

Appendix 2 – Representations from Licensing Authority

Representation in relation to application for a Variation to Gindunga 2A Queens Parade, London N22.

16th October 2019.

The Licensing Authority is making a representation against this application under the licensing objectives.

Prevention of crime and disorder

Public safety

Prevention public nuisance

The premises has operated over a number of years at this location utilising the upper floor of the building. The applicant is seeking the following hours:

Regulated Entertainment: Recorded Music

Friday & Saturday 1200 to 0500 hours

Provision of Late Night Refreshment

Friday & Saturday 2300 to 0500 hours

Supply of Alcohol

Friday & Saturday 1200 to 0500 hours

For the consumption **ON** the premises

Hours Open to Public:

Friday & Saturday 1200 to 0530 hours

These hours are excessive and due to the history of the venue the hours applied for are not supported by the Licensing authority.

The premises has residential property immediately to the rear and side of the building, the Authority has received 7 complaints against the premises for 2019 with the most recent being lodged on 5th October 2019 at 1am in the morning. 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.

The venue has submitted TENS in recent weeks in an attempt to show that they are able to operate to the late hours without any concerns. This however does not show like for a like as 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 closed at 5.30am each morning should this licence be granted. This is likely to impact on resident's quality of life and cause noise nuisance.

The Haringey Statement of Licensing Policy

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 recommends that the current hours of operation are adequate for this venue taking into consideration the impact it already has on the nearby neighbours:

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

We would ask the LSC to reject this variation to increase the hours so significantly
Licensing Authority – Responsible Authority.

Appendix 3 – Representation from Noise EHO

Internal Memorandum: ASB Enforcement Team

Licence Variation

Gindungo Restaurant, 2A Queens Parade, Brownlow Road, Wood Green, London, N11 2DN

Licensing objective:

The Prevention of Public Nuisance.

Commentary

Please accept the statement below as my formal representation.

The applicant requests a variation of the premises licence to extend the permitted hours for all licensed activities until 05:00 hours on Friday's and Saturday's, Bank Holiday Sundays, Christmas Eve and New Year's Eve.

The licensable activities proposed in the internal areas are;

- 1) Sale by retail of Alcohol (On the premises).
- 2) Provision of late-night refreshment.
- 3) Provision of Regulated Entertainment.

In the past 12 months the council has logged 12 noise complaints from residents about noise from loud music emanating from the premises. The council visited affected residences on 4 occasions, but no statutory noise nuisance was witnessed. It was noted that on 2 of these occasions a DJ operating.

In the last 3 months the council has received 3 complaints. No formal enforcement action has been taken by the council in respect of noise complaints as we have not been able to evidence this to date.

The applicant has undertaken remedial works and implemented noise management control measures to promote the licensing objective the Prevention of Public Nuisance. This has included the installation of a noise limiter (as a condition of the current licence) and commissioned the services of an acoustic specialist to identify options for reducing the potential impacts of music noise and vibration from activities on the premises. The council has yet to revisit, inspect the limiter and set the level.

Recommendations

I have considered the above and recommend that the request for an extension to 05:00 be refused. As a 5 hour increase upon the hours currently outlined the premises licence this, if granted, is likely to increase the potential for complaints (and public nuisance).

In the event you are minded to grant permission we request the variation of the licence is given to permit an extension to 03:00 hours instead of 05:00 for all licensed activities on Friday's and Saturday's, Bank Holiday Sundays, Christmas Eve and New Year's Eve. However, this should be also conditional upon the following which should be added to any licence granted:

Condition: A noise limiter set at a level agreed by the Council shall always be used. All entertainments shall utilise the in-house amplification system and the output shall be controlled by the duty manager.

Ms Jennifer Barrett
ASB Specialist Officer (Noise)
Environment and Neighbourhoods
Haringey Council

T.020 8489 5264

E. Jennifer.barrett@Haringey.gov.uk

Appendix 4 – Other parties' representations.

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.....	<div style="border: 1px solid black; padding: 5px; text-align: center;"> HARINGEY COUNCIL LICENSING RECEIVED 16 OCT 2019 </div>
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... <i>VARIATION TO EXISTING - LN/000019731</i>
Name of Licensee... <i>MICHAELA FAUSTINA DA SILVA</i>
Name of Premises (if applicable)... <i>GINDUNGO RESTAURANT</i>
Premises Address (where the Licence will take effect)... <i>2A QUEENS PARADE, BROWNLOW ROAD, LONDON</i>
Postcode... <i>N11 2DN</i>

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
Public Safety
The Prevention of Public Nuisance <i>SEE ATTACHED NOTE</i>
The Protection of Children from Harm

I,.....,hearby declare that all information I have submitted is true and correct.

Signed: _____

Date: 16/10/19

Please send completed form to:

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

Notes in support of representation form

Re: 2A Queens Parade, Brownlow Road, London N11 2DN

We refer to the above application and, being located at 1 Queens Parade (premises adjoining those of the applicants) should be obliged if you would consider our comments below.

