

From: licensing
Sent: 22 January 2025 11:17
To:
Cc: >
Subject: RE: Smoky Lounge Noise Management Plan

Dear Sir/Madam,

You may recall that you were sent a list of complaints logged by a resident who had cause to call the Out of Hours Service due to noise they say was arising from the venue. No doubt the residents will submit any further issues they encounter, prior to the LSC hearing on 3rd February.

As things stand the representation from the Noise RA and the representation from the residents still stand and your client will have the ability to attend the hearing on 3rd February to speak to how they are addressing the concerns raised and what mitigations they will put in place.

I am not aware of a situation arising where an open space with music and people noise would not emanate and impact nearby residential properties.

Furthermore, the section 182 Guidance informs us of the following:

2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

The onus is upon your client to demonstrate that they will be able to not cause nuisance.

I will add the below email to the report bundle so that it will be before the LSC also as they ultimately make the decision on this matter.

Regards

Dalia Barrett

Licensing Team Leader

From: licensing fslconsultants.

Sent: 18 January 2025 00:58

To: Craig Bellringer <

Subject: Re: Smoky Lounge Noise Management Plan

Importance: High

Hi Craig

Our emails to your ex-manager Jennifer Barrett had a number of questions obviously Jennifer didn't reply and we have seen your reply the 3 sentences in red, for the purposes of clarification I will list the questions below

1. Our question relation to the following section lifted from Jennifers email on 9th January 2025 at 13:25 -

Conclusion

The assessment undertaken goes some way to addressing our concerns about management of noise from your premises. What is not clear from the assessment undertaken is what steps you will undertake to prevent disturbance from voices and patrons using the rear area when the "roof" is maintained as open. You have made a suitable

assessment of the noise from loud music and we accept that a limit of 66dB is likely to be sufficient for a noise limiter (we will need to test this once you have confirmed / relocated the speakers if you have not done so already).

Measurements were carried out over a weekend to get a representative assessment of the noise breakout from site so you should have some idea of the levels of noise from voices alone in the event the back area is at capacity. We are of the opinion that this cannot be countered by control measures and therefore require the rear area roof to be closed by 10:30pm.

1(i) Can you please provide the qualitative and quantitative data which lead to the opinion that people noise/talking etc from the rear area near the open roof would cause noise nuisance and or neighbour disturbance?

2. Does the local authority hold or have any evidence collected by the department or a noise nuisance officer which will support the firm view held by the Noise Nuisance Manager Jennifer Barrett that the "levels of people noise from the rear area, and with the roof open, as late as 01:00hours will lead to neighbour disturbance? (in relation to the premises 83 Mayes Road, N22 6UP)"

2(i) If the answer to the above question is yes, can you please provide the information.

3. Our question relates to the paragraph - "What has not been addressed are our concerns about the roof in the rear area" this quote has been lifted from Jennifer's Email on 9th January 2025 at 13:25.

3(i) Unfortunately, even after repeated requested she hasn't explicitly stated what the concerns (plural reference) are, can you please explicitly state the concerns? (The noise impact assessment report covers the various aspects relating to people noise/talking and/or noise breakout from the open roof in the rear area of the premises).

4. Our question relates to the sentence/paragraph -

"This is incompatible with our requirement for you to close the roof after 10:30pm to prevent noise disturbance from people talking. Your noise assessment does not provide any mitigation for people noise which you have acknowledged have a character that can make them more intrusive at noise sensitive times." this quote has been lifted from Jennifer's Email on 9th January 2025 at 13:25.

4(i). Do you concur with the above sentence/paragraph from Jennifer and if so can you please provide any viable evidence/information which supports this opinion?

Especially considering that the noise impact assessment undertook a loud music test at the premises at a much higher dB level (66dB) than people talking and the results of this test confirmed that this sound/noise breakout from the site does not affect the nearest residential property, the dominant noise is from plant equipment and noise emissions from this outside area are at least 10dB below the background levels.

5. Can you please confirm if the attached documents relating to the "Routine Monitoring" e.g. Nuisance Log Sheets and Nuisance location check points, are acceptable?

In terms of when, how frequently and who will undertake the routine monitoring:

When - Daily - Monday, Tuesday, Wednesday, Thursdays, Fridays, Saturday & Sundays

Frequency - Hourly from 10pm when regulated entertainment is provided or when the roof is required to be closed after 23:30

Who will do the monitoring - The DPS or a trained senior member of staff will do the monitoring

We still feel it is the best and most ideal situation to have direct communication with you as a licensing Responsible Authority, as we had to wait for more than a month before your ex-manager provided us with the 9th January 2025 email which still hasn't provided the required clarification, therefore could you please provide your availability to schedule a meeting as soon as possible in order to run through your condition proposal and your ex-managers last email.

