

Provision of Late Night Refreshment

Sunday to Wednesday	2300 to 0000
Thursday	2300 to 0100
Friday & Saturday	2300 to 0200

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

Additional hours on the days listed below only:-

1st January -1hr, 14th February – Valentines night 1hr, Burns night 1hr, 1st March (St David's) 1hr, 17th March (St Patrick's) 2hrs, Easter Sunday 1hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2hrs, Bank Holiday Monday 1hr, May Bank holiday (2nd) Sunday prior 2hrs, (2nd) May Bank Holiday Monday 1hr, August Bank Holiday, Sunday prior 1hrs, August bank Holiday Monday 1hr, Halloween 2hrs, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2 hrs, 28th December 2 hrs, 30th December 2hrs

Opening times for additional hours listed not to exceed those permitted by Planning Conditions

The opening hours of the premises:

Sunday to Wednesday	0700 to 0030
Thursday	0700 to 0130
Friday & Saturday	0700 to 0230

New Years Eve opening hours from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

1.3 The Review application can be found at - Appendix A.

1.4 Recommendation

ii) Powers of a Licensing Authority on the Determination of a Review s11.19

- a) To modify the conditions of the licence, (which includes adding new conditions or any alteration or omission of an existing condition) for example reducing the hours of opening, or by requiring doors supervisors;
- b) To exclude a licensable activity from the scope of the licence, for example to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music);
- c) To remove the designated premises supervisor, for example because they consider that the problems are as a result of poor management;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence.

2. Background

2.1 The licence for O'Neils has been in existence since November 2005 and has been held by

Mitchells and Butler since its issue date.

The premises is an old church that has been converted into a public house. The initial grant of the licence was subject to a licensing hearing due to representations of the likely effect of public nuisance from the operation of a public house in close proximity to residential properties.

The licence decision was to grant the hours being requested but with a condition that the operator remained within the times permitted by the Planning decision.

The Planning conditions stated that the operation of the premises will be between the hours of 0800 hours to 2330 hours on Sunday to Thursday and 0800 hours to 0000 Fridays, Saturdays and Bank Holidays with vacation of the premises within 30 minutes of the terminal hour (for the avoidance of doubt the 0000 refers to midnight);

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

2.2 Mitchell and Butler were unable to have the hours increased under a subsequent Planning application but have been operating to the hours shown on the licence. The condition imposed do cause some ambiguity and the Licensing Sub Committee is asked to consider if this condition should be reworded or an alternative imposed.

3 Licensing Policy

The 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.

The objective of the licensing process is to allow for the carrying on of retail Sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. 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.

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.

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.

This Licensing Authority in determining what action to take will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.

3.1 Licensing hours

Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

3.2 Powers of a Licensing Authority

Powers of a Licensing Authority on the Determination of a Review s11.23
Licensing authorities should also note that modifications of conditions and 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. 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. 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.

3.3 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4. 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".

4.1 Human Rights

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

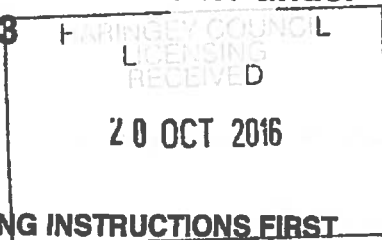
- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

5 Use of Appendices

Appendix A- Review application form and supporting Documentation.
Appendix B - A copy of the current Premises Licence
Appendix C – Representations from Enforcement Response.

Appendix A- Review application form and supporting Documentation.

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



Reference number:

(1)

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

(2) ~~Ms~~ Alyson Ripo

apply for the review of a [premises licence under section 51]

[club premises certificate under section 87] of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description O'Neils Church Pub, 87 Nuswell Hill Broadway London	
Post town London	Postcode (if known) N10 3HA
Telephone number (if any) 020 8 883 7382	
Name of premises licence holder or club holding club premises certificate (if known) not known - maybe Ritchel + Butts.	
Number of premises licence or club premises certificate (if known) not known	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

- (1) Insert name and address of relevant licensing authority and its reference number (optional)
- (2) Insert name(s) of applicant(s)

Please tick ✓ yes

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)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Date of birth

Day	Month	Year

Current address

Post town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town

Postcode

Date of birth

Day	Month	Year

Telephone number (if any)

E-mail address
(optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Post town

Postcode

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 1)

Please see attached:

From January 15th 2015 till present day I have made a consistent and continuous complaint regarding the noise pollution I experience from O'Neils pub.

In that period of time my complaints have been upheld almost every single time resulting in O'Neils being made aware of the problem, a noise abatement order being enforced , 3 visits from a acoustic expert who reported the sound to be above statutory level , basic sounding proofing and 2 visits from independent sound engineers brought into to set sound levels. A fine for playing loud music and serving alcohol after hours was also issued.

Noise levels were set by the council several times and all of these were breached again and again.

The pub is not sound proofed and houses one of the largest sound systems in London. Its is adjoining a residential property

Whilst sound has been reduced marginally in the 18 months I have been reporting the noise pollution, I still experience noise pollution up to 3 -4 times a week resulting in my being unable to sleep before 12.00pm most nights.

My sleep patterns are seriously disrupted as sometimes the music will not actually start until 10.30pm and I have gone to bed thinking no noise pollution will occur only to end up listening to sex is on fire by some regular cover band until gone 11pm on a week night. The volume of the alleged 'background' and recorded levels also vary significantly when they are supposed to have been set at a level up to 11pm and inaudible there after

I recently had to take sleeping tablets to help me sleep through the noise as I cannot function at work on only a few hours sleep 4 night a week.

O'Neils continue to breach agreed and set levels by the council , break licensing laws by having lock ins and all I can do is keep calling the council to come out and witness it.

By the time the noise complaint is registered and the council have contacted me an hour has passed. Sometimes they get out just as the music is ending. But it doesn't matter because even if they come out when the noise is loud they cant seem to stop O'Neils breaching the levels set .

The noise pollution is consistent and detrimental to my wellbeing. I cannot enjoy the use of my property as often the sound permeates the whole flat.

On weekends I cannot sleep before 12.30am and that is not acceptable. I have tried to work with management to find a mutually acceptable solution but they constantly renegade on agreements made.

Most recently I have had to call the council out as noise levels after 11pm were disturbing my sleep. The last 2 weekends (we 09.10 & we 16.10) the music has been playing well into early hours 1.00pm . The pub is supposed to close at 12.00. I have texted the management but no response

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

Part 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature *A. E. O'Neil*

Date 17/10/16

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Postcode

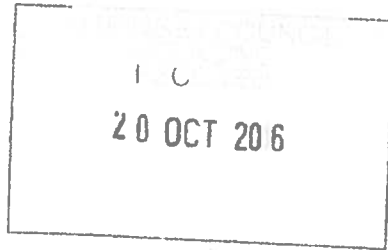
Telephone number (if any)

If you would prefer us to correspond with you using an email address your e-mail address (optional)

Notes for Guidance

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

*Please find enclosed several emails across the 18 months highlighting issues and inconsistencies in actions with O'Neil.
L. O'Neil*



Alyson Ripo

October 17, 2016

Haringay Council

RE: Application for review of premises license or club premises certificate under the Licensing Act 2003

I have completed the required documentation as attached to this email.

I have serious concerns about sending a copy of this form with my personal details to the actual license holder as I believe this will put me in a vulnerable position.

I have experienced some social media backlash incited by the management of O'Neils when I first experienced the noise pollution.

I would request that my application remains private and that they do not need my name, date of birth in order to challenge, contest or concede this application for review.

Please advise as per page LA 51-87 below

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

yours sincerely


Alyson Ripo

I request their license be reviewed. I would like music both recorded and live to be reduced to only 2 nights a week and no later than 11pm on a weekend and 10.30pm if a week night.

I wish the sound levels to be set so that during the hours they play I am not experiencing any noise pollution.

I want this to be effective as soon as possible.

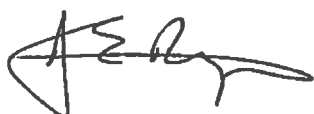
Additional issues.

O'Neils staff seem to use the fire escape exit right next door to my bedroom window to leave after the pub closes. Sometimes as late as 1.00pm I am subject to more noise and banging extending the noise pollution I have experienced in the evening in the early hours of the morning. The staff often sit outside smoking and chatting on on my garden adjacent wall.

I would like restricted use of the fire exit imposed between the hours of 11pm and 8.00am

The council hold a detailed log of all the times they have been called up to report noise. The pre arranged visits with the acoustic experts and sound engineers.

It is quite numerous and extensive.

A handwritten signature in black ink, appearing to be 'J. E. R.', written in a cursive style.

Have you made an application for review relating to these premises before? NO

Please tick ✓ yes

If yes, please state the date of that application


Day Month Year

--	--	--	--	--	--	--	--

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

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

From: 
Subject: Re: Sound Check - Oneills
Date: 12 June 2016 00:03
To: #232O'Neill's, Muswel Hill (MAB) muswellh1@oneills.co.uk
Cc: Enforcement Response enforcement.response@haringey.gov.uk

Chris

You told me to text you if the music is too loud instead of calling the council, as you would turn it down. I decided to give you the benefit of the doubt and take you up on that offer. On Sat 11 June the music was really loud following the England football game and as it was still going on at 23.22pm I was unable to sleep.

I texted you twice, 23.16 and 23.22pm.

However, you didn't acknowledge or respond to the texts and you didn't turn the music down. So I guess it was just an empty offer.

It's now past 12 midnight and *still* the music is still loud and preventing me from sleeping!

I have registered another noise complaint with the council.

regards
Alyson

On 9 Jun 2016, at 23:08, #232O'Neill's, Muswel Hill (MAB) <muswellh1@oneills.co.uk> wrote:

Hi Alyson,

Haringey Council and Middlesex Sound have confirmed they will complete the sound check on Saturday 18th June.

They will arrive on site at around 8:30pm.

It was unfortunate that the sound engineer cancelled the last sound check on the 21st May as his children were unwell.

I am hopeful Haringey Council will be fit and healthy.


Kind Regards

Chris

From: alyson nipo
Sent: 05 June 2016 01:34
To: #232O'Neill's, Muswel Hill (MAB)
Cc: Enforcement Response
Subject: Re: Sound Check - Oneills

Dear Chris

In your last email you only offered me dates in July so no it wasn't clear that there were June dates still available. 

The first cancellation was the 6th May, when the council, not O'Neill's,  notified me by email on the day it would not be happening. The second cancellation was, again on the day: the 21st May. That was the date you had a phone conversation with me to say the sound level check would not happen. You offered no further dates at that time.

As I said before, after nearly 18 months of trying to resolve this problem I will continue to contact the council if the noise levels are causing me an issue. This has been the only way any

positive results have come about.

Unless the sound levels are maintained at the level set by the council back in Feb 2016 there will be noise pollution irrespective of the type or scale of band or DJ you book. You cannot possible gauge how that is affecting me by checking 'outside the pub near the area of your flat' thats why the acoustic experts and the council came to the property (on 2 occasions) to set the levels.

You have not ended the live acts at 11pm in the last month so why would I trust that you will do that going forward

I can do Sat 18th June or Fri 23rd June.

Please ensure the council are committed and available to on these dates before you confirm and please do not waste my time confirming a date you will cancel at the last minute again.

regards
Alyson

On 4 Jun 2016, at 19:34, #232O'Neill's, Muswel Hil (MAB) <mu:wellhill@oneills.co.uk> wrote:

Hi Alyson,

It would definitely be preferable from our position to get the sound check completed as soon as possible, but as the only two dates proposed are England matches during the euro's it simply is not possible for us to show England matches with 8pm kick off times and have live music in the same evening.

