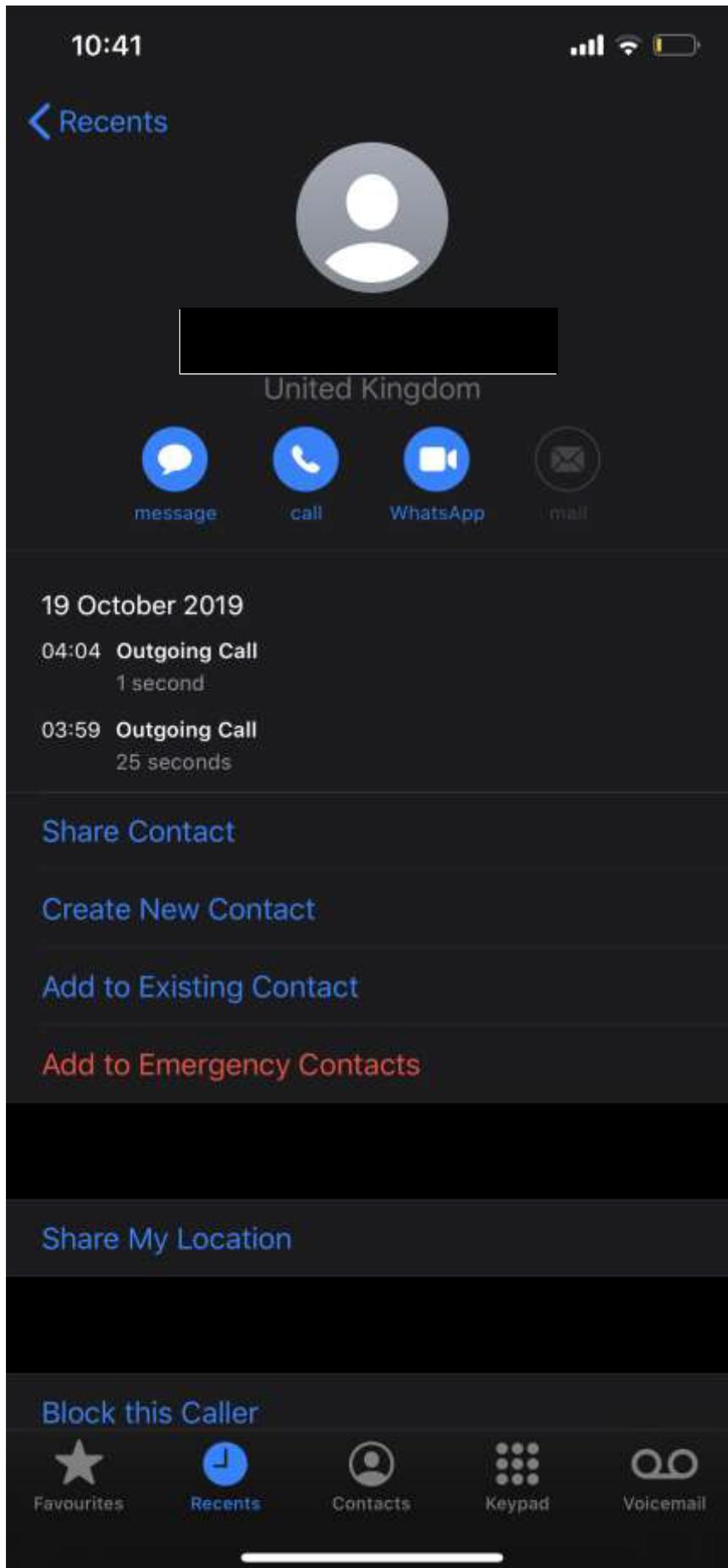


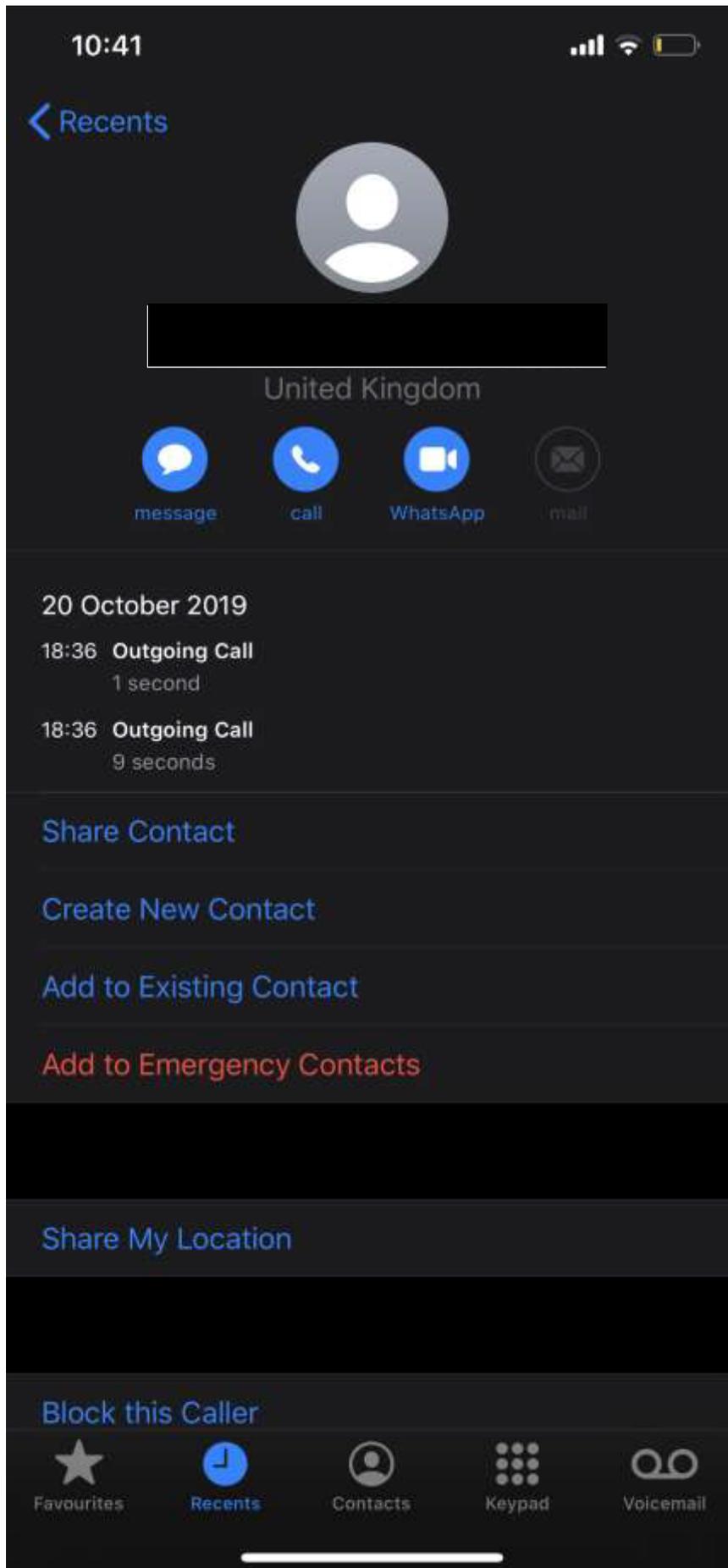


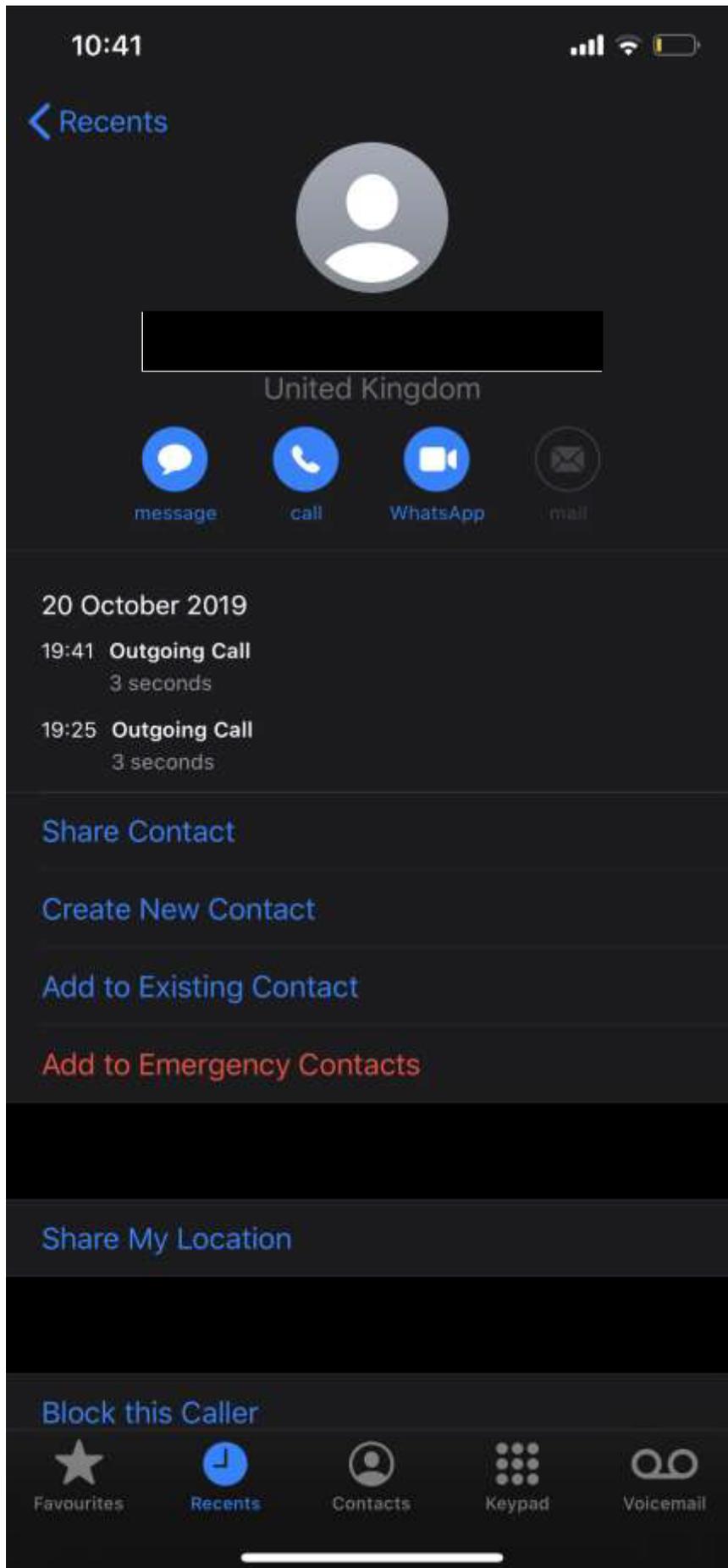
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