Regards,

Email sent of behalf of Smoky Lounge Ltd

From: licensing fslconsultants.com <licensing@fslconsultants.com>
Sent: 10 January 2025 15:59
To: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Cc: Craig Bellringer <Craig.Bellringer@haringey.gov.uk>; info@
Subject: Re: Smoky Lounge Noise Management Plan
Importance: High

Dear Jennifer

Thank you for informing us of your last day working for Haringey Council, could we please ask that you provide us with (before you end your day) or Craig with all the qualitative and quantitative data which provided/lead to the opinion that people noise from the limited open roof area would cause noise nuisance and or neighbour disturbance.

Does the local authority hold or have any evidence collected by the department or a noise nuisance officer which will support the "firm view levels of people noise from the area, and with the roof open, as late as 01:00hours will lead to neighbour disturbance" Can you clarify if you mean from your client's premises or other licenced premises?

Have any of the allegations of noise nuisance or disturbances being created by the operation of the premises been verified/witnessed by the noise nuisance team? No we haven't established any nuisances from the premises.

Have any of the received noise nuisance allegations been investigated passed the stage of logging/documenting the email/telephone complaints onto your database? Yes when reports are made to the out of hours service officers have attended to the area

We hope to provide an in-depth reply to Craig asap in order to conclude this matter and alleviate the concerns raised in your email, hopefully Craig can elaborate on the points in your email & participate in communication with our acoustic consultants to verify the various parameters and measures required to ensure noise compliance and the promotion of the four licensing objectives.

Regards,

Email sent of behalf of Smoky Lounge Ltd

From: licensing fslconsultants.com <licensing@fslconsultants.com>
Sent: 09 January 2025 17:16
To: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Cc: Craig Bellringer <Craig.Bellringer@haringey.gov.uk>; info@sm
Subject: Re: Smoky Lounge Noise Management Plan
Importance: High

Dear Jennifer

Thank you for providing your response to the Noise Impact Assessment Report which was sent on 7th October 2024, your email reply is greatly appreciated and will finally allow us to correspond with the acoustic consultants to address and answer any questions/issues you have raised in the email below, using the data collected prior or after to the report was published in October 2024.

It was hoped that your email would have been received some time ago & we could have conducted further investigations (in October, November and December 2024) and fully explored any issues/concerns raised by you/your colleagues and anyone else in the vicinity a long time ago, but we will under take this and review the contents of your email fully in order to provide the appropriate reply.

We recently received vital information from the licensing authority in relation to objectors who have raised concerns against the application, and this information will be used in order to fully investigate the concerns using the expertise of the acoustic consultants, in relation to this one question we would like to raise is -

- Can we utilise the resources of the Environmental Health Noise Nuisance Team to explore historical records/information and or officer experience to ensure any activities proposed will not negatively affect complainants.

We obviously do not wish to access any personal data or information, which would breach Data Protection Act 2018 or GDPR we anticipate that the only information required would be comprehensive qualitative, data or information gained from EHO officers who have operated in the area for some period of time.

We hope to provide a full response to your email shortly after liaising with the acoustic consultants who will take the lead in noise nuisance issues.

Regards,

Email sent of behalf of Smoky Lounge Ltd

From: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Sent: 09 January 2025 13:25
To: licensing fslconsultants.com <licensing@fslconsultants.com>
Cc: Craig Bellringer <Craig.Bellringer@haringey.gov.uk>; info@smokylounge.org.uk <
Subject: Smoky Lounge Noise Management Plan

Drear Fabian licensing

Please accept my apologies for the delay in providing this.

I have reviewed the acoustic assessment you provided, namely the Noise Impact Assessment at 83 Mayes Road, London N22 6UP undertaken to assess noise emanating from the outdoor seating area. You have provided this to advise on the level and type of mitigation required if the operating hours are extended to 01:00hours.

In summary you have:

- concluded that noise emissions from the outdoor area would not have any adverse impact on the nearest residential receivers.
- Identified the dominant noise as the existing plant (69dB) and that noise from the outdoor area are at least 10dB below.
- identified nearest NSR as being a residential window, approx 11 metres from the outdoor area
- acknowledged that music or voices have a character that can make them more intrusive
- suggest an internal target level for reasonable amenity of 35dB LAeq,5min for reasonable amenity (in accordance with current British Standards).
- used the recorded measurement of 56dB as a representative measurement recorded 1m from the outdoor area.