I would like to check that you are aware the council are also available on Friday evenings in June but that Saturdays are preferable for them. It may not have been clear in my original email, sorry. We are also available for the following dates in June: Fri 17th, Sat 18th, Fri 24th.

Regarding the two cancellations you mention, I am only aware of one cancellation on the 6th May. No other dates had been confirmed to cancel.

I sincerely hope since our telephone conversation on the 6th May that noise levels have been maintained at an absolute minimum.

I will continue to do my utmost to reduce any noise pollution you may experience. I will continue to only book acoustic solo or duo artists with all musical equipment going through our house PA system. I will continue to regularly check for any noise pollution outside the pub near the area of your flat, and continue to end any live acts at the agreed 11pm.

Please feel free to give me a call on my personal number if you have any issues or concerns in the meantime, as I will be more than happy to reduce music levels further if you feel they are still a nuisance.

Regards,

Chris

From: alyson ripo
Sent: 02 June 2016 20:53
To: #232O'Neill's, Muswel Hil (MAB)
Subject: Re: Sound Check - Oneills

Chris

You have cancelled twice , mostly at my expense, in the last month. The original date was 6th May and you are now saying you cannot arrange anything until 9th July at the earliest That's

over 2 months from the original date.

What measures does O'Neils propose to put in place in the interim to prevent the noise pollution continuing?

regards

Alyson

On 2 Jun 2016, at 16:28, #2320'Neill's, Muswel Hil (MAB) <muswellhill@oneills.co.uk> wrote:

Hi Alyson,

Apologies for the delay. I wanted to contact my area manager regarding your available dates before getting back.

Unfortunately as England are playing in the Euro Finals on both of the dates you provided we will not actually be booking any live music. Hopefully it is possible to arrange an alternative weekend in July to get the sound engineer out and reset this limiter.

Are any of the following Dates in July suitable?

Sat 9th
Fri 15th
Sat 16th
Fri 22nd
Sat 30th

Apologies again for the inconvenience.

Regards

Chris

From: alyson ripc
Sent: 28 May 2016 12:47
To: #2320'Neill's, Muswel Hil (MAB)
Subject: Re: Sound Check - One/ls

Dear Chris,

The saturdayS in June I am available are;

Sat 11 June 2016

sat 24th June 2016

In the interim I would be grateful if you could please keep the music to a minimum especially

after 11pm. If there is excessive noise pollution I will call the council out.

regards

Alyson

On 27 May 2016, at 16:54, #232O'Neill's, Muswel Hil (MAB) <muswellhill@oneills.co.uk> wrote:

Hi Alyson,

Following from our conversation last weekend, Haringey Council have now asked us to liase between ourselves and advise them as to a proposed date(s) for the re-test

Derek has advised that the enforcement response team are available most Saturdays.

What dates are best for you?

Regards

Chris Murray
Holding Manager
O'Neill's Muswell Hill

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From: #232O'Neill's, Muswel Hill (MAB) muswellhill@oneills.co.uk
Subject: RE: Sound Check - Oneills
Date: 9 June 2016 13:09
To: alyson npo

Hi Alyson,

Haringey Council and Middlesex Sound have confirmed they will complete the sound check on Saturday 18th June.

They will arrive on site at around 8:30pm.

It was unfortunate that the sound engineer cancelled the last sound check on the 21st May as his children were unwell.

I am hopeful Haringey Council will be fit and healthy.

Kind Regards

Chris

From: alyson
Sent: 05 June 2016 01:34
To: #232O'Neill's, Muswel Hill (MAB)
Cc: Enforcement Response
Subject: Re: Sound Check - Oneills

Dear Chris

In your last email you only offered me dates in July so no it wasn't clear that there were June dates still available.

The first cancellation was the 6th May, when the council, not O'neills, notified me by email on the day it would not be happening. The second cancellation was, again on the day: the 21st May. That was the date you had a phone conversation with me to say the sound level check would not happen. You offered no further dates at that time.

As I said before, after nearly 18 months of trying to resolve this problem I will continue to contact the council if the noise levels are causing me an issue. This has been the only way any positive results have come about.

Unless the sound levels are maintained at the level set by the council back in Feb 2016 there will be noise pollution irrespective of the type or scale of band or DJ you book. You cannot possible gauge how that is affecting me by checking 'outside the pub near the area of your flat' thats why the acoustic experts and the council came to the property (on 2 occasions) to set the levels.

You have not ended the 'live acts at 11pm in the last month so why would I trust that you will do that going forward.

I can do Sat 18th June or Fri 23rd June.

Please ensure the council are committed and available to on these dates before you confirm and please do not waste my time confirming a date you will cancel at the last minute again.

regards
Alyson

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From: #2320'Neill's, Muswel Hill (MAB) muswellhill@oneils.co.uk
Subject: Sound check 18/06
Date: 17 June 2016 18:15
To:



Hi Alyson

I hope all has been acceptable with noise levels this week.

Apologies again for not responding immediately to your text last weekend.

Just to confirm that we are good to go tomorrow evening with the sound check. All parties booked in but with a slightly later start than planned as the band cannot begin until after the Euro's game has finished. This should be around 9:30 instead of the 8:30 initially planned. I hope this is not too inconvenient.

Regards



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From: alyson ripo
Subject: Re: Live music Tonight
Date: 16 August 2015 22:52
To: Donagh Wyley

Actually they finished at 10.20pm.

Given that the sound issue has not been resolved it's really not cool.

On 16 Aug 2015, at 22:23, Donagh Wyley

Good evening,
band didn't realise time & finished 10 minutes late as they were thrown a bit out timing wise with sounds checks
Apologies, I went to them at 5 past & asked them finish song
Regards
Donagh

Sent from my iPhone

On 16 Aug 2015, at 22:10,

Donagh

My understanding was that the band were playing between 8-10pm. It state that clearly in all correspondence we have had over this matter.

Its gone 10pm and they are still playing?

One of my biggest issues with dealing with you guys at O'Neils is you don't honour your word

It's not acceptable.

Alyson

On 16 Aug 2015, at 18:34, alyson ripo

On 16 Aug 2015, at 18:31, Donagh Wyley

Ok,
Great
Thanks.. What's your doorbell number?

Sent from my iPhone

On 16 Aug 2015, at 18:23, alyson ripo

Hi Donagh

My number is [redacted] was expecting them to come so please tell him to just ring the buzzer.

Alyson

On 16 Aug 2015, at 17:45, Donagh Wyley

Good evening,
Hope you are keeping well. As discussed we have booked a 4 piece band to play from 8 to 10pm with a break midway through Toby, manager from Middlesex sound is arriving as band starts to set agreed levels with yourself through our sound web software system
If it is still ok you Toby will need to pop into yourself to do readings & set accordingly . Is it ok for me to give Toby your number to meet up? If so please send on number . (or if you prefer he can just ring your bell).
Thanking you in advance for your help,
Kind regards
Donagh

Sent from my iPhone

From: alyson ripo
Sent: 22 August 2015 13:20
To: Donagh Wyley
Cc: #2190'Neill's, Muswel Hill (MAB); Pearce Derek; Garvey, Liam (MAB); Enforcement Response
Subject: Re: Cancellng of bands a untl sound issues resolved O Neill's church Muswell Hill

Dear Donagh

They are advertised as a band. They look like a band and they seem to have Mics, PA system and back up.

However if you say they are not and then there should be very limited sound coming through.

Thank you for confirming

Alyson

On 22 Aug 2015, at 13:08, Donagh Wyley wrote:

Good afternoon Alyson,

They are not a band, they don't have any instruments, they are 2 professional dancers that do 50s vintage hair, dress, dance.

Sent from my iPhone

On 22 Aug 2015, at 12:59, alyson ripo

Dear Donagh

Further to your response below regarding the noise abatement order and your response that *all* bands have been cancelled until noise pollution resolved, I believe this not to be the case.

You have advertised a band to be performing at the church tonight starting at 9pm

see below for links:

On stage @TheChurchPubN10 tonight from 9pm! #London #MuswellHill#vintage #music #singing #sisters... <https://t.co/lrWbrngdDc>

<https://www.facebook.com/vintagegirlact>

<https://www.facebook.com/pages/ONeills-Muswell-Hill-The-Church-Pub/341255169269236?fref=photo>

If this band goes ahead you have reneged on your agreement as per the email below and in line with the noise abatement order and I will call out the council .

Please confirm that this will not be necessary?

I look forward to your prompt response

Kind regards

Alyson

Sent from my iPhone

Begin forwarded message:

Resent-From: 3@mms.three.co.uk
From: 3/TYPED=PT.MN@mms.three.co.uk>
Date: 21 August 2015 16:57:41 BST
Resent-To:
To:
Subject: You have received a new message
Reply-To: 3@mms.three.co.uk

<tmj.jpeg>

You've received this message from mobile number

Subject: You have received a new message

Good afternoon alyson, Yes I have cancelled all bands over last few months & going forward until resolved. Awaiting confirmation from all hand members along with Middlesex, & hopefully eho regarding next Sunday. Kind regards Donagh

You can reply to this message once for free...

Just click on 'reply', type in your message (you've got a maximum of 500 characters) and click 'send'. It'll go straight to the sender's mobile phone, so they don't need to be on their PC to receive it. You can only reply once to each MMS you receive, so make sure it's a good one!

You've got a chance to reply until 27/08/2015.

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www.mbplc.com

From: alyson ripo
Subject: Fwd: O'Neill's Muswell Hill
Date: 21 August 2015 16:47
To: Donagh Wyley
Cc: Garvey, Liam (MAB)

Yes that will be fine. You do realise that until the sound issues have been fully resolved you still have to adhere to the noise abatement order?

regards

Alyson
On 21 Aug 2015, at 14:48, #2190'Neill's, Muswell Hill (MAB) <muswellhill@oneills.co.uk> wrote.

Hi Alyson,
Sunday again should be fine, just waiting to hear back from all people concerned to make sure they can attend, is it ok to confirm monday?
thanks again
Donagh

From: alyson ripo
Sent: 20 August 2015 09:47
To: #2190'Neill's, Muswell Hill (MAB)
Cc: Pearce Derek
Subject: Re: O'Neill's Muswell Hill

Hi Donagh

I am so sorry to hear that about Liam. I know I don't know him but please pass on my condolences. Never an easy time.

OK - I agree best to do another test when its all installed. I am working across that weekend -(unfortunately filming stops for no man or bank holiday) . Could do sunday again - 30th August 2015, same times 8-10.00pm?

A

On 19 Aug 2015, at 18:51, #2190'Neill's, Muswell Hill (MAB) <muswellhill@oneills.co.uk> wrote:

Good evening Alyson,
with regards to the next band sound check i am not 100% confident that our subcontractors will deliver & install the acoustic drapes by friday, so in this case we will not go ahead with music this weekend, better to arrange once all is up & installed. Is it possible to organise for the following weekend if you are not away?

Liam has been unable to email you as there there have been a sudden family bereavement so will not be returning to work this week, I am unsure of his return date.

Thanking you in advance

Kind Regards
Donagh Wyley

From: Donagh Wyley
Sent: 19 August 2015 17:45
To: #2190'Neill's, Muswell Hill (MAB)
Subject: Fwd: O'Neill's Muswell Hill

Sent from my iPhone

Begin forwarded message:

From: alyson ripo <alyson.ripo@haringey.gov.uk>
Date: 16 August 2015 21:46:03 BST
To: "Garvey, Liam (MAB)" <liam.garvey@haringey.gov.uk>, Donagh Wyley
Cc: Pearce Derek <Derek.Pearce@haringey.gov.uk>
Subject: Re: O'Neill's Muswell Hill

Hi Donagh and Liam

Just a follow up from this evening.

Toby from Middlesex sound had just left my flat. He has assured me that the level, speaker and PA adjustments he has applied will be locked in place under LIVE programming. He also said he would send a report with his

Although there has been improvement we both found that sound is still unacceptably audible in the bedroom.