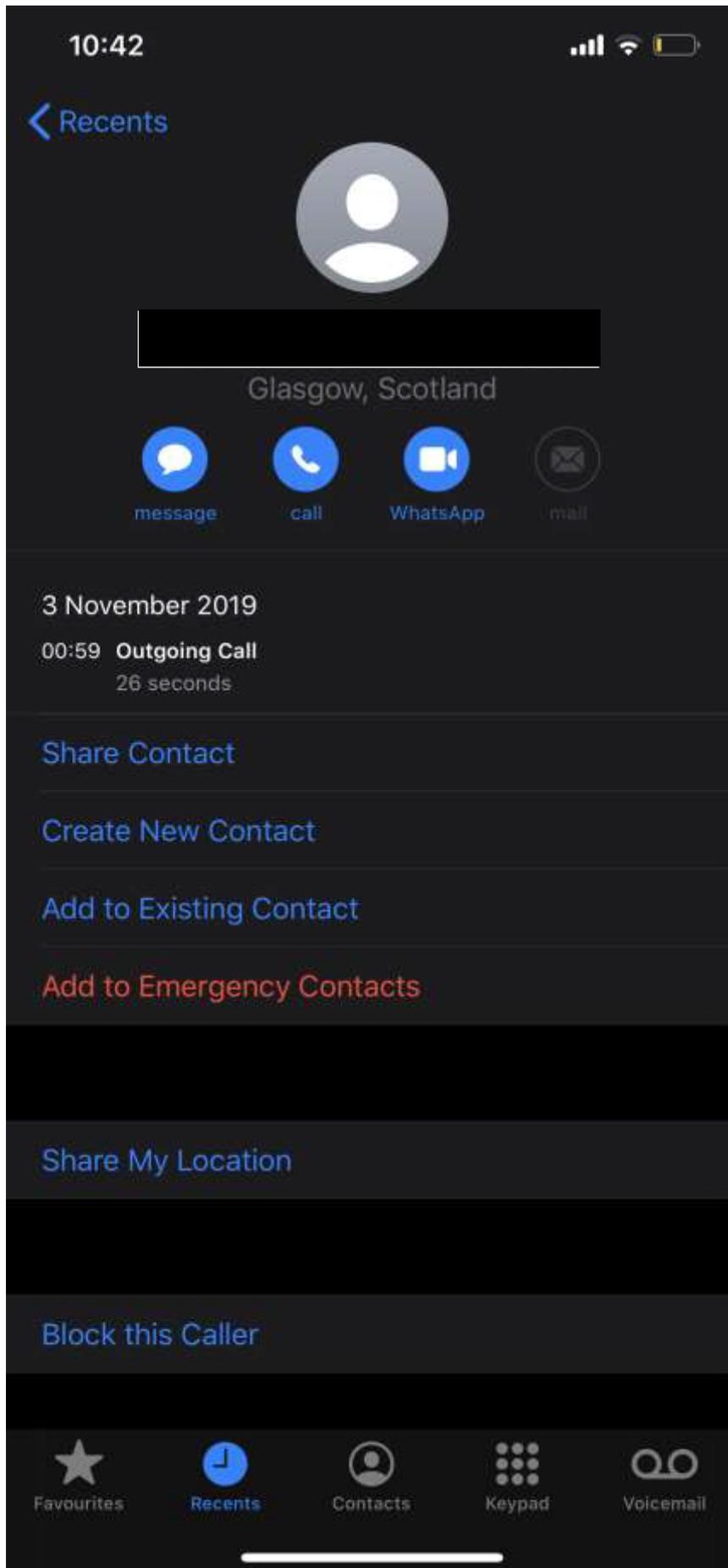
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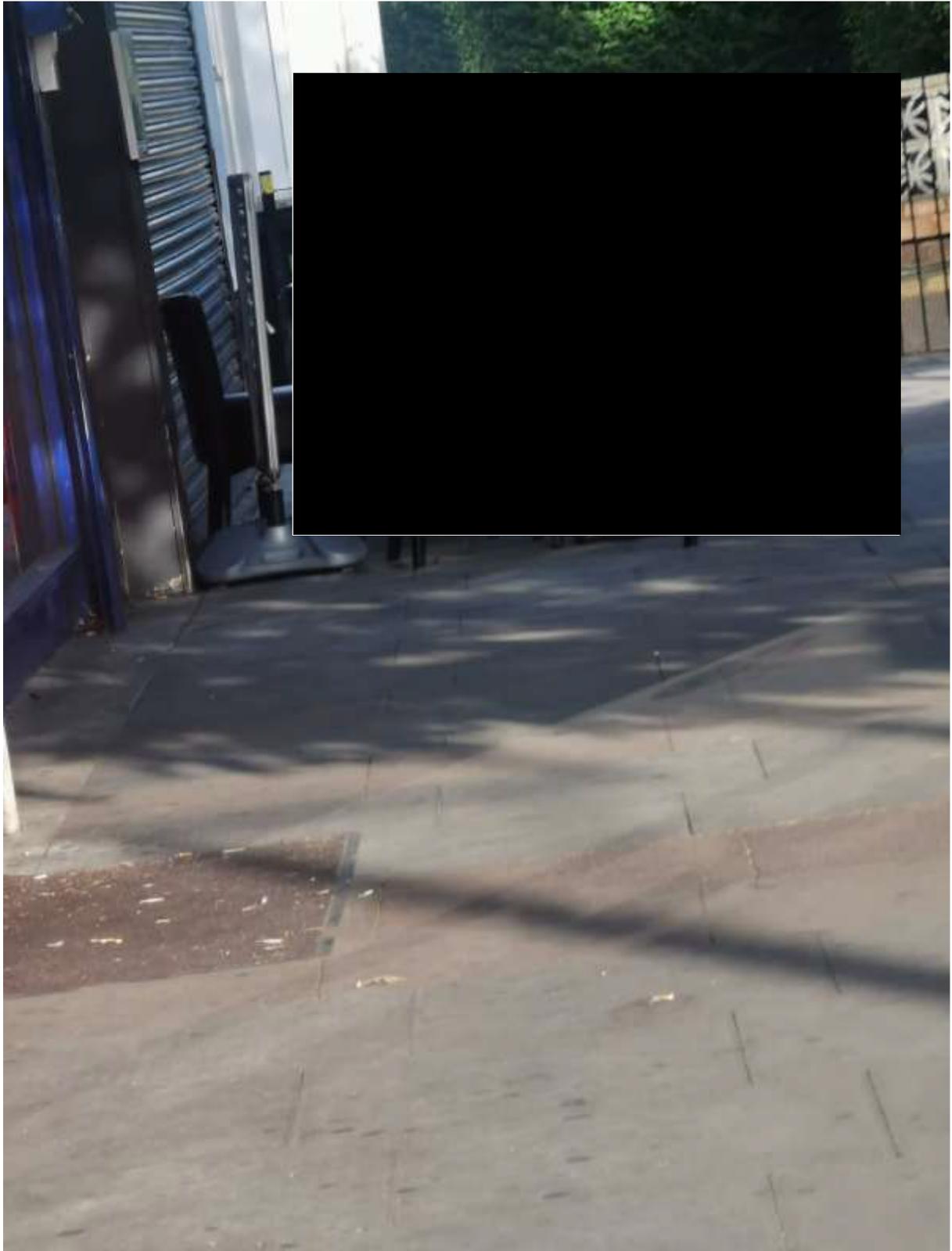