You also provided a Noise Management Plan (APPENDIX C) for the use of an outdoor seating area.

Your assessment and NMP is made for consideration of the use of the external area until 01:00hours. You mention measures such as “no re-admission to the premises 15 minutes before closing” and the provision of a contact number for residents which whilst helpful will not limit noise breakout from the use of the external area by as many as 45 patrons.

You have advised that music will be limited to background levels at any time the premises is open to the public, that a noise limiter shall be set to cut off over 66dB and associated speakers shall not be located in the open air area of the site. You will need to confirm the exact location of the speakers in a plan to be included in your NMP.

You have stated that

- Staff will actively encourage the gradual dispersal of customers to minimise nuisance during the last 20 minutes of trading by gradually increasing ambient lighting, playing of music of slower content and reduced volume.
- Music will stop playing 5 minutes before the closure of the premises. No comment
- Customers should leave by the main entrance of 83 Mayes Road. A member of staff will be positioned in an area close to the main exit to oversee the end of night departure period. Accepted
- Customers will be encouraged to be considerate upon leaving the premises. Customers will be asked not to stand around loudly talking in the street outside the premises. Accepted
- Routine monitoring will be regularly conducted around the perimeter of the premises during opening hours. When, how often and by whom.?

Details of checks, observations and any actions taken as a result of such shall be recorded. You will need to specify who will undertake this, what checks will be made, where this will be recorded

Noise should not be more than 48dB outside the nearest residential unit. Specify what you mean by noise, ie. Is this music noise, who will measure this, when and how often?

A noise log book kept on the premises and maintained by management and be available for inspection by the Local Authority upon request. Is this to record the above?

All staff will be fully trained to be aware of the requirements to reduce external impact from noise. All staff will be made fully aware and conversant with the noise management policy and procedures. No comment

Notices will inform customers of our commitment to local concerns. Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly. No comment

The movement of bins and rubbish outside the premises will be kept to a minimum after 21.00hrs Refuse collections will only be permitted by external companies between the hours of 08.00 and 21.00hrs. No comment

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to avoid causing disturbance to nearby residents. Deliveries shall not be permitted outside the hours of 08.00 and 21.00hrs Accepted

The premise has been designed appropriately and detailed consideration has been given to its ability to operate in a manner which does not give rise to disturbance. The controls and limitations of the venue are reflected in this noise management plan. No significant structural alterations shall be made to the premises without due consideration of its potential impact on noise management.

This is not specific so am not sure what you mean here. What has not been addressed are our concerns about the roof in the rear area. This must be included in any NMP submitted.

The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the Authority.

Conclusion

The assessment undertaken goes some way to addressing our concerns about management of noise from your premises. What is not clear from the assessment undertaken is what steps you will undertake to prevent disturbance from voices and patrons using the rear area when the "roof" is maintained as open. You have made a suitable assessment of the noise from loud music and we accept that a limit of 66dB is likely to be sufficient for a noise limiter (we will need to test this once you have confirmed / relocated the speakers if you have not done so already).

Measurements were carried out over a weekend to get a representative assessment of the noise breakout from site so you should have some idea of the levels of noise from voices alone in the event the back area is at capacity. We are of the opinion that this cannot be

countered by control measures and therefore require the rear area roof to be closed by 10:30pm.

We acknowledge that a key element of your business model is the offer of shisha. Whilst this is not a licensable activity (so cannot be considered as part of your application as such) it is a significant element of your business and would require you to maintain the roof as open to prevent you falling foul of the Health Act which requires at 50:50 ratio of open: closed. This is incompatible with our requirement for you to close the roof after 10:30pm to prevent noise disturbance from people talking. Your noise assessment does not provide any mitigation for people noise which you have acknowledged have a character that can make them more intrusive at noise sensitive times.

You have mentioned that you would like the council to approve an extension of your hours so that you can assess noise from the rear area after 10:30pm. Your noise assessment was comprehensive. The only issue that we need you to address is how you can / will control noise from patrons in the early hours of the morning and with the roof open. This does not require additional nighttime noise measurements since we are of the firm view levels of people noise from the area, and with the roof open, as late as 01:00hours will lead to neighbour disturbance.

Yours sincerely

Jennifer Barrett

Noise and Nuisance Team Manager

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