I understand the acoustic drape did not yet arrive and that is due next week. So I will follow Toby's suggestion that we wait till that is installed, test a band again and then take a view as to how we need to move forward.

I am happy for that to take place sooner rather than later so will make myself available this coming weekend in order for you to test that out. I am committed to getting this to work for all of us.

Please let me know what date you wish to test again on?

regards

Alyson

On 6 Aug 2015, at 16:15, Garvey, Liam (MAB) <liam.garvey@haringey.gov.uk> wrote:

Alyson,

Really sorry to hear this! I'm on annual leave, but have just seen your email!

I have spoken to Donagh, who in turn has spoken to the contractors & told them not to start an work on the wall until 8am as was agreed! I do not know why they started earlier, but they will not do it again! I will speak to the contractors on my return!

Sorry again for the disturbance!

Regards

Liam Garvey

On 6 Aug 2015, at 08:12, alyson ripo

Dear Liam

Every Morning this week, myself and my neighbours on the side that adjoins the church have been woken up by your workman starting at 6.30 - 7am!

It just seems nothing you every say turns out to be correct. I don't understand why this whole situation has had to be so difficult.

I went out and asked the workman myself this morning to stop banging on the wall . Something I really shouldn't have to be doing at 6.45am in the morning. He said sorry and then continued as soon as I was back inside.

I sincerely hope that this sound construction blocks out the noise of the music entirely because I will not settle for anything less.

Please speak to your workman and ensure they follow the hours set out by the council for work taken place.

Alyson

On 30 Jul 2015, at 14:45, Garvey, Liam (MAB) > wrote:

Alyson,

Hope you are well! Regarding the timing of the work.

The main contractors are starting on Monday 3rd, they will be working 8am till about 4pm from the 3rd to the 7th, then back finishing up on 10th with handover planned for the 11th.

We aim to keep the noise to a minimum, so hopefully you & the neighbours upstairs will not be disturbed much!

Thanks again

Liam

Liam Garvey
RBM - London & South East

<image001.png>

From: alyson ripo
Subject: Re: Cancelling of bands a until sound issues resolved O Neil's church Muswell Hill
Date: 23 August 2015 14:01
To: #2190'Neill's, Muswell Hill (MAB) muswellhill@oneil's.co.uk
Cc: Donagh Wyley enforcement.response@naninge.gov.uk, Pearce Derek Derek.Pearce@haringey.gov.uk, Enforcement Response

O'Neils

I returned home yesterday at 11.15pm to clearly hear what sounded very much like live vocals and PA backup in my bedroom. It was loud and not possible for me to sleep till 11.50pm when it finally finished.

It was too late to call the council and I was unprepared for noise having been assured it would not occur.

Since, Donagh you insist that your entertainment was 2 women 'dancing' I can only assume it was your background music.

This now begs the question about those music levels. I would suggest you take immediate steps to reduce those levels and on Sunday we test and adjust both the 'live' and the 'DJ/background' music levels

I suggest we do that when the band finishes its test at 10 00pm.

Furthermore I would request you do not perpetuate the distorted facts about your need to cancel bands as solely down to 'a new neighbour who has complained about the music'. I will not tolerate any such intimidation tactics.

In my opinion this situation has not reached a resolution yet because you a) dragged your heels on dealing with the issue when it was first raised and dismissed my claims of noise pollution as nonsense and b) when required by law to undertake works to reduce the noise you failed to complete the works yet decided to go ahead and reschedule bands anyway.

I believe you are now in a position of having to cancel and reschedule as a result of your own actions not because of an original and wholly justified complaint made back in Jan 2015.

regards

Alyson

On 22 Aug 2015, at 18:33, alyson ripo

Dear Donagh

Please let me be clear

I haven't confirmed I am happy for tonight's entertainment to go ahead.

You have assured me they aren't a live band and the music will not be a disturbance. If it is I will be calling the council

There has not been 'substantial' improvements. There is still a great deal of audibility from the music which at its present level is a disturbance to me and impacts on my ability to live peacefully in my property.

The council have been involved all along and cc'd in every piece of correspondence we have had over this matter

We can take a view when the acoustic curtain has been installed as to what the next steps are. I am keen for you not to lose your license entirely.

regards

Alyson

On 22 Aug 2015, at 18:05, #2190'Neill's, Muswell Hill (MAB) <muswellhill@oneil's.co.uk> wrote

Hi Alyson,

Thank you for confirming that you are happy for tonight's entertainment to go ahead.

As for next steps I have noted the views of Darrel Olivier, that there have been substantial improvements in the reduction of noise levels & the only outstanding work is in relation to acoustic curtains to be fitted within the next few days. This accords with our own acoustic advice from Hepworth that the programme of work (at a cost of £50k) is being effectively carried out and should ensure that you are not troubled by anything that could constitute a legal nuisance. We are pleased that you have involved the council in our exchanges because we have heeded their helpful advice and hope we can involve them in a fair trail of new arrangements in the future.

In the circumstances we are all set for a live band evening on the 30th Aug from approximately 8pm to 10pm.

Kind regards

Donagh Wyley

From: alyson ripo [i]
Sent: 22 August 2015 13:20
To: Donagh Wyley
Cc: #219O'Neill's, Muswel Hill (MAB); Pearce Derek; Garvey, Liam (MAB); Enforcement Response
Subject: Re: Cancelling of bands a until sound issues resolved O Neil's church Muswell Hill

Dear Donagh

They are advertised as a band. They look like a band and they seem to have Mics, PA system and back up.

However if you say they are not and then there should be very limited sound coming through.

Thank you for confirming

Alyson

On 22 Aug 2015, at 13:08, Donagh Wyley <

> wrote:

Good afternoon Alyson,

They are not a band, they don't have any instruments, they are 2 professional dancers that do 50s vintage hair, dress, dance.

Sent from my iPhone

On 22 Aug 2015, at 12:59, alyson ripo <

Dear Donagh

Further to your response below regarding the noise abatement order and your response that *all* bands have been cancelled until noise pollution resolved, I believe this not to be the case.

You have advertised a band to be performing at the church tonight starting at 9pm

see below for links:

On stage @TheChurchPubN10 tonight from 9pm! #London #MuswellHill#vintage #music #singing #sisters... <https://t.co/lrWbrngdDc>

<https://www.facebook.com/vintagegirlact>

<https://www.facebook.com/pages/O'Neills-Muswell-Hill-The-Church-Pub/341255169269236?fref=photo>

If this band goes ahead you have reneged on your agreement as per the email below and in line with the noise abatement order and I will call out the council .

Please confirm that this will not be necessary?

I look forward to your prompt response

Kind regards

Alyson

Sent from my iPhone

Begin forwarded message:

Resent-From: _____
From: <7447448277/TYPED PLMN@mms.three.co.uk>
Date: 21 August 2015 16:57:41 BST
Resent-To: _____
To: _____
Subject: You have received a new message
Reply-To: _____ @mms.three.co.uk

<tmm.jpeg>

You've received this message from mobile number

Subject: You have received a new message

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①

📧

From: alyson ripo [mailto:_____] **Sent:** 25 July 2015 23:36
To: Garvey, Liam (MAB)
Cc: Pearce Derek
Subject: Re: O'Neill's Muswell Hill

Liam

Can you let me know the dates when the work will actually start and finish?

It will impact on mine and my neighbours (who have children) flats 's, be good to have that information in advance so we can all be prepared to work round that.

thanks

Aly

On 25 Jul 2015, at 12:00, alyson ripo <____> > wrote:

Yes, that date is in now my diary.

A

On 24 Jul 2015, at 16:15, Garvey, Liam (MAB) <____> > wrote:

Alyson,

Thank you for your response! We are in the process of organise for Middlesex for the Sunday 16th, we will book Entertainment for 8pm – 10pm so they can take the reading & make any adjustments.

Middlesex will confirm by Wednesday next week, but in principle is this ok with you?

thanks

Liam

Liam Garvey
RBM - London & South East
<image001.jpg> <image002.jpg> <image003.jpg>

①

📧

From: alyson ripo [mailto:_____] **Sent:** 20 July 2015 10:52
To: Garvey, Liam (MAB)
Cc: #2190'Neill's, Muswel Hil (MAB); Pearce Derek

Subject: Re: O'Neill's Muswell Hill

Hello Liam

Thanks for the outline and schedule of work. I am really sorry but that weekend 14 & 15 August isn't good for me. I could do the Sunday the 16th or the following Saturday 22nd?

regards

Aly

On 16 Jul 2015, at 16:12, Garvey, Liam (MAB) wrote:

Alyson,

Hope you are well! Donagh & myself were in Muswell Hill earlier today to have a site meeting with all contractors, the architect & building manager who are involved in the works to reduce the sound transfer to your flat. We now have confirmed works & timings. Below is an outline of the work included

- Remove existing stud wall of party wall & replace with double skin acoustic insulated wall.
- Encasing extractor ducting with insulated acoustic lined wall.
- Install an additional acoustic skin to existing fire exit staircase wall.
- Move stage to a different position so sound projects in a different direction across pub.
- Build acoustic dissipating wall to side of stairs to mezzanine level (next to the location of the new stage).
- Install acoustic deadening curtain to walls behind the new drums position.
- Adjust speaker & setting off system in conjunction with Middlesex.
- The Speakers on party walls to be separately zoned & turned off during music (live & background)

All the above works will be completed by the 11/8!

With your agreement, we would like to schedule a band for 14/8 so Middlesex sound can attend to check sound levels in your flat & make any adjustments to the settings of the equipment.

The timings would be similar to when Graham attended, if you could please let me know if this works for you I will schedule this.

Kind regards

Liam

Liam Garvey
RBM - London & South East

<image001.jpg>

①

First communication
into Council

From: Enforcement Response Enforcement Response@haringey.gov.uk
Subject: RE: noise pollution O'Neills 87 Muswell Hill Broadway, London, N10 3HA
Date: 26 January 2015 09:34
To: Alyson Ripo
Cc: Enforcement Response Enforcement Response@haringey.gov.uk

Thank you for your email

If you wish this matter to be progressed then you do need to have a further officer visit you

Ideally a representative of O'Neills needs to visit and witness the noise in your flat. However if you are not comfortable with this then please call us when the noise is happening and an officer will visit. On a Saturday it is possible for two officers to visit and one can be at O'Neills advising them when it is too loud

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: Alyson Ripo [mailto:]
Sent: 25 January 2015 12:08
To: Enforcement Response
Cc:
Subject: Re: noise pollution O'Neills, 87 Muswell Hill Broadway, London, N10 3HA

Dear Derek

Unfortunately the noise pollution goes on. There has been no reduction in sound levels since the complaint made and upheld on 16th January.

I followed the advice given in the letter you sent date 17Jan 2015 and called the out of office team. They suggested I email you (the day team) as there wasn't anything more they could do. Sending out a representative from the council is a waste of time as you have already been and deemed the levels excessive.

In an attempt to be proactive, I called O'Neills directly. They said the manager wasn't there. They acknowledged a letter had been sent but weren't given any details from the council as to what nights or who was being disturbed, therefore they couldn't do anything about the situation?!

I said they needed to reduce the levels as the music was a disturbance for nearby residents. The man on the phone said it wasn't anything to do with him, he wasn't the manager, he had no authority. He was very placatory but here was no agreement to take any action only him repeating 'we don't know who you are and what the problem is, so you should speak to the council again'

The man I spoke to wasn't in any way impolite and the conversation was reasonable however he said twice 'Sorry - but there is nothing we can do about it.'

This does not give the impression they are:

a) taking the letter, and complaint, received seriously and b) really care about the trouble they are causing to local residents.