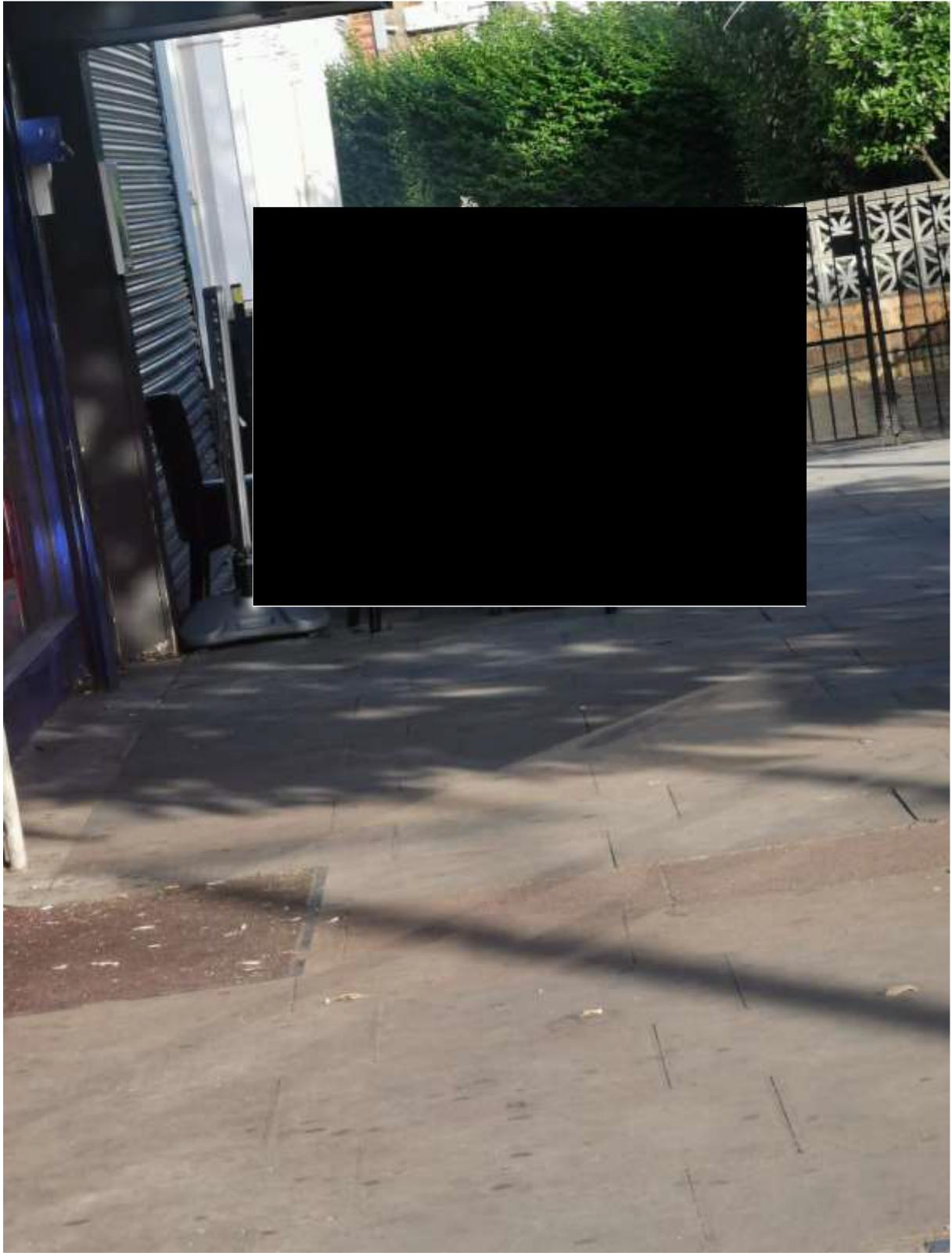


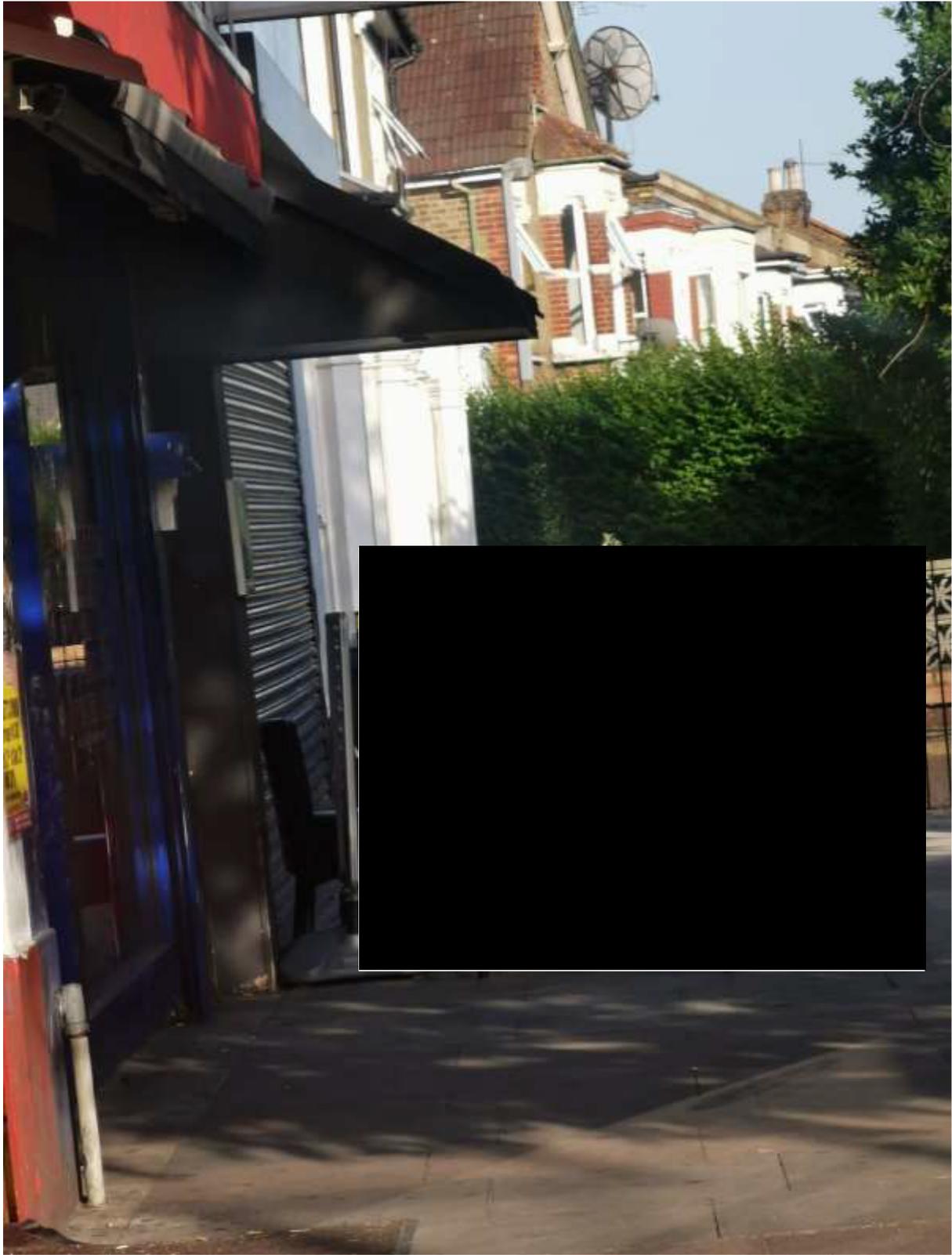


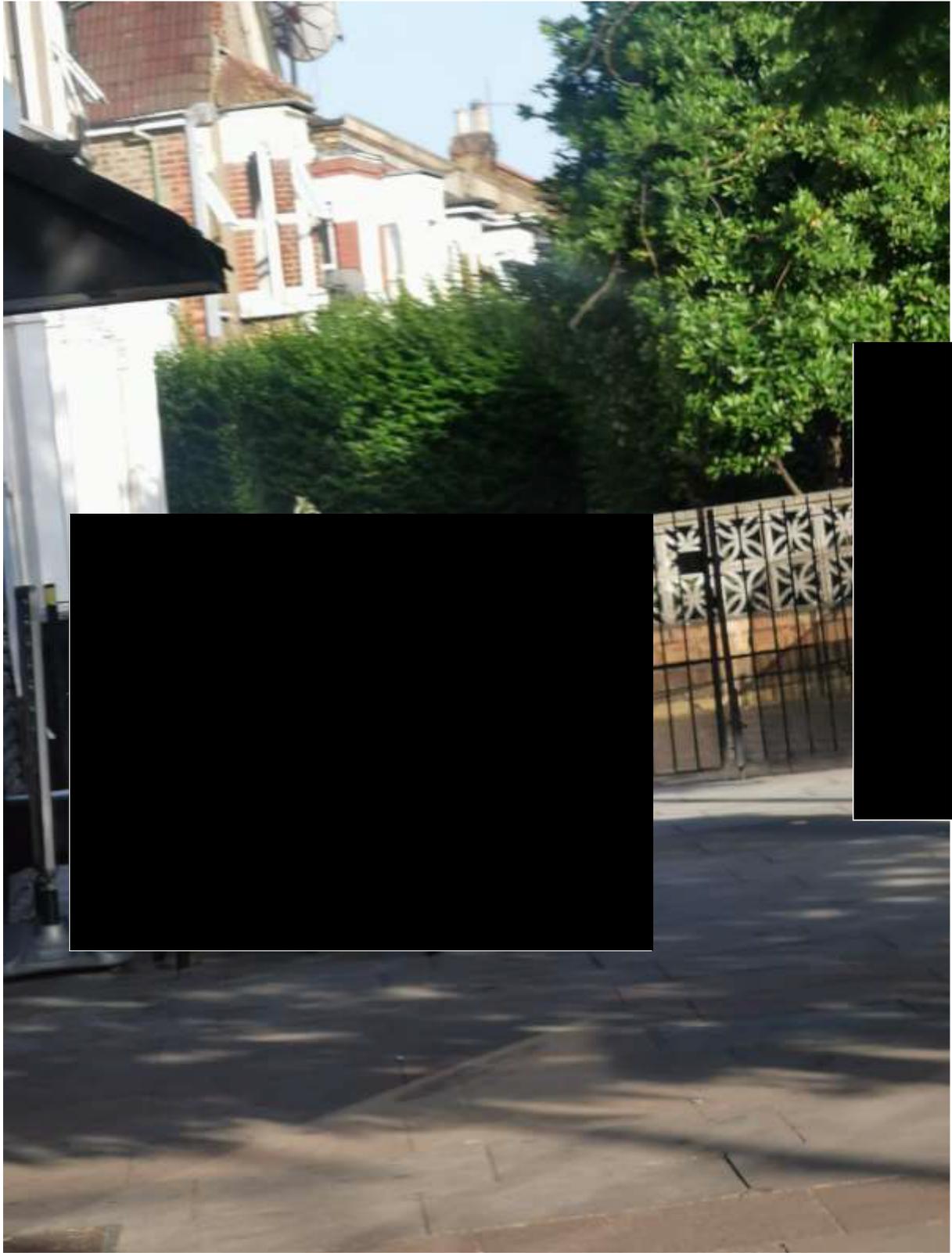




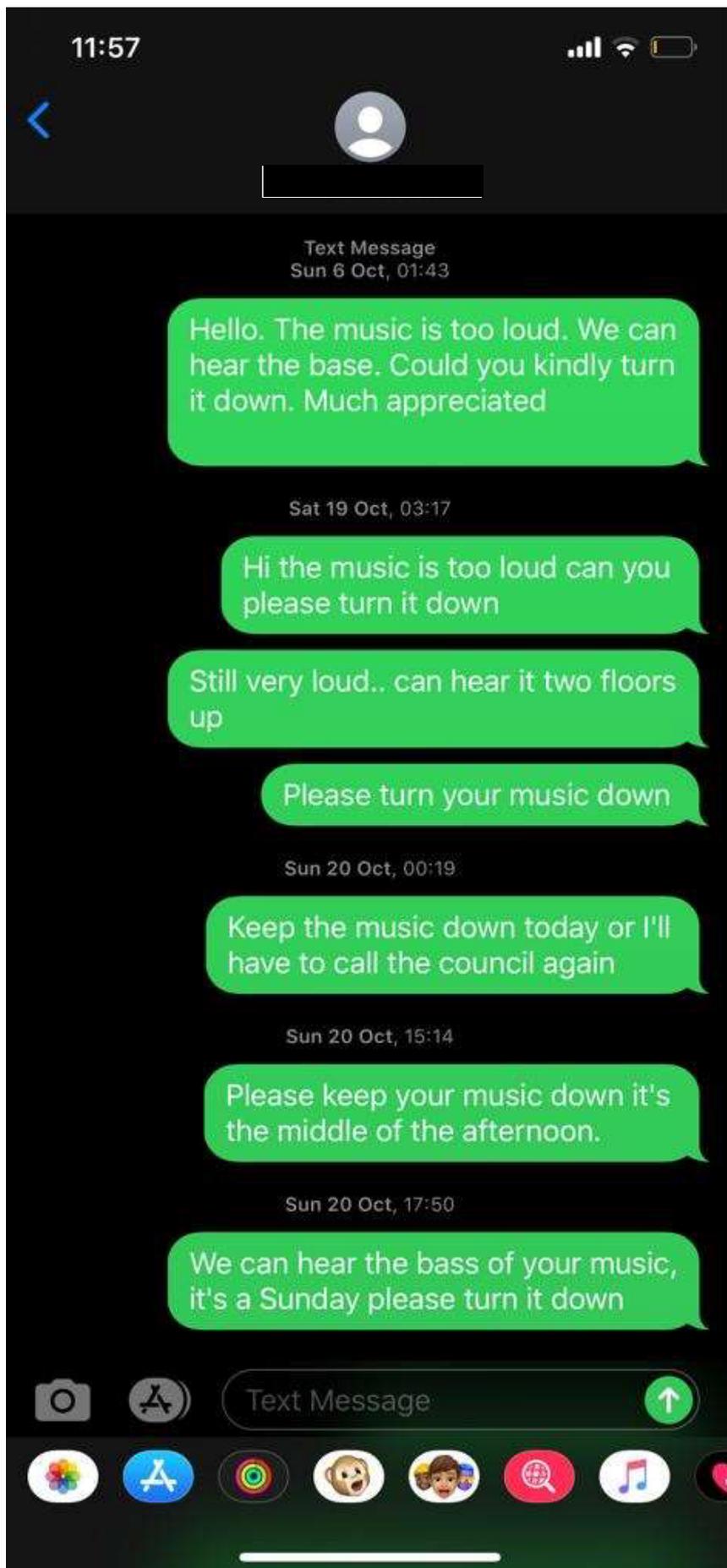


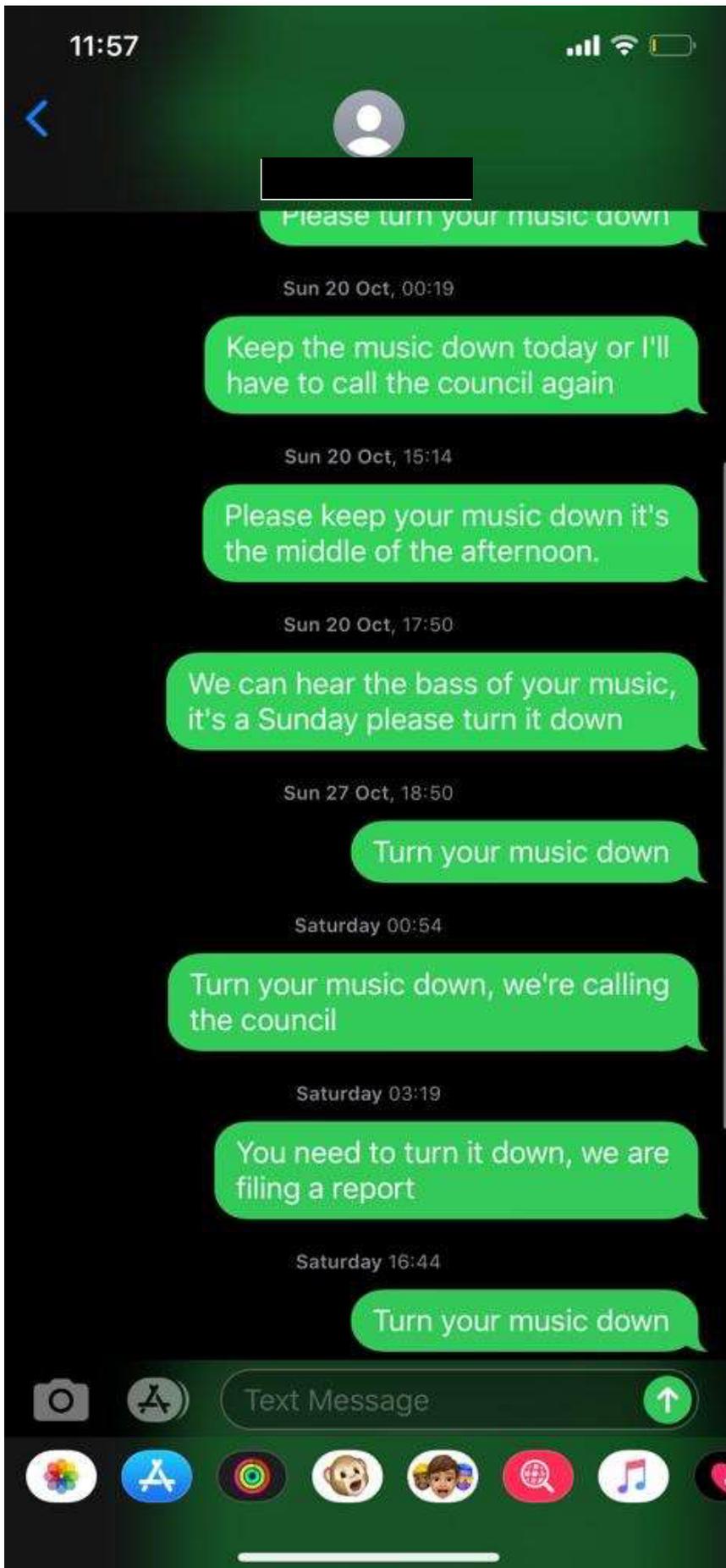


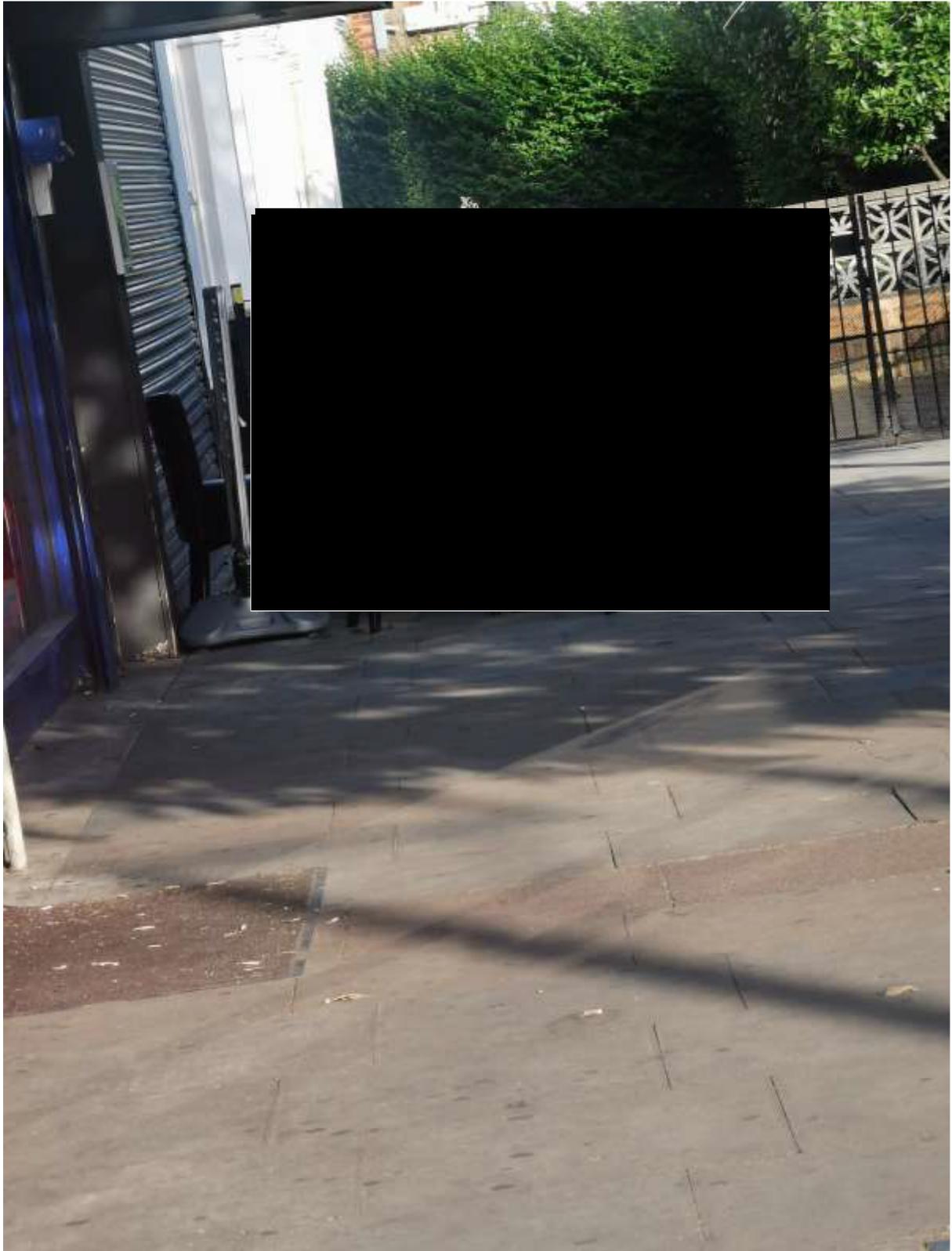


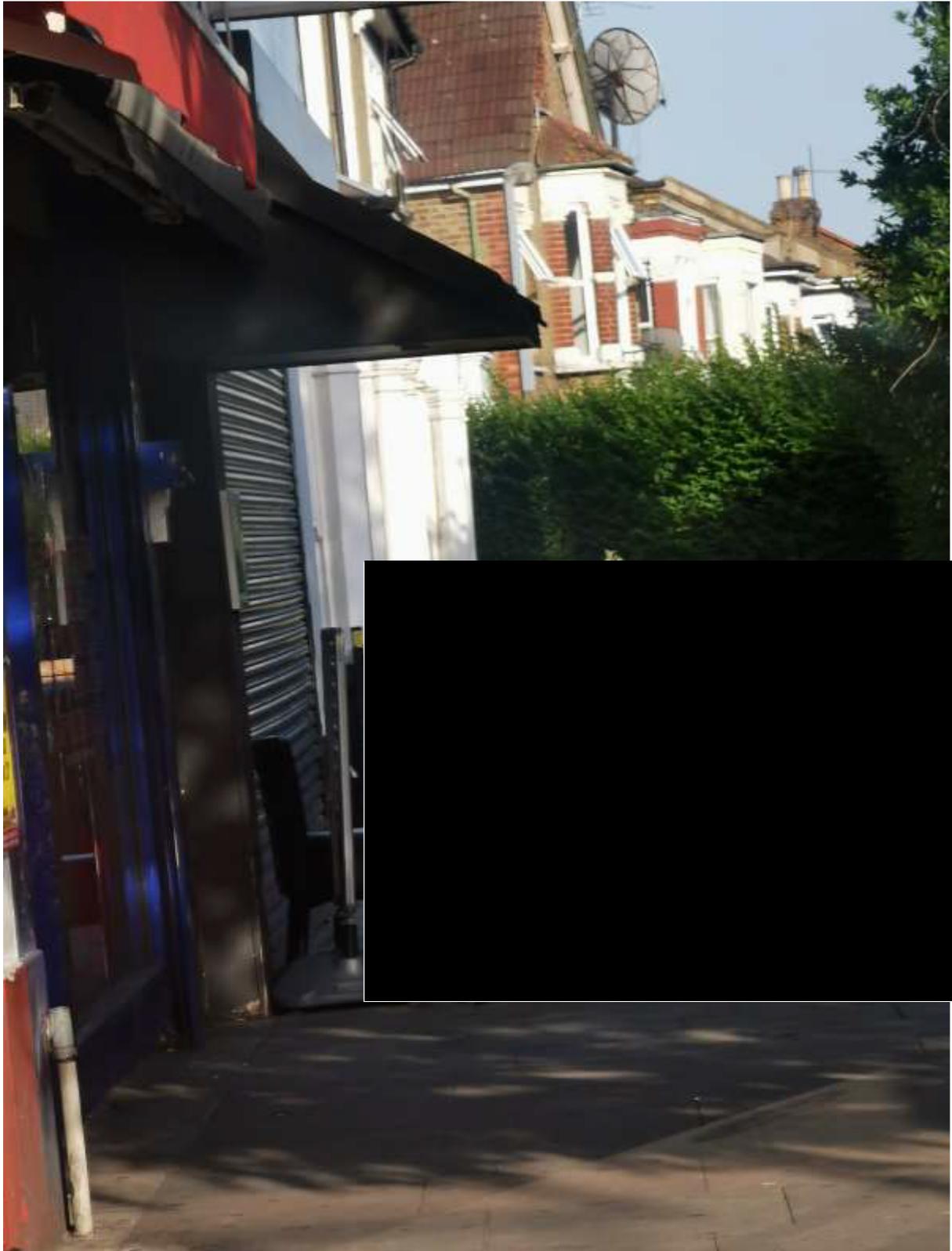












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FRIDAY
4TH OCT

GINDUNGO RESTAURANT & MIU EVENTS PRESENTS

BYE BYE SUMMER

BUCKET OF 5
BUDWEISER €10  FROM
10PM TO 5AM

Gindungo Restaurant
N11 2DN. 1 MINUTE FROM BOUNDS GREEN TRAIN STATION. 074 3658 7602

GINDUNGO



3 46% 671 B/B 74% 16:42

friendship party, with DJ Aurum Diesel (from Portugal) Until 5 am. Entries women and men for £ 5. We are waiting for you

4 days ago · See Original



gindungo_restaurant_bar



10 likes

gindungo_restaurant_bar Dj Mirokikola is already at gindungo. Today is until 5 am. Tropical party 🌴

