

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.