I still maintain that the levels could be permanently reset to reduce the noise pollution directly into the Old Chapel and perhaps speakers need to be reposition to bounce sound in rather than through the walls. I am no expert but I'm sure the council has access to people who know about the technical side of sound.

I remain open to finding a solution that works for both parties but I am not prepared to put up with the current excessive levels - especially after 11pm.

Please advise of the next steps?

kind regards

Alyson Ripo

On 19 Jan 2015, at 12:00, Enforcement Response <Enforcement.Response@haringey.gov.uk> wrote:

Yes but I can't give details

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 19 January 2015 11:39
To: Enforcement Response
Subject: Re: noise pollution O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

No worries Derek. I will investigate. Has anyone made a complaint about o Neil's before from the chapel?

A

Sent from my iPhone

On 19 Jan 2015, at 11:23, "Enforcement Response"
<Enforcement.Response@haringey.gov.uk> wrote:

Sorry I don't have any specific info on this

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 19 January 2015 11:05
To: Enforcement Response
Subject: Re: noise pollution O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

I will do . I didn't know we had a resident group. Do you have details? I have found the building management agency to be quite obstructive to change is it them who organises it?

On 19 Jan 2015, at 10:53, Enforcement Response
<Enforcement.Response@haringey.gov.uk> wrote:

I suggest that you contact us from about 8pm on a Saturday when we have two teams working who may be able to assist with this. Of course of it is a problem on other nights then you may also call

I understand that you have a residents group. This is an ideal opportunity to invite O'Neills to discuss your concerns

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:_____
Sent: 19 January 2015 10:49
To: Enforcement Response
Subject: Re: noise pollution O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

Hello - thank you so much for your prompt response I am really impressed with you, your colleagues and how the council is dealing with my complaint.

I have on several occasions when the sound has been loud telephoned O'neils , however there was no response or voicemail. I do not wish to go in there at 12.00pm at night. I am not the only resident who experiences this noise issue but I am the *only* resident who is prepared to follow through a complaint. I am anxious there will be repercussions from O'neils if I communicate directly with them?

I am happy for sound levels to be checked perhaps an officer can be present when that happens and its is arranged through the council?

many thanks again

kind regards

Alyson

On 19 Jan 2015, at 10:41, Enforcement Response
<Enforcement.Response@haringey.gov.uk> wrote:

Thank you for your email – have you spoken with the management of O'Neills yourself?

I confirm that the officer visited and spoke with O'Neills. A warning letter has been issued.

They may wish to visit you to set their sound system so that it does not cause you a nuisance

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:alyson.ripo@haringey.gov.uk]
Sent: 17 January 2015 22:35
To: Enforcement Response
Subject: Re: noise pollution O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

Hello

I called out your enforcement team on friday 16 jan at 10.30pm to hear the noise pollution that I am experiencing in my flat, particularly my bedroom, from O'Neils Pub in muswell hill. Your colleagues were in agreement that the noise was indeed unreasonable and needed to be reduced. I understood that they would speak to them directly at that time and also a letter would be sent requesting they turn the music down.

Now its saturday evening 17th Jan 2015 10.45pm and the sound is so much *worse* than yesterday. The bass is so high the entire flat is reverberating. I don't quite understand why, if someone is asked to turn the music down why they would turn it up? Is this some sort of repercussion for me making a complaint?

If I call your officer to come and visit again, it seems I will be calling 4 night's a week because nothing has changed and I am not optimistic it will. Please advise me of the next steps?

kind regards

Alyson

On 14 Jan 2015, at 16:37, alyson ripo <alyson.ripo@haringey.gov.uk> wrote:

Dear Derek,
Thank you for your swift reply, whilst I appreciate you clarifying the licensing hours, can you also confirm what legal level of noise I am expected to tolerate?

Kind regards,

Alyson Ripo

On 12 Jan 2015, at 09:59, Enforcement Response
<Enforcement.Response@haringey.gov.uk> wrote:

Thank you for your email

I have checked the Premises Licence which states the following

Films, Indoor Sporting Events & Live Music	
Sunday to Wednesday	1000 to 0000
Thursday	1000 to 0100
Friday & Saturday	1000 to 0200

No restrictions in regards hours for the playing of recorded music

If you wish for an officer to visit you one evening then please arrange this by calling 020 8489 0000 approx. 90 minutes before you wish the visit. Explain to the officer that you wish an assessment of noise from the pub.

If you are not satisfied with the steps the premises are taking to prevent noise from music affecting you then you may request a review of the licence

Please see the following link

http://www.haringey.gov.uk/index/business/licensing_regulations/licensing/licensing_guidance_and_annexes/licensing_applying_for_a_review.htm

Following a review, a licensing authority may:

- Decide that no action is necessary to promote the licensing objectives
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding 3 months)
- Revoke the licence

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

-----Original Message-----

From: alyson ripo [mailto:...]
Sent: 09 January 2015 22:30
To: Enforcement Response
Subject: noise pollution

Hello

I am currently living in a flat in the converted Chapel private residence that adjoins O'Neill's pub in Muswell hill. I would like someone to come out and test the decibel levels of the live music played four nights a week?

On various weekend evenings between 8pm - 12pm I cannot use my bedroom at all because of the sound levels. I am unable to sleep before 12.30pm and it is starting to affect my health. Some times it's so loud the whole flat is permeated by the sound. I expected to experience some sound as the flat is connected however again I would state nothing like the volumes of noise I have experienced on several weekend nights. I am aware that the sound system installed is one of the largest in london. Unusual for a pub in a residential area.

I understand they have a licence however the decibel level simply cannot be right if it totally blasts through my bedroom and the rest of the flat. Even earplugs cannot block out the noise. I often can't hear my own music or tv over the noise. If I turn that up in order to compete I will in turn be a source of noise pollution for my neighbours. My upstairs and back neighbours experience similar issues.

However I do believe that one takes the full force when the volume is ramped up

Since I have lived here the music frequently goes on beyond the licensing hours and at very loud volume which I as I stated before cannot possibly be legal. It seems to get louder as the evening progresses. Some nights it isn't so bad which encourages me that it is a volume decibel situation that could be remedied.

Please advise me of the action you will take to investigate and what I can do to resolve this issue?

kind regards

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From: Pearce Derek Derek.Pearce@haringey.gov.uk
Subject: RE: Complaint O'Neils Church Pub - HC-306267
Date: 29 March 2016 16:20
To:
Cc: Eastwood Mark Mark.Eastwood@haringey.gov.uk

Dear Ms Ripo

I confirm that following Mr Eastwood's visit a Fixed Penalty Notice has been issued to Mitchells and Butler. If this is not paid then a prosecution may be made.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:
Sent: 24 March 2016 23:20
To: Enforcement Response
Cc: Pearce Derek
Subject: Re: Complaint O'Neils Church Pub - HC-306267

Hello

I have not had a response to this so I do not know what action has been taken. This evening I have had to call the council yet again because of the noise pollution. O'Neills have a noise abatement order in place since March 2015. I have spent a year trying to find a solution to this on going noise problem and yet it continues.

A member of the enforcement team came out Sunday morning at 2.00am and found O'Neills still playing music and serving alcohol. That music was preventing me from sleeping Surely this is both breaking the law and the noise abatement order?

Why has action not been taken to ensure this does not continue? Why does it seem O'Neills are exempt from the law?

kind regards

Alyson Ripo
On 24 Mar 2016, at 14:26, alyson ripo wrote:

Hello

I just wanted to find out what action was / is being taken following the complaint made and upheld in early hours of Sunday morning March 20th?

kind regards
Alyson

Thank you for your enquiry about noise.

Our usual operating times are 8am to 3am week days and 8am to 4am at weekends. If there is an officer on duty it is our aim to call back complainants within 30 minutes and in any event within an hour. If a visit is appropriate we aim to visit within an hour and currently achieve this 70% of the time. At the assessment visit the duty officer is able to give feedback on any proposed action and offer advice on action that should be taken if future noise is experienced.

Below are the details you supplied us.

Noise category: Noise - Commercial/Leisure

Problem description: noise from pub. was low and just turned it up .its 12.37

Date and Time Submitted: 19/03/2016, 00:39

Noise Problem Reference ID: HC-306267

Problem Location:

Details of noise problem location: Address of noise problem known?: Y

House/flat name:

House/flat number: 87 o neills church pub

Street: Muswell Hill Broadway

Locality: Hornsey

Postcode: N10 3HA

Contact details: Contact Name: Miss alyson ripo

House/flat name:

House/

Street:

Town:

Postcode:

Preferred method of contact:

Telephone:

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From: Pearce Derek Derek Pearce@haringey.gov.uk
Subject: RE: O Neills
Date: 23 March 2015 12:26
To:
Cc: Enforcement Response Enforcement.response@haringey.gov.uk

Thank you for the update – I have reminded O’Neills of their commitment to update me on actions they have taken

We will still need to witness the noise so please continue to call us when you are disturbed

You may also wish to give further consideration to requesting a review of the licence

<http://www.haringey.gov.uk/business/licensing-and-regulations/licensing/licensing-guidance/guidance-interested-parties-applying-review>

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:
Sent: 23 March 2015 11:36
To: Pearce Derek
Cc: Enforcement Response
Subject: Fwd: O Neills

Hi Derek

Unfortunately nothing has moved forward with this. I have had no response to the email below.

I called out your colleagues on saturday night. By the time they arrived the music had been reduced . To me in my bedroom at 11.30pm it is still loud. However one of your colleagues didn’t feel it was a statutory nuisance. It then got louder briefly after they left and stopped completely at 11.50pm - I attributing that to them going in there and speaking with the management.

It indicates to me more than ever the levels need to be tested and set, in conduction with hearing it in my flat, as just turning it down one night and not the next is not much use.

Can you please advise what I should do next with regards O’Neills and getting them to take respond to my emails and take some action?

thanks

Aly

Begin forwarded message:

From: alyson ripo <
Subject: Re: O Neills
Date: 18 March 2015 20:10:48 GMT
To: O’Neill’s Musell Hill <muswellhill@oneills.co.uk>

Hi Donagh

Can you please you tell me when the site inspection is taking place ?

It's been 2 weeks since we sent you a report. It's been 3 months since the sound issue was raised.

I am disappointed that still nothing beneficial has happened regarding the sound levels yet.

For St Patricks night - Tuesday 17th March, extremely loud music and PA system went on till *12.00am*.

Your email below says 8.30- 9.15 irish dancing. Like most people I work in the week. My upstairs neighbours have 2 small children whose bedroom experiences the same sound issues as mine. They go to school in the week. None of us can sleep until the music finishes.

Do you think that it is unreasonable for us to want to sleep before 12.00pm on a weekday?

I have deliberately held back from calling the council when live music takes place because I wanted to settle this amicably. If I do call them to come out again, O'Neils will be issued with a noise abatement order. Do you understand if that process begins it could end in court and ultimately the venue losing its license?

I don't understand why it's taking so long for someone to come and listen to the levels in the flat and simultaneously turn down the main PA system in the venue until we find a level that works?

I look forward to your response

regards

Aly

On 11 Mar 2015, at 21:18, O'Neill's Muselll Hill <muswellhill@oneills.co.uk> wrote:

That would be great if you did,
i'll shout you a Guinness

From: alyson ripa
Sent: 11 March 2015 19:30
To: #219O'Neill's, Muswel Hil (MAB)
Subject: Re: O Neils

Thanks Donagh for letting me know. Hopefully they will move it forward quickly.

St Patricks night sound good. I might pop in :)

regards

Aly

On 11 Mar 2015. at 18:25. O'Neill's Muselll Hill <muswellhill@oneills.co.uk> wrote:

Good afternoon Miss Ripo,
yes i have spoken to our maintenance manager whom contacted our building contractors along with middlesex sound to arrange site inspection together to resolve issue. with regards to this weekend we have one band friday till 11.30 & one band sat night till 11.30, closing by 12. We have a folk music session on tuesday night for St patricks day along with some young irish traditional dancers from 8.30 to 9.15.