1. We note that in the authority's Statement of Licensing Policy, there are four objectives that your policy must promote. In this particular case, we have no comment to make on three of them, just that in regard to "the prevention of public nuisance".
2. As we (usually) only operate from this location during the business hours of 7 am to 7.45 pm (Monday to Friday), we would not expect any interference from the conduct of the applicant's business except for (a) the possible noise level arising from the playing of recorded music and (b) possible debris left on the pavement outside our premises. Whether the former will be an issue for other adjoining business or residential neighbours, that will be for those parties to bring to your attention.
3. Following on from our comments above, an extension of the licence at weekends until 5 am will no doubt require that careful controls are put in place by the licensee to avoid public nuisance issues with close monitoring by the local authority and police force to ensure such issues do not arise.
4. Our experience of this area is that it is a fairly quiet suburban residential area, with little economic activity throughout the night time. With the extended opening hours, we just wonder how much this will impact on the locale and residents e.g. music being played until 5 am, people leaving the premises in the not so early hours, proximity to Bounds Green tube station with trains effectively running all through the weekend (from Friday night to Sunday morning) which clearly has positive aspects (ease of available public transport) but, might also bring in customers from further afield into what is a small venue, with possible adverse consequences (being turned away due to lack of room, drinking on the pavement outside, etc.). We sincerely hope that none of these outcomes occur and the licensee has everything under control, so local residents will have no cause for concern.

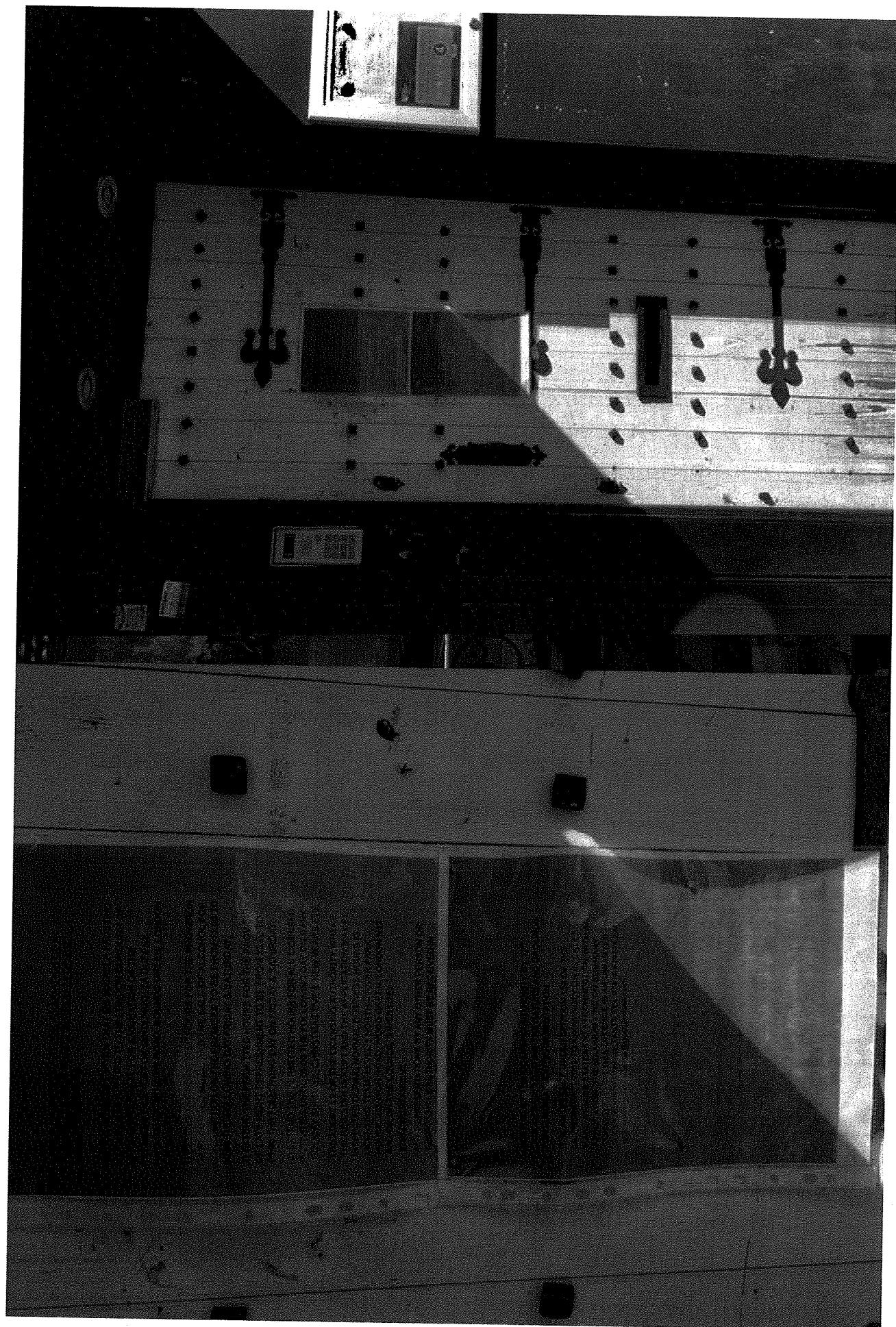
We would just add, that whilst we wish all new businesses every success and reward for their endeavours, having been operating in this location for over 30 years, without undue difficulty with either local residents or businesses, we would hope that this will continue.

It is noted that the previous (and identical) application to vary the Premises Licence was withdrawn, as notified to us by Chanel Royce, Licensing Administrator, in her email of 11 September 2019. Additionally, we cannot readily see any change in the current application to the previous one for licence variation.

Roye Chanel

From: Jennifer Barret <lbhcnecjxb@icloud.com>
Sent: 20 September 2019 13:59
To: Licensing
Subject: Notice check: gindungo
Attachments: ATT00001.txt; ATT00002.txt; ATT00003.txt; ATT00004.txt







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

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

Signed:

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



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,