3 August · See Original



gindungo_restaurant_bar





2 likes

gindungo_restaurant_bar GINDUNGO,MIU
EVENTS ,BBR PRESENTS

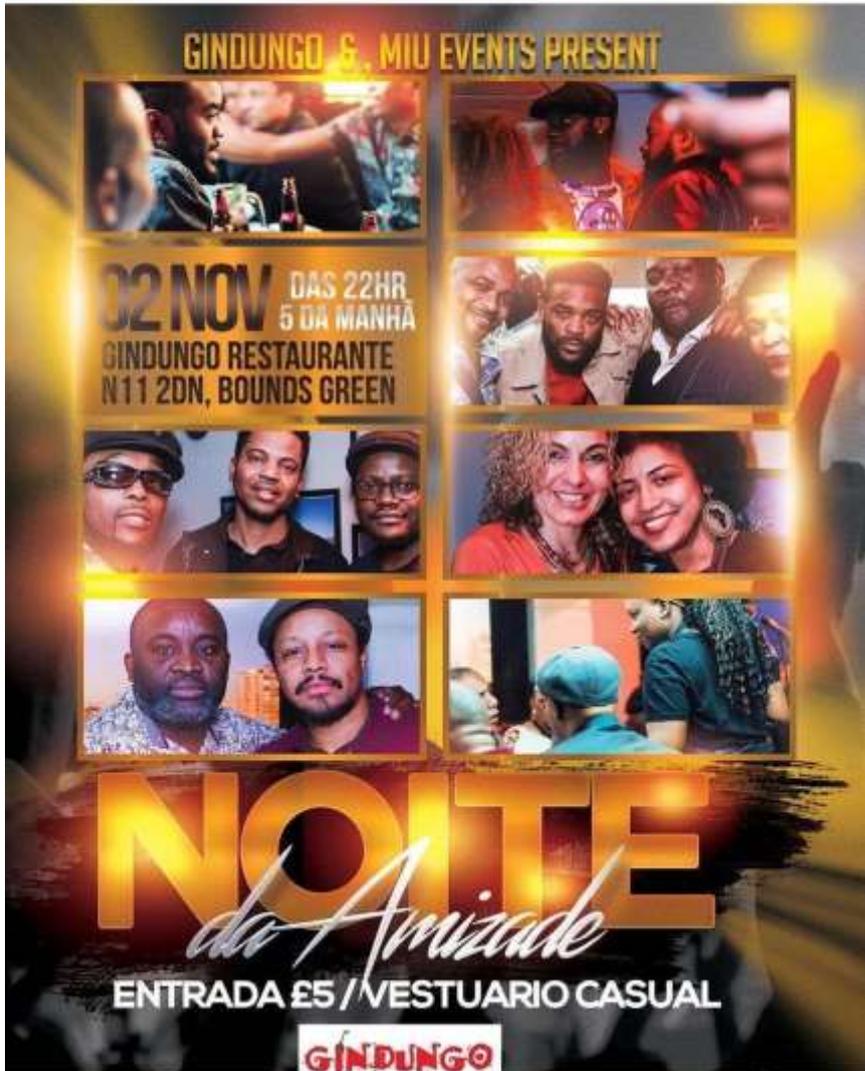
Saturday 22TH JUN 📍LADIES SUNSET 0 weekend
começa no Gindungo Restaurant & Bar. Paragem de
Metro Bounds Green Piccadilly Line Gindungo Bar 📍
Doors Open At -10PM -5AM
ADRESS: 2 Queen's Parade Brownlow Road N11 2DN.

Entrance📍 Ladies Free + Free Cocktail Men 5£ All





gindungo_restaurant_bar



8 likes

gindungo_restaurant_bar Today all roads will give the friendship party, with DJ Aurum Diesel (from Portugal) Until 5 am. Entries women and men for £ 5. We are waiting for you

5 days ago • See Original





PUBLIC NOTICE

Notice of Application for the review of a Premises Licence.

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:

**GINDUNGO RESTAURANT,
2A QUEENS PARADE, BROWNLOW ROAD,
WOOD GREEN, LONDON, N11 2DN**

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

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING OBJECTIVE OF:

- **THE PREVENTION OF CRIME AND DISORDER**
- **THE PREVENTION OF PUBLIC NUISANCE**
- **CRIME AND DISORDER**
- **THE PROTECTION OF CHILDREN FROM HARM**

In that the licence holder has failed to uphold and promote the licensing objectives due to public nuisance, operating beyond permitted hours and ongoing operational failures under Licensing Act 2003

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

Interested parties or responsible authorities wishing to make representations must give notice in writing to **licensing@haringey.gov.uk**. Please submit all representations via email we are not able to pick up post at this time.

By: 10TH AUGUST 2021

The grounds for review and Haringey Councils Licensing register may be viewed by emailing licensing@haringey.gov.uk

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

Statement from neighbouring business owners:

Names:

Nasir Ahmad Haidari

Bashir Ahmad

Address of business:

Euro Foods, 6 Brownlow Rd, London N11 2DN

TEL: 020 8889 5985

We have had many arguments with the lady who runs the restaurant Gindungo and also the men who work and run the restaurant.

They are always causing arguments with us and also dumping their restaurants waste and rubbish where they shouldn't in our designated bins. They are always arguing aggressively with us about this matter.

I have also CCTV of a very loud argument between their customers outside round the back entrance of the restaurant on 20/06/21 at 2am which was disturbing residents early in the morning.

They have also been letting their customers smoke around the back of the restaurant which is also on my CCTV.

It is a very disturbing business to be working next to and we are tired of arguments with them. We do not want to have the same thing happen over and over again.

Signed



Nasir Ahmad Haidari



Bashir Ahmad

Statement from resident _____ :

Name:

Jubeda Akthar

Residential Address:

I am the resident at _____, situated directly above Gindungo and am constantly disturbed by the loud music playing from them every weekend.

I am a mother of three children and the loud music can be heard in our home every time they have an event. They are not licensed to play live music or have DJ's and events and yet this music continues to go on until 3am at times.

This disturbs my children and we have seen the clientele at the restaurant and feel too afraid and intimidated to go and confront them about the music at such late times in the night.

I am fed up with the disturbance it causes and feel it is unsafe for my children to be living in such an environment where we can hear the arguments and drunken behaviour of the clients on the street, late at night.

I do not let my children go out on Fridays and Saturdays as I am concerned for their safety.

This is not an appropriate location for a bar and we wish to represent against them.

Signed

Jubeda Akthar

gindungo_restaurant_bar Tomorrow pagoda at Gindungo from 17:00. We are waiting for you

5 June • See Original



gindungo_restaurant_bar



5 likes

gindungo_restaurant_bar Today at Gindungo live pagoda We are waiting for you guys

30 May • See Original

DOMINGUEIRA DO PAGODE



DOMINGO
06 JUL



GINDUNGO

RESTAURANT & BAR



1 like

gindungo_restaurant_bar Tomorrow pagoda at Gindungo from 17:00. We are waiting for you

5 June • See Original

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Appendix 2 – Copy of Premises Licence

PREMISES LICENCE

Receipt: WPSR00296379

Premises Licence Number: LN/000019731

This Premises Licence has been issued by:

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

Signature:

Date: 22nd March 2018

Part 1 – PREMISES DETAILS

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

**GINDUNGA
2A QUEENS PARADE
BOUNDS GREEN ROAD
LONDON N11 2DN**

Telephone:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

Late Night Refreshment

Regulated entertainment – recorded music

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

Supply of Alcohol

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

Late Night Refreshment

Friday to Saturday 2300 to 2330 hours

Regulated Entertainment- Recorded music

Sunday to Thursday 1200 to 2230 hours
Friday to Saturday 1200 to 2330 hours

The opening hours of the premises:

Sunday to Thursday 1200 to 2300 hours
Friday to Saturday 1200 to 0000 hours

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

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

Part 2

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

Micaela Faustino Da Silva

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

Not applicable

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

Micaela Faustino Da Silva

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

Licence Number:

LN/200714030

Issued by:

Barnet Borough Council

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.

Annex 1 –Mandatory Conditions

(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 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;

Annex 1 –Mandatory Conditions

- (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 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

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Council Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.
- An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service
- Staff training – appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including but not limited to:
 - (a) the responsible sale of alcohol with staff to be fully trained in, and fully aware of, the law relating to the responsible sales of alcohol to those under the age of 18.
 - (b) the prevention of under-age sales of alcohol, the Challenge 25 policy, and in checking and authenticating accepted forms of identification
 - (c) the responsibility to refuse the sale of alcohol to any person who is drunk
 - (d) fire safety and emergency evacuation procedures
 - (e) *the operation of the CCTV system*
- Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.
- The main street door must be accessible when licensable activities are taking place at the premises.

Annex 2 – Conditions consistent with the Operating Schedule

PUBLIC SAFETY

- A fire risk assessment will be conducted and regularly reviewed.
- In line with the fire risk assessment:
 - (a) Heat / smoke detectors are installed and maintained by a competent person.
 - (b) Fire detection and fire safety equipment checks are recorded.
 - (c) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - (d) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - (e) All emergency exits are marked on the premises plan.
- Adequate first aid boxes will be maintained.

THE PREVENTION OF PUBLIC NUISANCE

- Regular waste disposal is undertaken in accordance with the Council's requirements. No collections of waste or recycling materials (including bottles) from the premises shall take place between 2300 and 0800 Monday to Sunday.
- The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc periodically throughout the premises opening hours and specifically at the end of trading hours.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Music should be inaudible from the nearest noise sensitive premises.
- The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside.
- All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.
- The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
- The premises shall prominently display signage informing customers:-
 - (a) To leave quietly and to respect your neighbours
 - (b) Stating that CCTV is in operation and police have instant access to the footage
 - (c) Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway.