Once i have report back from the contractors with works to be carried out i will send on to yourself
kind Regards
Donagh Wyley

From: alyson ripo
Sent: 09 March 2015 12:40
To: #2190'Neill's, Muswel Hill (MAB)
Cc: Pearce Derek
Subject: Re: O Neills

Hi Donagh

Just wanted to find out what is happening re: sound reduction? Have you spoken with head office team yet? I am aware, via your website, you have a St Patricks day 5 continuous nights coming up and that could be a real issue for me if the sound continues as it is currently.

Look forward to hearing from you

regards

Aly

On 4 Mar 2015, at 20:11, alyson ripo < > wrote:

Dear Donagh

Thanks for your response. Unfortunately I haven't noticed any improvement. Whatever band seems to be playing, the noise remains excessive in my bedroom. It will take simultaneous liaison between your venue and my flat, by a sound expert who understands the software in use, to reduce the noise to an acceptable level. The sooner that process begins the happier we will all be.

Thank you for your apology. We have established this is the first time O'Neill's have been made aware of the issue specifically with Flat One. I am as surprised by that as you are.

My understanding was that your trading hours, since I have lived in the property have always been to close at 12.00pm on the weekend and 11.00pm on week nights. Indeed that is what is states on your website. I can't imagine in such a residential area a 2.00am finish would be very popular with anyone let alone residents in the adjoining chapel.

I too am keen to work together to find a solution that is good for everyone. I have demonstrated that so far by being proactive about the actual attenuation rather than pursuing the route of having your live music license revoked.

I look forward to hearing your head office maintenance team response and to effective action

being taken.

kind regards

Aly

On 4 Mar 2015, at 18:35, O'Neill's Musell Hill <muswellhill@oneills.co.uk> wrote:

Good evening Miss Ripo,

Apologies if you think we are not reacting to your complaint. We have taken your complaint very seriously. since you first brought noise to my attention i have cancelled 5 music events that we thought might have been louder than others(no live music sat 2 weeks back). For this weekend, on sat night i originally had a 5 piece band booked, but have now reverted to a 3 piece. I have emailed all bands that play here to ensure they do not bring any extra equipment that may enhance sound levels plus all duty managers have been informed to keep levels lower at weekends (not sure if you have noticed an improvement). Apologies again for the disturbance, I have been in The Church for the past three years and noise has not been brought to my attention, but now it has we will work to improve. We have noise limiters fitted & i though they were effective. we also have reduced our trading hours from 2am close to 11pm 5 days per week & closed by midnight at weekends. I look forward to working together to rectify any problems going forward

thanking you for you're patience

kind regards

Donagh

From: alyson ripo

Sent: 04 March 2015 16:14

To: #219O'Neill's, Muswel Hil (MAB)

Subject: Re: O Neills

Dear Donagh

Since this has been going on since Jan 2015 with as yet no input from O'Neils, I would ask that you ensure something takes place this weekend, otherwise I will be following up with the council.

regards

Aly

On 4 Mar 2015, at 15:51, O'Neill's Musell Hill <muswellhill@oneills.co.uk> wrote:

Good afternoon Miss Ripo,

Thank you for the report, I will forward this on to our head office for the maintenance department to address issue, I will revert back to you with their plans once I have received them,

thanking you for your patience,

kind regards

Donagh Wyley

General Manager

From: alyson ripo [

Sent: 04 March 2015 15:41

To: #219O'Neill's, Muswel Hil (MAB)

Cc: Enforcement Response

Subject: Re: O Neills

Dear Donagh

Please see below.

regards

Alyson

-----Original Message-----

From: alyson ripo [mailto:_____]

Sent: 27 February 2015 13:55

To: muswellhill@oneills.co.uk

Cc: Elliot Patterson; Enforcement Response

Subject: Noise Pollution from O'Neils Muswell Hill

To whom it concerns

Following on from my phone call with Philip and various other staff at O'neills Muswell Hill.

I came into the venue on friday 20th Feb 2015 around 10.00pm with my friend and sound engineer, who was part of the team that originally installed the system into O'neills, Elliot Patterson. Chris Murray showed us around the building however there were no managers (Dona or Philip) present at that time. We left agreeing to follow up by email our findings for O'neills to take forward.

Both Elliot, in his capacity as sound engineer, and the council environmental representative, who visited the property a month ago, are in agreement that the sound levels during a live band are excessive in Flat 1 - the bedroom in particular, and need to be reduced.

Elliot, as a favour to me, has drafted a short report outlining current issues and possible next steps regarding reducing the noise. He has identified the main PA sound levels need reducing. This would have to be tested simultaneously in the flat in order to reach an acceptable level and then fix the software at that level. See attached report.

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#yourvotematters

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From: Pearce Derek Derek.Pearce@haringey.gov.uk
Subject: RE: O' Neils Complaint - 1 JAN 2016 ref : T1165918
Date: 2 January 2016 07:56
To: alyson ripo alyson
Cc: Enforcement Response Enforcement.Response@haringey.gov.uk

Thanks Alyson,

Once a Noise Abatement Notice has been issued there is a 12 month period during which the notice remains "live". We generally close the case after 12 months if no further noise has been reported. Clearly this is not the case here and so the Noise Abatement Notice remains in effect.

You may either report the noise to us for assessment visits or take your own action.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:
Sent: 02 January 2016 00:03
To: Pearce Derek
Cc: Enforcement Response
Subject: Re: O' Neils Complaint - 1 JAN 2016 ref : T1165918

I just looked at this on Haringay council and since this issue has been going on 12 months since the abatement order was issued and is not yet resolved can you not take enforcement action?

Abatement action process

- When excessive noise is witnessed for the first time a Warning letter is issued.
- If further excessive noise amounting to a nuisance is witnessed within 6 months of the warning a Noise Abatement Notice may be issued.
- If noise nuisance continues within 12 months of issue of the Noise Abatement Notice, enforcement action and or seizure of equipment for failing to comply with the abatement notice may be taken.
- Enforcement action may include a prosecution in the Magistrates Court, issuing a caution, issuing a fixed penalty notice or sending a further written warning.

On 1 Jan 2016, at 23:56, alyson ripo < > wrote:

Dear Derek

I have this evening once again called the council regarding noise from O'Neils. They started randomly playing music loud at 10.00pm and its is still going strong.

It's loud , nightclub party just starting loud. The bass and drums are reverberating through the walls down the entire length of my flat. There is no respite from it I can hear the words of the

...the volume of the music being played in my bedroom. There is no respect from the club for the noise of the songs being played in my bedroom.

They must have every speaker in the building on. I

Its 23.55 on New Years day and I cannot go to sleep. Who knows how long they will be playing at this level?! On New Years eve we returned home at 1.00am only to find that the music again very loud went on till 2.30am.

I spoke with George who is on duty and he had a call in front of me so said he would call back to see if the music was still going on once he had dealt with the other job. I hope he does because there is no doubt that he would find the levels a noise disturbance.

We discussed the outcome from previous calls and the levels and agreement he negotiated in early December. He does not have anything from O'Neils by way of a report or print out of set levels from that day.

I am confused then how Lambin assessed that the levels had not been breached on the 19 Dec - does he have a copy of the print out?

From what I have experienced since 5th December 2015, I believe they have set no such levels and are not abiding by any agreement we made.

This is the 3rd time I have had to complain since we spent the evening setting levels that were not a nuisance and they have not once kept to it.

Bands go on after 11pm, then recorded music goes on to 12pm and beyond at a level that makes it impossible to sleep. This has been going on for a year!

I really want to understand why you are not making them accountable?

regards

Alyson

I

On 31 Dec 2015, at 15:22, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

I have copied this email to George Roberts who may be able to assist you

Which independent action are you proposing? Will it be section 82 Environmental Protection Act 1990? I have attached some information for you about this type of action.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 28 December 2015 13:23

To: Pearce Derek
Cc: Enforcement Response
Subject: Re: Muswell Hill O Neils noise complaint 19 Dec 2015

Please can you provide me with a copy of / print out of the levels set which O ' Nels will have giving you when George from the council visited my property and premises? I wish to know at what level the limiters have been set.

I will be taking independent action now as it seems the council will do no more

Alyson

On 23 Dec 2015, at 13:21, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

The officers have to assess whether there is a breach of the abatement notice. i.e. a statutory nuisance

There is currently no condition on the premises licence about noise audible in nearby residents' accommodation but if this were deemed necessary it may be requested as a part of a premises licence review see web link below

http://www.haringey.gov.uk/sites/haringeygovuk/files/application_for_the_review_of_a_premises_licence_or_club_premises_certificate_1.pdf

Derek Pearce

Team Leader Enforcement Response

Tel 020 8489 5264

derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:alyson.ripo@haringey.gov.uk]
Sent: 23 December 2015 12:40
To: Pearce Derek
Cc: Enforcement Response
Subject: Re: Muswell Hill O Neils noise complaint 19 Dec 2015

That's quite subjective as to whether the music is barely audible . He is not attempting to sleep through it after 11pm.

The limiters set in the pub do not reflect the sound heard in the flat.

They cannot be as they are not the levels set when GEorge attended.

I would not call out the council on those levels.

The levels would not vary throughout the evening if they were fixed.
Surely I am entitled to sleep before 11pm?

I am not a big company like O Neil's and I don't have their legal resources or their favourable relationship with the council. I am an individual who looks to the council to provide fair representation.

The email trail from back in March shows no less than 6 call outs to the council regarding noise complaint after the order was in place- yet no action has been taken further by council.

Legally that doesn't seem right to me:

I hope you have a good xmas because I surely will not, as my family and I will be listening to O'Neils music in my flat till gone 12pm and I will be considering how I am going to have to move in the New year because I am not in a position to take on Mitchell and Butler.
Alyson

Sent from my iPhone

On 23 Dec 2015, at 12:21, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

The officer who visited you on 19th December at 22:30 was Lamin Tamba

His report states "Visited complainant, music on but not very loud. Barely audible. Went to bar and spoke to Martin. All limiters working fine and on green spectrum, not on yellow level all through my visit. Complainant advised that agreed levels have not been breached"

You are of course at liberty to call us on Christmas Eve. Complaints may now also be made online. www.haringey.gov.uk/noise

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:_____]_____
Sent: 23 December 2015 10:46
To: Enforcement Response; Pearce Derek
Subject: Re: Muswell Hill O Neils noise complaint 19 Dec 2015

Hello

I really need to know what is happening with this?

O'Neils have booked a band for Christmas eve and I have family staying. It's so unfair they are allowed to continue playing music when its is such a disturbance to me.

They have broken the agreement they made previously and breached the noise abatement and yet it seems the council does not wish to take action?

This is starting to affect my mental and emotional welfare. I am constantly on edge that they may play music, if I go to sleep at 11pm I am likely to be woken up by the music starting at 11.30pm. Then they play beyond 12.

Now I will have my Christmas ruined by having to call out the council during a

family christmas.

I don't understand why they are allowed to continue?

kind regards
Alyson

On 22 Dec 2015, at 12:13, alyson ripo <_____> wrote:

I am terribly sorry I can't remember his name. There were 2 of them, one I have not meet before and the other has been before. Black , young - ish , pleasant , quite stylish

That the music was quite loud and he needed to talk to George about it. That he would speak with O'Neils and we would have to set the levels all over again

That he would let me know what action would be taken

On 22 Dec 2015, at 11:29, Enforcement Response
<Enforcement.Response@haringey.gov.uk> wrote:

Do you know which officer visited you?

What was their feedback?

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 22 December 2015 11:19
To: Pearce Derek
Cc: Enforcement Response
Subject: Muswell Hill O Nells noise complaint 19 Dec 2015

Hello

I would be grateful if you could tell me what action was taken following my call out and visit from noise enforcement team on Saturday 19th December regarding noise from O'Neil's?

many thanks

Aly

On 9 Dec 2015, at 09:41, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Dear Ms Ripo,

It is MMBL's responsibility not to cause noise nuisance having regard to the abatement notice which has been served.

They have undertaken works at the pub and arranged for the sound test to be undertaken.

Now they must ensure that they keep to the appropriate levels whether this is live or recorded music.

You may call us if you consider noise in your flat is not acceptable and our officers will visit and advise what action would be appropriate.

You may also take advice on what other action may be appropriate for you to take.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 09 December 2015 09:36
To: Enforcement Response
Cc: Pearce Derek; Shelley, Toby (MAB)
Subject: Re: Muswell Hill O'Neill's, sound check

Hello

I have not had any response to this?

I see that O'Neils have booked an open Mic night for 17 Dec <https://www.facebook.com/events/1530231837302207/> despite the fact this is not resolved.

Can someone please explain to me why this is ok because as far as I am concerned they have broken the agreement made on Sat and the noise pollution is still a problem.

I will continue to call out the council when noise pollution occurs

regards
Alyson

On 5 Dec 2015, at 23:54, alyson ripo < > wrote:

Dear all

Following this evening sound checking I had thought that we had reached a

Following this evening sound checking, I had thought that we had reached a position that we could all currently work with. Levels were set and agreed plus times agreed for the live act to play to.

When the Haringay Environmental officer left my property the noise of the DJ was so low it was barely audible - this level I agreed was ok for me to sleep through. This level we all agreed was acceptable

At 11.00pm the levels went UP significantly and at 23.48 they are still going strong. I do not understand why that happened?

I called the council immediately and spoke having spoken with another officer we agreed that it would be difficult to get someone back out. On the officer's advice I am now sending this email to follow up

I cannot believe O'Neils would renege on their agreement so immediately.

I thought we had finally find a resolution. I gave up my evening to make this work. I accepted a level that I wasn't completely happy with to compromise. This has been going on for months.

O'Neils seem to be simply paying lip service to both the council and my requests and it's not acceptable and must now be accountable.

I will also be seeking independent legal advice as to making my own claim for private noise nuisance as O'Neils have shown blatant disregard for both my agreement and the council's regards

I look forward to this matter being followed up and I would like now to put my previous agreement on levels on hold

Alyson

On 4 Dec 2015, at 13:53, Shelley, Toby (MAB) < > wrote:

Hi Alyson

The people that will be attending tomorrow are as follows.

Toby Shelley – RBM Mitchells and Butlers
Darren Read – Mitchells and Butlers Fire, Health and Safety Team Manager
A representative from Hepworth's
A representative from Middlesex Sound and Lighting
A representative from the Council

Thank you

Toby

From: alyson ripo [mailto: >]

Sent: 04 December 2015 13:37
To: Shelley, Toby (MAB)
Cc: Derek.Pearce@haringey.gov.uk
Subject: Re: Muswell Hill O'Neill's, sound check

Hi Toby

Can you confirm who will be attending and what will take place?

I would like a response to this before I am happy to go ahead

Thank you

Alyson

Sent from my iPhone

On 4 Dec 2015, at 13:14, Shelley, Toby (MAB) <____>
wrote:

Hi Alyson

We will be with you at 8pm this Saturday, see you then

Thanks

Toby

From: alyson ripo [<mailto:>]
Sent: 03 December 2015 12:45
To: Shelley, Toby (MAB)
Cc: Derek.Pearce@haringey.gov.uk
Subject: Re: Muswell Hill O'Neill's, sound check

Toby

8.00pm onwards.

Please be aware it is not just the *bands* that cause the noise issue - loud music from the DJ's and accompanying sound systems, such as the ones you have booked recently, need to have their levels set as they are currently as much of a problem as the live music. Hence the council being contacted on 21 October and 9th November 2015

This is something I have requested several times and not yet happened so I strongly suggest you brief your sound people to ensure that is also addressed on that Saturday?

This noise issue has gone on far too long.

regards
Alyson

On 16 Nov 2015, at 14:35, Shelley, Toby (MAB)
<...> wrote:

Hi Alyson

Was wondering if you had a date in mind yet, as I will need some time to get all the parties together, we are willing to organise this when ever suits you, any day this week onwards, should be possible.

Thanks

Toby Shelley
Retail Business Manager for Heartlands

Tel: 0121 717 1111

" Pubs in the Heart of the Community "

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From: Pearce Derek Derek.Pearce@haringey.gov.uk
Subject: Re: Complaint O'Neils Church Pub
Date: 21 May 2016 17:54
To: alyson ripo

Please report to us if the noise is too loud tonight - Mr Buckle is on duty

Sent via my mobile device.

On 21 May 2016 17:51:47, alyson ripo <alyson.ripo@haringey.gov.uk> wrote:

Hi Derek/charles

I have just taken a phone call from Chris the temporary manager at o'neils informing me the sound check will not take place.

This is the second time they have cancelled and in-between the last 2 weeks I have called you x 2 because of sound issues and agreed not to take it further because of this check coming up.

Is there not something that can temporarily be put in place to prevent O'Neils from causing sound pollution and make them accountable that this level set doesn't seem to be happening ?

Perhaps a ban on music completely until its resolved?

This has been going on since Jan 2015. We've had 2 level setting evenings take place. The fault lies with O'Neils for not following the levels the council agreed back in Feb 2016.

Thanks

Alyson

On 6 May 2016, at 14:44, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Ok - thanks

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:alyson.ripo@haringey.gov.uk>]
Sent: 06 May 2016 14:44
To: Pearce Derek
Cc: Enforcement Response; Buckle Charles
Subject: Re: Complaint O'Neils Church Pub

Derek - that's disappointing.

Yes I will make sure that date works. In the interim should the audio continue to be an issue and disturbance I will call you guys on out of hours line.

Thanks

Aly

Sent from my iPhone

On 6 May 2016, at 13:57, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Dear Ms Ripo,

I have just heard from O'Neills that Middlesex Sound are no longer available for testing this evening.

The re-assessment has been re-arranged to take place on Saturday 21st May at 8pm. Is this date is still suitable?

My colleague Charles Buckle will again be working that evening.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: Pearce Derek
Sent: 05 May 2016 16:08
To: 'alyson ripo'
Cc: Enforcement Response; Buckle Charles
Subject: RE: Complaint O'Neils Church Pub

I am copying this email to Charles Buckle – the officer on duty and have notified O'Neills

I would suggest that you make direct contact with the manager to enable the matter to be confirmed

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 04 May 2016 16:44
To: Pearce Derek
Cc: Enforcement Response
Subject: Re: Complaint O'Neils Church Pub

Yes - Sorry for delay in getting back to you. From 8.00pm, Does that work for you?

It would be great if you let me know details of who will attend, what time and what is the expected outcome?

thanks

Alyson

On 3 May 2016, at 12:46, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Can you be available this Friday night (6th May)?

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:
Sent: 29 April 2016 10:05
To: Pearce Derek
Cc: Enforcement Response
Subject: Re: Complaint O'Neils Church Pub

Dear Derek

I can be available:

W/e 7/8 May both fridays and Sat

w/e 13may - Friday Only

w/e 20 May sat 21 may only

Can we make sure that the re assessment includes *all audio* - bands/DJ and general background music. As the Fixed Penalty was issued for recorded music being loud at 2.00am not live music on that occasion.

regards

Alyson

On 27 Apr 2016, at 13:51, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Dear Ms Ripo,

Can you confirm your availability on future weekends to re-assess noise levels so that I can confirm something with O'Neills

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

On 29 Mar 2016, at 16:20, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Dear Ms Ripo

I confirm that following Mr Eastwood's visit a Fixed Penalty Notice has been issued to Mitchells and Butler. If this is not paid then a prosecution may be made.

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [<mailto:>]
Sent: 24 March 2016 23:20
To: Enforcement Response
Cc: Pearce Derek
Subject: Re: Complaint O 'Neils Church Pub - HC-306267

Hello

I just wanted to find out what action was / is being taken following the complaint made and upheld in early hours of sunday morning March 20th?

kind regards
Alyson

Thank you for your enquiry about noise.

Our usual operating times are 8am to 3am week days and 8am to 4am at weekends. If there is an officer on duty it is our aim to call back complainants within 30 minutes and in any event within an hour. If a visit is appropriate we aim to visit within an hour and currently achieve this 70% of the time. At the assessment visit the duty officer is able to give feedback on any proposed action and offer advice on action that should be taken if future noise is experienced.

Below are the details you supplied us.

Noise category: Noise - Commercial/Leisure
Problem description: noise from pub. was low and just turned it up .its 12.37
Date and Time Submitted: 19/03/2016, 00:39
Noise Problem Reference ID: HC-306267

Problem Location:
Details of noise problem location: Address of noise problem known?: Y
House/flat name:
House/flat number: 87 o neills church pub
Street: Muswell Hill Broadway
Locality: Hornsey
Postcode: N10 3HA

Contact details: Contact Name: MISS alyson ripo
House/flat name:
House/flat number:
Street:
Town:
Postcode:
Preferred method of contact:
Telephone:

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4/march/2015 -

From: Enforcement Response Enforcement Response@haringey.gov.uk
Subject: RE: O Neills
Date: 3 April 2015 22:44
To: alyson ripo

Ms Ripo, I have just read your e-mail regarding noise from O'Neill's, I am nights Friday and Saturday, I shall visit O'Neill between 11pm and 12pm to assess levels. If however you have any noise problems please call our 020 8489 0000.

C Buckle

From: alyson ripo [mailto:]
Sent: 02 April 2015 11:59
To: Pearce Derek
Cc: Enforcement Response
Subject: Re: O Neills

Hi Drek

I spoke with one of your out of hours colleague on friday night (27th March) the music was extremely loud after 11pm so I wanted someone to witness it. O'Neills have taken no action and there has been no communication since my camil dated 18th March to them.

Unfortunately your colleague was unable to make it out before the music ended - 12pm. He suggested I set up in advance some visits so that you guys could hear the ongoing noise before it ended.

Can we do that?

After Easter I start on a new production and will be working 14 hour days 6 days a week - I can't wait till 12pm 4 nights a week to go to sleep, I won't be able to keep functioning at work on such little sleep.

I am also going to apply for a review of their license. I am disappointed they would totally ignore the requests to do something. I feel I have been really reasonable?

Please advise the best course

regards

Alyson

On 23 Mar 2015, at 12:25, Pearce Derek <Derek.Pearce@haringey.gov.uk> wrote:

Thank you for the update - I have reminded O'Neills of their commitment to update me on actions they have taken

We will still need to witness the noise so please continue to call us when you are disturbed

You may also wish to give further consideration to requesting a review of the licence

<http://www.haringey.gov.uk/business/licensing-and-regulations/licensing/licensing-guidance/guidance-interested-parties-applying-review>

Derek Pearce
Team Leader Enforcement Response
Tel 020 8489 5264
derek.pearce@haringey.gov.uk

From: alyson ripo [mailto:]
Sent: 23 March 2015 11:36
To: Pearce Derek
Cc: Enforcement Response
Subject: Fwd: O Neills

Hi Derek

Unfortunately nothing has moved forward with this. I have had no response to the email below.

I called out your colleagues on saturday night. By the time they arrived the music had been reduced . To me in my bedroom at 11.30pm it is still loud. However one of your colleagues didn't feel it was a statutory nuisance. It then got louder briefly after they left and stopped completely at 11.50pm - I attributing that to them going in there and speaking with the management.

It indicates to me more than ever the levels need to be tested and set, in conduction with hearing it in my flat, as just turning it down one night and not the next is not much use.