Annex 2 – Conditions consistent with the Operating Schedule

THE PROTECTION OF CHILDREN

- No children under the age of 18 shall be permitted on the premises without an adult to supervise.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

representations made by local residents, the Licensing Authority, Police Licensing Team, the Applicant and their representative, the Council's Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Sunday to Thursday	1200 to 2300 hours
Friday to Saturday	1200 to 0000 hours

Regulated Entertainment: Recorded music

Sunday to Thursday	1200 to 2230 hours
Friday to Saturday	1200 to 2330 hours

Provision of Late Night Refreshment

Friday to Saturday	2300 to 2330 hours
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Supply of Alcohol

Sunday to Thursday	1200 to 2230 hours
Friday to Saturday	1200 to 2330 hours

For consumption ON the premises

With the following conditions:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Council Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
- All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV.
- An incident log shall be kept at the premises and maintained for a minimum period of 12 months, and made available on request to an authorised officer of the Council or the Police, which will record the following:

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

- (i) All crimes reported to the venue
 - (j) All ejections of patrons
 - (k) Any complaints received concerning crime and disorder
 - (l) Any incidents of disorder
 - (m) All seizures of drugs or offensive weapons
 - (n) Any faults in the CCTV system or searching equipment or scanning equipment
 - (o) Any refusal of the sale of alcohol
 - (p) Any visit by a relevant authority or emergency service
- Staff training – appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including but not limited to:
 - (a) the responsible sale of alcohol with staff to be fully trained in, and fully aware of, the law relating to the responsible sales of alcohol to those under the age of 18.
 - (b) the prevention of under-age sales of alcohol, the Challenge 25 policy, and in checking and authenticating accepted forms of identification
 - (c) the responsibility to refuse the sale of alcohol to any person who is drunk
 - (d) fire safety and emergency evacuation procedures
 - (e) *the operation of the CCTV system*
 - Drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.
 - Regular waste disposal is undertaken in accordance with the Council's requirements. No collections of waste or recycling materials (including bottles) from the premises shall take place between 2300 and 0800 Monday to Sunday.
 - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared, including cigarette butts/packets etc periodically throughout the premises opening hours and specifically at the end of trading hours.
 - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 - Music should be inaudible from the nearest noise sensitive premises.
 - The pavement shall be kept clear for pedestrians and not be blocked by patrons. If at any time the capacity is reached at both the tables and bar, any new patrons will be turned away at the door rather than being invited to queue outside.
 - All doors and windows shall remain closed (not locked) during the provision of Regulated Entertainment except for the ingress/egress of persons and in the event of an emergency.

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

- The main street door must be accessible when licensable activities are taking place at the premises.
- The premises shall devise and implement a robust dispersal policy to ensure that patrons leave the premises and vicinity as quietly and speedily as possible.
- The premises shall prominently display signage informing customers:-
 - (d) To leave quietly and to respect your neighbours
 - (e) Stating that CCTV is in operation and police have instant access to the footage
 - (f) Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- No customers shall be allowed to leave the premises while carrying open drinking vessels, or to consume alcohol on the public highway.
- A fire risk assessment will be conducted and regularly reviewed.
- In line with the fire risk assessment:
 - (f) Heat / smoke detectors are installed and maintained by a competent person.
 - (g) Fire detection and fire safety equipment checks are recorded.
 - (h) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - (i) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - (j) All emergency exits are marked on the premises plan.
- Adequate first aid boxes will be maintained.
- No children under the age of 18 shall be permitted on the premises without an adult to supervise.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- A sound limiting device within the premises shall be installed to control amplified sound levels on the premises. The device shall be approved by and set to the Council's satisfaction and thereafter maintained for the duration of use.
- Any patrons smoking shall be requested to stand away from the entrance to the residential premises.

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

- One SIA door supervisor will be at the premises on a Friday and Saturday`- from 2100 hours until 15 minutes after the premises closes.

The Committee noted the request of the Responsible Authorities that the lock be removed at the main entrance door, and the acceptance of the Applicant to do so.

The Committee heard from local residents in regard to noise nuisance from the premises when under previous management, and the two incidents since the Applicant had taken over the premises. They considered that the combination of a reduction to the requested hours and the implementation of the above conditions would serve to reduce the impact of noise on the neighbouring residential properties.

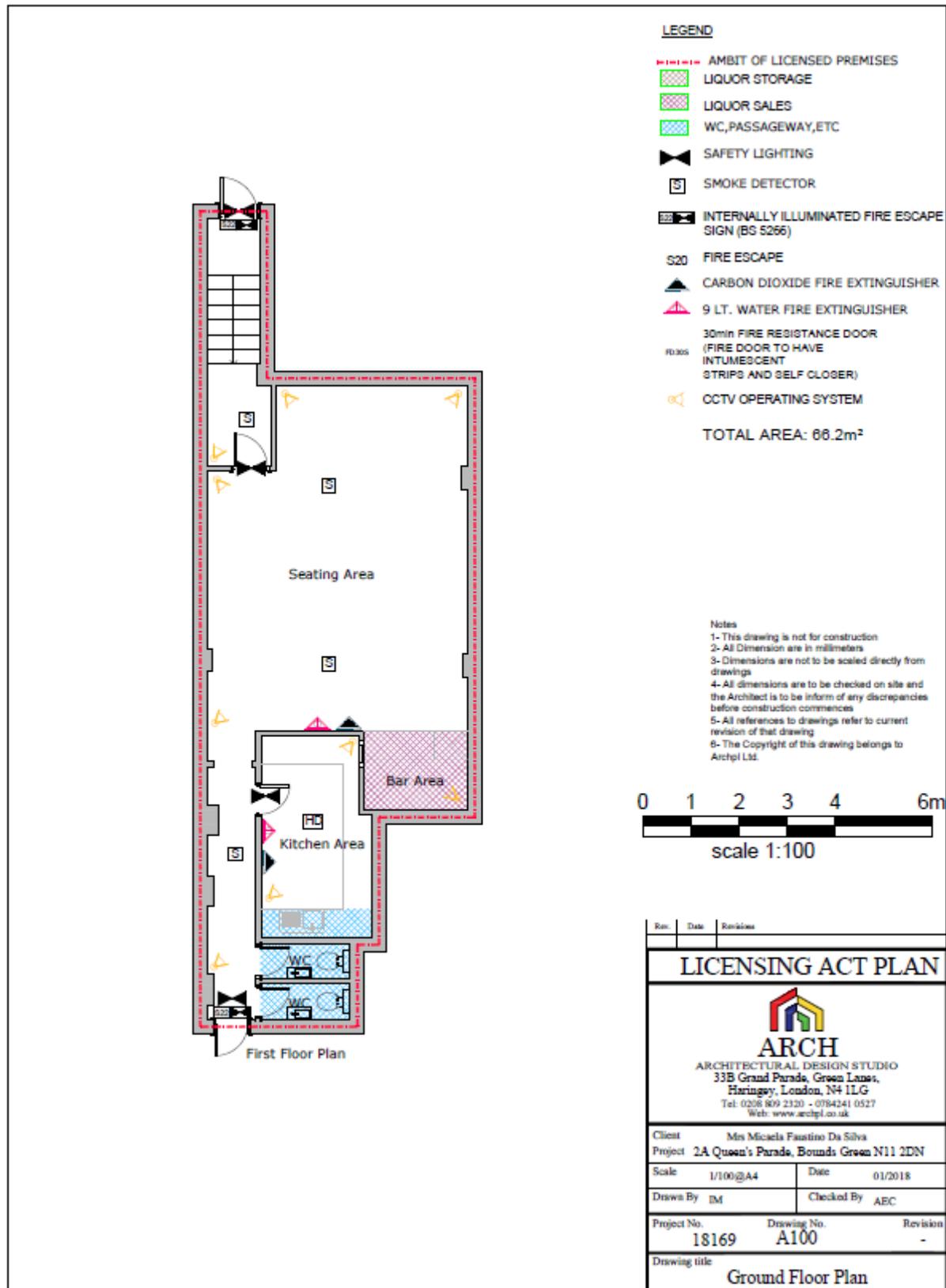
Informative

The Committee noted the undertaking of the Applicant to install soundproofing once the business has been established.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

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

Annex 4 – Plans



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Appendix 3 – Representation from the Licensing Authority

Your Ref:

Our Ref: Licensing

Date: 4th August 2021

LICENSING AUTHORITY REPRESENTATION LETTER

Dear Micaela Faustino Da Silva,

LICENSING ACT 2003 – Application for a Premises Licence- Gindungo Restaurant 2A Queens Parade, Brownlow Road, Wood Green, London, N11 2DN

Having viewed the historic issues and complaints around this premises, the licensee has failed to uphold and promote the licensing objective around the prevention of public nuisance. The premises has repeatedly operated beyond permitted hours. The premises has residential property immediately to the rear and side of the building.

The Authority considered an application for the variation of the licence in 2019 to operate until 5am, this application was refused.