Can you please advise what I should do next with regards O'Neills and getting them to take respond to my emails and take some action?

thanks

Aly
Begin forwarded message:

From: alyson ripo <>
Subject: Re: O Neills
Date: 18 March 2015 20:10:48 GMT
To: O'Neill's Musell Hill <muswellhill@oneills.co.uk>

Hi Donagh

Can you please you tell me when the site inspection is taking place ?

It's been 2 weeks since we sent you a report. It's been 3 months since the sound issue was raised.

I am disappointed that still nothing beneficial has happened regarding the sound levels yet.

For St Patricks night - Tuesday 17th March, extremely loud music and PA system went on till **12.00am**.

Your email below says 8.30- 9.15 irish dancing. Like most people I work in the week. My

upstairs neighbours have 2 small children whose bedroom experiences the same sound issues as mine. They go to school in the week. None of us can sleep until the music finishes.

Do you think that it is unreasonable for us to want to sleep before 12.00pm on a weekday?

I have deliberately held back from calling the council when live music takes place because I wanted to settle this amicably. If I do call them to come out again, O'Neils will be issued with a noise abatement order. Do you understand if that process begins it could end in court and ultimately the venue losing its license?

I don't understand why it's taking so long for someone to come and listen to the levels in the flat and simultaneously turn down the main PA system in the venue until we find a level that works?

I look forward to your response

regards

Aly

On 11 Mar 2015, at 21:18, O'Neill's Musell Hill <muswellhill@oneills.co.uk> wrote:

That would be great if you did,
I'll shout you a Guinness

From: alyson ripo
Sent: 11 March 2015 19:30
To: #219O'Neill's, Muswel Hil (MAB)
Subject: Re: O Neills

Thanks Donagh for letting me know. Hopefully they will move it forward quickly.

St Patricks night sound good. I might pop in :)

regards

Aly

On 11 Mar 2015, at 18:25, O'Neill's Musell Hill <muswellhill@oneills.co.uk> wrote:

Good afternoon Miss Ripo,
yes I have spoken to our maintenance manager whom contacted our building contractors along with middlesex sound to arrange site inspection together to resolve issue. with regards to this weekend we have one band friday till 11.30 & one band sat night till 11.30, closing by 12. We have a folk music session on tuesday night for St patricks day along with some young irish traditional dancers from 8.30 to 9.15.

Once I have report back from the contractors with works to be carried out I will send on to yourself
kind Regards
Donagh Wyley

From: alyson ripo
Sent: 09 March 2015 12:40
To: #219O'Neill's, Muswel Hil (MAB)
Cc: Pearce Derek

Subject: Re: O Neills

Hi Donagh

Just wanted to find out what is happening re: sound reduction? Have you spoken with head office team yet? I am aware, via your website, you have a St Patricks day 5 continuous nights coming up and that could be a real issue for me if the sound continues as it is currently.

Look forward to hearing from you

regards

Aly

On 4 Mar 2015, at 20:11, alyson ripo < > wrote:

Dear Donagh

Thanks for your response. Unfortunately I haven't noticed any improvement. Whatever band seems to be playing, the noise remains excessive in my bedroom. It will take simultaneous liaison between your venue and my flat, by a sound expert who understands the software in use, to reduce the noise to an acceptable level. The sooner that process begins the happier we will all be.

Thank you for your apology. We have established this is the first time O'Neill's have been made aware of the issue specifically with Flat One. I am as surprised by that as you are.

My understanding was that your trading hours, since I have lived in the property have always been to close at 12.00pm on the weekend and 11.00pm on week nights. Indeed that is what is stated on your website. I can't imagine in such a residential area a 2.00am finish would be very popular with anyone let alone residents in the adjoining chapel.

I too am keen to work together to find a solution that is good for everyone. I have demonstrated that so far by being proactive about the actual attenuation rather than pursuing the route of having your live music license revoked.

I look forward to hearing your head office maintenance team response and to effective action being taken.

kind regards

Aly

On 4 Mar 2015, at 18:35, O'Neill's Muswell Hill <muswellhill@oneills.co.uk> wrote:

Good evening Miss Ripo,
Apologies if you think we are not reacting to your complaint. We have taken your complaint very seriously. Since you first brought noise to my attention I have cancelled 5 music events that we thought might have been louder than others (no live music sat 2 weeks back). For this weekend, on sat night I originally had a 5 piece band booked, but have now reverted to a 3 piece. I have emailed all bands that play here to ensure they do not bring any extra equipment that may enhance sound levels plus all duty managers have been informed to keep levels lower at weekends (not sure if you have

noticed an improvement). Apologies again for the disturbance, I have been in The Church for the past three years and noise has not been brought to my attention, but now it has we will work to improve. We have noise limiters fitted & i though they were effective. we also have reduced our trading hours from 2am close to 11pm 5 days per week & closed by midnight at weekends. I look forward to working together to rectify any problems going forward
thanking you for you're patience

kind regards
Donagh

From: alyson ripo
Sent: 04 March 2015 16:14
To: #219O'Neill's, Muswel Hill (MAB)
Subject: Re: O Neills

Dear Donagh

Since this has been going on since Jan 2015 with as yet no input from O'Neils, I would ask that you ensure something takes place this weekend, otherwise I will be following up with the council.

regards

Aly

On 4 Mar 2015, at 15:51, O'Neill's Musell Hill <muswellhill@oneills.co.uk> wrote:

Good afternoon Miss Ripo,
Thank you for the report, I will forward this on to our head office for the maintenance department to address issue, I will revert back to you with their plans once I have received them,
thanking you for your patience,
kind regards
Donagh Wyley
General Manager

From: alyson ripo
Sent: 04 March 2015 15:41
To: #219O'Neill's, Muswel Hill (MAB)
Cc: Enforcement Response
Subject: Re: O Neills

Dear Donagh

Please see below.

regards

Alyson

-----Original Message-----

From: alyson ripo [<mailto:>]
Sent: 27 February 2015 13:55
To: muswellhill@oneills.co.uk
Cc: Elliot Patterson; Enforcement Response
Subject: Noise Pollution from O'Neils Muswell Hill

To whom it concerns

Following on from my phone call with Philip and various other staff at O'neills Muswell Hill.

I came into the venue on Friday 20th Feb 2015 around 10.00pm with my friend and sound engineer, who was part of the team that originally installed the system into O'neills, Elliot Patterson. Chris Murray showed us around the building however there were no managers (Dona or Philip) present at that time. We left agreeing to follow up by email our findings for O'neills to take forward.

Both Elliot, in his capacity as sound engineer, and the council environmental representative, who visited the property a month ago, are in agreement that the sound levels during a live band are excessive in Flat 1 - the bedroom in particular, and need to be reduced.

Elliot, as a favour to me, has drafted a short report outlining current issues and possible next steps regarding reducing the noise. He has identified the main PA sound levels need reducing. This would have to be tested simultaneously in the flat in order to reach an acceptable level and then fix the software at that level. See attached report.

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Register your details at www.gov.uk/register-to-vote by 20 April 2015 to vote in the 2015 parliamentary general election.

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Appendix B - A copy of the current Premises Licence

PREMISES LICENCE

Receipt: AG 762823

Premises Licence Number: LN/00002526
LN/000003559

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....

Date: 24th November 2005
Vary DPS: 24th August 2016

Part 1 – PREMISES DETAILS

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

**O'NEILL'S
87 MUSWELL HILL BROADWAY
MUSWELL HILL
LONDON
N10 3HA**

Telephone: 020 8883 7382

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Regulated Entertainment: Films, Indoor Sporting Events, Live Music & Recorded Music

Provision of Late Night Refreshment

Supply of Alcohol

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

Supply of Alcohol

Sunday to Wednesday 1000 to 0000

Thursday 1000 to 0100

Friday & Saturday 1000 to 0200

Films, Indoor Sporting Events & Live Music

Sunday to Wednesday 1000 to 0000

Thursday 1000 to 0100

Friday & Saturday 1000 to 0200

No restrictions in regards hours for the playing of recorded music

Provision of Late Night Refreshment

Sunday to Wednesday	2300 to 0000
Thursday	2300 to 0100
Friday & Saturday	2300 to 0200

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

Additional hours on the days listed below only:-

1st January -1hr, 14th February – Valentines night 1hr, Burns night 1hr, 1st March (St David's) 1hr, 17th March (St Patrick's) 2hrs, Easter Sunday 1hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2hrs, Bank Holiday Monday 1hr, May Bank holiday (2nd) Sunday prior 2hrs, (2nd) May Bank Holiday Monday 1hr, August Bank Holiday, Sunday prior 1hrs, August bank Holiday Monday 1hr, Halloween 2hrs, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2 hrs, 28th December 2 hrs, 30th December 2hrs

Opening times for additional hours listed not to exceed those permitted by Planning Conditions

The opening hours of the premises:

Sunday to Wednesday	0700 to 0030
Thursday	0700 to 0130
Friday & Saturday	0700 to 0230

New Years Eve opening hours from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

See non-standard timings

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

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

Part 2

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

Mitchells and Butlers Leisure Retail Ltd
27 Fleet Street
Birmingham
B3 1JP
Telephone: 0870 6093000
E-mail: Licensing@mbplc.com

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

01001181

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

Sarah Elizabeth McCabe

[REDACTED]
[REDACTED]
[REDACTED]

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

Personal Licence Number:

CCCI/00039

Issued by:

The City of Cardiff 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.

Exhibition of films:

Admission of children to the exhibition of any film must be in accordance with the recommendations of the British Board of Film Classification for that film. Where permission has been given by the Licensing Authority to show a film not classified by the British Board of Film Classification, the requirements made by the Licensing Authority for the admission of children to the exhibition of that film must be followed.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

The company will monitor the need for door supervisors and in so doing will take into account any advice given by the Police.

The pub manager will actively participate in and support local the Pubwatch scheme (where active).

Text and/or radio pagers, where already used will be used for any additional hours.

Toughened glass will continue to be used during any additional hours.

Where existing, CCTV system will continue to operate during the additional hours.

In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

PUBLIC SAFETY

Obligations under existing Health and Safety legislation to be complied with.

Existing policies and practices in to be continuously implemented to in regards to Health and Safety legislation.

Health and safety due diligence and incident reporting system to be in place.

THE PREVENTION OF PUBLIC NUISANCE

Reasonable steps will be taken to recognise the rights of local residents, and to encourage customers to leave the premises quietly.

Managers to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines.

Alcohol to cease to be served 30 minutes before closing time.

THE PROTECTION OF CHILDREN

Staff trained appropriately to ensure that alcohol is not served to people who are under 18 years of age.

No adult entertainment (paid for by the company of a nude physical nature) permitted at these premises.

Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area).

Staff not permitted to be in sole supervision of children which remains the responsibility of the accompanying adult at all times

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office.

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

- 1) The Committee grants the application for a variation of the licence in full and subject to the usual conditions in addition to those set out below.
 - i) Licensing hours shall not exceed those permitted by the planning conditions for the time being in force.
 - ii) The standard mandatory conditions (sections 19 and 21)
 - iii) Conditions to enforce the operating schedule (but no non-standard hours for international sporting events)
 - iv) Impose the recommendations of the Child Protection Agency on age restrictions
 - v) Liaison with local residents within ten working days of any application to vary the license conditions or to give temporary events notices.

Recommendation:

That door staff wear fluorescent jackets and patrol up to 50 metres around the premises in order to counter anti-social behaviour

Appendix C – Representations from Enforcement Response.

Urban Environment

Enforcement Service
Noise Team
639 High Road
Tottenham
London N17 8BD

Our Ref: UE/ENF/NT/WK

Tel: 0845 0550921

Fax: 020 8489 5113

Date: 17/08/07

For a large print or translated copy call 0845 0550921

Environmental Protection Act 1990 - Section 79 & 80 Noise Nuisance

Address: *O'Neills, 87 Muswell Hill Broadway
London, N10 - Loud Music*

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

The Council has a duty to investigate complaints received regarding disturbance caused by noise.