The existing licence has conditions requiring sound insulation to have been carried out at the venue, we are not aware that this has been undertaken to date.

Ms Da Silva is clear that the current hours of operation for her business is not sufficient or adequate for her clientele.

The Planning Department has advised that they have received multiple applications over many years to extend operating hours at this premises but these have all been declined due to any increase in hours of operation likely to have a negative impact of the surrounding residential properties.

Ms Da Silva has also submitted a TENs application to operate until 5am during this review consultation period. When asked if she understood the review process that was underway already for failing to observe the licensing objectives/conditions, Ms Da Silva cited the need to pay her bills and debt as the reason. She stated that she is able to pay her debts if she can do a late night operation from the venue. This is a matter that Ms Da Silva has voiced previously to the LSC at her variation hearing. App 1.

The Haringey Statement of Licensing Policy advises the following in relation to late night premises and public nuisance:

53 LICENSING HOURS

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good

reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

80 THE PREVENTION OF PUBLIC NUISANCE

Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.

This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of nuisance posed to the local community by their intended operation. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive proposals to manage any potential risks.

The Licensing Authority RA therefore request that the LSC consider all the comments documentation before tem on this review application and determine a proportionate outcome to ensure the licensing objectives will be upheld and promoted.

If you have any further questions, please do not hesitate to contact me

Yours sincerely

Phil Cone

Licensing Enforcement Officer

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Appendix 4 – Representation from the Noise Team

Representation in support of Application to Review a Premises Licence

Premises: Gindunga Restaurant, 2A Queens Parade, Brownlow Road,
Wood Green, London, N11 2DN.

Representation Haringey ASB Enforcement (Noise Team – Responsible Authority)

Officer Jennifer Barrett

Position ASB Specialist Officer (Noise)

Date 10th August 2021

Introduction

The ASB Enforcement Team as a responsible authority provide this representation in support of the application for a review of the premises licence currently held for Gindunga Restaurant, 2A Queens Parade, Brownlow Road, Wood Green, N11 2DN.

This is provided following consideration of the review submission from local residents and on the grounds that the prevention of public nuisance licensing objective is not being upheld.

Background

Gindunga Restaurant (GR) is currently operated as a drinks bar offering alcoholic drinks and food as well as providing music (live, recorded and as hosted DJ events).

Location: GR is located on a busy main road, in a mixed-use area consisting of ground floor commercial premises and residential dwellings directly above. GR is the only late bar/restaurant in Queens Parade and the premises occupied by GR has been subject to noise complaints previously. Although most music for events is streamed from the DPS's mobile phone or a DJ is commissioned.

Premises History: Complaints made to the ASB Enforcement Team about noise from GR date back to 2018. The council has received 48 individual reports between 12th February 2018 and 31st July 2021 but many were unsubstantiated as they were logged at our peak demand and we were unable to respond or reported outside the service operational times. In the past 6 months the council has logged 7 noise complaints from residents about noise from loud music and voices from patrons.

On the 14th November 2019 the licence was subject to an application for variation to increase the terminal hour to 05:00am on weekends. This was refused as a result of continued complaints about noise nuisance and insufficient regard given to noise control measures that could be implemented to limit the potential for public nuisance.

At this time the council had visited affected residences on 4 occasions, but no statutory noise nuisance was witnessed. We met with the DPS, discussed options for noise controls and set a guideline noise limit using the equipment they had on site.

We undertook an assessment of the partial soundproofing installed (as a dropped ceiling) and demonstrated the steps they would take to monitor noise outside the premises, especially ensuring the lobby doors were managed and controlled by security personnel. We also discussed further acoustic treatment, but the DPS advised this would be cost-prohibitive. They had installed a noise limiter and committed to ensuring any commissioned services / DJs would be required to utilise the in-house amplification system, with outputs controlled by the duty manager.

All of the 19 reports logged since the last review of the premises licence (see below) flag noise nuisance on Friday, Saturday or Sunday.

Chronology of Complaints

Date/ Time	Complaint made	Council action taken
19/10/19, 03:23	Saturday: Noisy music coming from the bar	Council unable to visit, report made outside service hours.
20/10/19, 17:57, 17:59,	Sunday: bar Gindunga Restaurant is playing very loud music this afternoon and has been happening since 2pm. loud music since 2pm til 5am which they do not have a license for nor are permitted.	No visit made, complaint not substantiated
27/10/19, 20:02	Sunday: Pounding music from bar downstairs	No visit made, complaint not substantiated
2/11/19, 17:22, 03:23	Saturday: Loud Music coming from the bar	TEN granted from 22:00 to 05:00. Council unable to visit, due to high demand for service.
3/11/19, 00:55	Sunday: Music from bar..... Second complaint this evening and still no response.	
24/11/19, 20:04	Sunday: music is too loud	No visit made, complaint not substantiated
1/12/19, 19:35, 23:59	Sunday: Music from bar	No visit made, complaint not substantiated
8/12/19, 22:06	Sunday: Music from bar	No visit made, complaint not substantiated
15/2/20, 03:23, 04.22	Saturday: Loud music from bar WOKEN ME UP FROM SLEEP. Music still loud. still awake. No response from council.	TEN granted from 22:00 to 05:00. Council unable to visit, report made outside service hours.

Date/ Time	Complaint made	Council action taken
29/8/20, 00:58, 01:44	Saturday: Music from bar ... is playing music again. The base is insanely loud and it is 1am... we can now hear people convening/shouting outside the bar. ... They seem to be having a private rave.	Council unable to visit, due to high demand for service.
30/8/20, 22:58	Sunday: Bar playing loud music causing disturbance. License is only until 10:30pm. They are in breach of this agreement.	Council unable to visit, due to high demand for service.
5/9/20, 04:02	Saturday: People outside in the yard space talking very loudly . Woken me up at 4am. Second weekend in a row now.	Council unable to visit, report made outside service hours.
21/5/21 – 21:16	Friday: complaint of loud music and singing logged with council.	Confirmed noise on at 21:29. Council visited at 22:15 - witnessed a loud live music-spoke to DPS (Micaela) asked to turn down the music-they complied. Noted music at nuisance level and issued verbal and written warnings.
30/5/21 – 17.53, 18:22	Sunday: complaint of loud music and singing logged with council.	Music off before visit could be made. Music off at 18:26.
3/7/21 – 21:55, 00:31	Saturday: complaint of loud music logged with council.	Music off at call back. Drive-by at 00:50, all quiet from street level.
4/7/21 – 19:00, 20:29	Sunday: complaint of loud music logged with council.	Music off by the time we arrived.
9/7/21	Friday: complaint of loud music logged with council.	No visit made, complaint not substantiated
16/7/21 - 21.25	Friday: complaint of loud music logged with council.	Loud music could be heard coming from the club, even though security was stood outside. Verified a statutory noise nuisance. Visited the club and spoke to the DPS.
31/7/21- 21:52, 22.34	Saturday: complaint of loud music logged with council.	Noise off at time of visit at 22.54.

The council observed noise at a level likely to constitute a statutory noise nuisance on the 21st May 2021 at 21:17 hours, following receipt of a report of noise as loud singing and music from the premises. Both verbal and written warnings were issued to the DPS in respect of this complaint.

The council witnessed noise as a statutory noise nuisance again on the 16th July 2021. At this time officers noted loud music audible at street level, and coming from the club, as they were driving to visit the complainant. They noted at the time that security personnel were on duty outside the premises – is possible indication that current controls may not be sufficient, especially to control loud music in the early hours of the morning. They subsequently witnessed a statutory noise nuisance from within the complainant's property. They informed the DPS (identified as Ms DaSilva) and the time. Further enforcement action in respect of this incident is pending.

On the 9th August 2021 we recommended a Late Ten application be refused as we could not be satisfied that appropriate noise control measures would be implemented to control disturbance and we were of the opinion that they were unlikely to be able to promote the licensing objective of the prevention of Public Nuisance.

Premises Licence

The nature and number of complaints received warrants a further assessment of the conditions in the Premises licence (ref: LN/000019731) and consideration of further, more stringent measures for the control of noise from the premises such as restricting regulated entertainment permitted under the Live Music exemption until we have established appropriate noise control measures for limiting neighbour disturbance.

The current licence conditions for the prevention of public nuisance, and relating specifically to noise from loud music, are:

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Music should be inaudible from the nearest noise sensitive premises.

Since we continue to receive noise complaints consideration should be given to modification of the licence such that the exemption of live and recorded music as a licensable activity between 08:00hrs to 23:00hrs is disappplied and that all events are subject to further controls.

Alternatively, consideration should be given to restricting music played at the premises to background level only until measures can be implemented that would permit music to be played without detriment to local residents.

Conclusion

This matter is currently subject to further assessment but the management of the venue as well as the noise control measures in place are ineffective in controlling noise from regulated entertainment as live or pre-recorded amplified music.

Consideration should therefore be given to

- restricting music played at the premises to background only, or

- modifying the licence to disapply the exemption of live and recorded music as a licensable activity

In my opinion a review of the Premises Licence is appropriate in ensuring that the licensing objective the prevention of public nuisance is upheld.