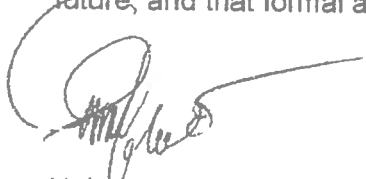
Investigation, in response to a complaint, carried out on *17/08/07* at *23:33* hours confirmed that the noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities.

However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe (statutory) noise nuisance. The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises).

I hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.



Noise team

Director Niall Bolger
Assistant Director Enforcement
Robin Payne



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

Enforcement Response

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

Tel: 020 8489 1000

Fax: 020 8489 5133

www.haringey.gov.uk/noise



Group Manager Regulatory Services - Eubert Malcolm

Haringey

O'Neills
87 Muswell Hill Broadway
London
N10 3HA

Our ref: P&S/RS WK186994
Date: 12th January 2015
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 (complaint of noise)
O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

I am writing to inform you that the Council's Noise Response Service has received a complaint about noise from loud music which, we are advised, came from the above premises.

The noise was not witnessed by a Council officer on this occasion but we wish to inform you that we have received a complaint and to give you an opportunity to respond.

It is possible that you didn't realise that you were disturbing your neighbours in which case I must point out that the Council has a duty under the Environmental Protection Act to investigate complaints of noise nuisance.

If you feel you have been wrongly identified or wish to seek assistance from an officer to resolve this matter then call us on the above telephone number or write to us at the above address.

You may wish to make contact with nearby residents who may have been disturbed in an effort to understand their concerns

Yours sincerely,

Derek Pearce
Enforcement Response Team



O'Neills
87 Muswell Hill Broadway
Hornsey
London
N10 3HA

Our ref: P&S/RS WK/000186994

Date: 16th January 2015

Contact: Enforcement Response Team

Tel: 020 8489 1000

Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance
Address: O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA
Type of noise:

The Council has a duty to investigate complaints regarding disturbance caused by excessive noise.

Investigation, in response to a complaint, has showed that noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities. However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe noise which in their assessment amounts to a nuisance.

The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 for domestic premises. Fixed penalty notices of £100 for domestic premises may be considered in appropriate circumstances.

We hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.

Yours faithfully,

Enforcement Response Team

Enforcement Response team
Level 6, Alexandra House, 10 Station Road, Wood Green, London N22 7TR
Tel: 020 8489 1000
Fax: 020 8489 5133
www.haringey.gov.uk/noise



Group Manager Regulatory Services - Eubert Malcolm

Haringey

Mitchells and Butlers Leisure Retail
Ltd
27 Fleet Street
Birmingham
B3 1JP

Our ref: P&S/RS WK186994
Date: 26th January 2015
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance
Address: O'Neills, 87 Muswell Hill Broadway, London, N10 3HA
Type of noise: Loud music

The Council has a duty to investigate complaints regarding disturbance caused by excessive noise.

Investigation on 17th January 2015, in response to a complaint, has showed that noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities. However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe noise which in their assessment amounts to a nuisance.

The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £20,000 for commercial premises. Fixed penalty notices of £400 for commercial premises may be considered in appropriate circumstances.

We hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.

NS5 rev: December 2014

If you would like to comment about the service you have received, please complete our online survey. www.haringey.gov.uk/enforcementconsultations

Please also be aware of the condition on your licence which states under the
THE PREVENTION OF PUBLIC NUISANCE heading

Managers to liaise with local neighbours as part of their duties and resolve
any reasonable concerns in accordance with our Role in the Community
Guidelines.

Please advise us what steps you are taking to prevent a recurrence

Yours faithfully,

Derek Pearce
Enforcement Response Team

Copies to

O'Neills
87 Muswell Hill Broadway
London
N10 3HA

Donagh Wyley
10 Brize Norton Road
Minister Lovell
Witney
OX29 0SE

NS5 rev: December 2014

If you would like to comment about the service you have received, please complete our
online survey. www.haringey.gov.uk/enforcementconsultations

Safety Team
Safety Assurance Department
Tel: 0121-498-7099
Fax: 0121-233-0396
Email: safetyteam@mbplc.com

Mr Derek Pearce
Haringey Council
Level 6 Alexandra House
10 Station Road
Wood Green, London
N22 7TR

04/02/2015

Our Ref: 808645
Your Ref: P&S/RS WK 186994

Re: ONEILLS MUSWELL HILL LONDON

Dear Mr Pearce

Thank you for your letter dated 26/01/2015 following your inspection of the above business on 17/01/2015. I will write to you again in due course to confirm actions taken as a result of the issues raised.

- Site has been in contact with neighbour and is waiting for a mutual meeting along with a sound engineer for advice.
- Since the complaint they are monitoring their decibel metres and have reduced the output accordingly.
- Neighbour has noticed a reduction in the noise levels, and advice for soundproofing was noted during their conversation.

I hope the above is to your satisfaction, please contact me should you require any further information.

Yours sincerely



Karen Davies
Safety Support Manager

Mitchells & Butlers in Primary Authority partnership with Westminster City Council

27, Fleet Street
Birmingham
B3 1JP
www.mbplc.com
Switchboard +44(0) 121 498 4000
General Fax +44(0) 121 233 2246



Friday 27th February 2015

Alison Ripo

O-Neill's Muswell Hill Bar Noise Issues

Dear Alison,

Thanks for your time on Friday 20th February 2015. As I explained I was part of the original team that were commissioned to install the sound system into O-Neills Muswell Hill. At the time I was working for a company called Middlesex Sound And Light, who are based in Harrow. Part of the older sound system was kept (Bose) but most of the system was upgraded to Martin Audio.

They have two forms of noise limiting in O-Neills. A Formula Sound Sentry. This unit is normally connected to the mains power of a sound system or in particular to a specific area where a band may come in and connect and power their sound equipment. If the volume reaches a certain level and stays at that decibel for a period of time the "Sentry" will cut the power to that equipment.

The other unit is BSS Soundweb. This is a processor that controls all volume in all areas and comes equipped with zone capability, equalizer, parametric, compression, limiting among others. It can be programmed for many purposes. This unit is the heart of the system and controls all inputs and output levels via a wall remote, and apart from what was programmed is virtually impossible to tamper with unless the engineer has the original file in their possession.

We spent a few hours that evening listening to the music coming through your flat from the live band in O-Neill's next to you.

In the living room it is audible but quite faint. In your bedroom it is audible to the extent of recognizing what song is playing and what the words are.

The sound system is set-up as six zones over two levels. Five of the areas consist of smaller Bose and Martin Audio speakers. The main stage has a larger Martin Audio system, which includes a large sub bass speaker.

On our walk-around the venue and assessing where the speakers are situated on the walls and in relation to where your bedroom and living room is, your wall is at the rear of the building.

There are no speakers attached to this wall in O-Neills. This is a back area where there is a set of stairs that lead from the first floor of O-Neills down to the fire escape. What was notice was as soon as the band ended a set the sound has disappeared in your flat.

I feel that the main PA causing the disturbance. The venue was originally a church so the sound does reverb and bounce around the building a lot. It's a possibility that there is a void in the wall leading down to the fire escape next to your flat that's allowing the sound through. There are elements that are not the original structure and possibly added on but not insulated.

A structural engineer and acoustician would be able to properly assess this in more detail.

2 Wilton Villas Islington London N1 3DN

Cell: 07939 813 742

E-Mail: [Your E-mail]

Web: www.dsp-audio.co.uk

Until then there are adjustments that can be made to the system to reduce either low frequencies or overall volume of the main sound system zone.

If you need more info please do not hesitate to call or email me on the details attached.

Regards

Elliot Patterson
DSP Audio

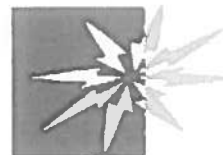
Enforcement Response team

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

Tel: 020 8489 1000

Fax: 020 8489 5133

www.haringey.gov.uk/noise



Group Manager Regulatory Services - Eubert Malcolm

Haringey Council

Mitchells and Butlers
Leisure Retail Ltd
27 Fleet Street
Birmingham
B3 1JP

Our ref: P&S/RS WK186994

Date: 23rd March 2015

Contact: Enforcement Response Team

Tel: 020 8489 1000

Email: enforcement.response@haringey.gov.uk

Att: Karen Davies

Dear Ms Davies,

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance

Address: O'Neills, 87 Muswell Hill Broadway, London, N10 3HA

Type of noise: Loud music

I refer to your letter dated 4th February 2015 (copy attached). Regretfully we are still receiving complaints about loud music and so I must remind you of your commitment to update me on further action taken.

You are reminded of the condition on your licence which states under the THE PREVENTION OF PUBLIC NUISANCE heading

Managers to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines.

I would also advise that in many licenses there is a condition that after 11pm no noise from the premises is audible in nearby residents' accommodation. If there were to be a review of the Premises Licence we may be asking for this additional condition (and other suitable additional conditions)

I look forward to hearing from you

Yours faithfully,

Derek Pearce
Enforcement Response Team

NS5 rev: December 2014

If you would like to comment about the service you have received, please complete our online survey. www.haringey.gov.uk/enforcementconsultations

Copies to

O'Neills
87 Muswell Hill Broadway
London
N10 3HA

Donagh Wyley

NS5 rev: December 2014

If you would like to comment about the service you have received, please complete our online survey. www.haringey.gov.uk/enforcementconsultations

Environmental Protection Act 1990 - Part III

Statutory nuisance - Abatement notice

To: Mr Donagh Wyley

at: O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 exists, or is likely to recur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH a recurrence of the nuisance and for that purpose requires you to:

Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See notes attached].

AND FURTHER TAKE NOTICE that in the opinion of the Local Authority the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect AND THEREFORE this Notice shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court. The maximum penalty for failure to comply with this Notice is £5,000 (£20,000 in the case of industrial, trade or business premises) plus a further £500 for each day on which the offence continues after conviction.

Dated: 18th April 2015

Our Ref: ES/RS WK/000316704

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



.....
for Eubert Malcolm, being the Officer appointed for this purpose

Assistant Director,
Environmental Services and Community Safety
Regulatory Services
Level 6, Alexandra House,
10 Station Road, Wood Green, London N22 7TR

23:15 on 18/4/2015 LT/1



This matter is being dealt with by:
Enforcement Response Team

Telephone: 020 8489 1000

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No. 2644)

Dated November 8, 1995, made by the Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by paragraph 1(4) of Schedule 3 to the Environmental Protection Act 1990 and of all other powers enabling them in that behalf.

Citation, commencement and Interpretation

1. (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.
(2) In these Regulations
 'the 1974 Act' means the Control of Pollution Act 1974;
 'the 1990 Act' means the Environmental Protection Act 1990; and
 'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

Appeals under Section 80(3) of the 1990 Act

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to Magistrates) against an Abatement Notice served upon him by a Local Authority.
(2) The grounds on which a person served with such a Notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:
(a) that the Abatement Notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
(b) that there has been some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Abatement Notice served under Section 80A(3) (certain Notices in respect of vehicles, machinery or equipment);
(c) that the Authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the Abatement Notice are otherwise unreasonable in character or extent, or are unnecessary;
(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the Abatement Notice are to be complied with is not reasonably sufficient for the purpose;
(e) where the nuisance to which the Notice relates:
(i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, OR
(ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, OR
(iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes;
(f) that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
(g) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of:
(i) any Notice served under Section 60 or 65 of the 1974 Act (Control of Noise on Construction Sites and from Certain Premises) OR
(ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on Construction Sites and consent for noise to exceed registered level in a noise abatement zone), OR
(iii) any determination made under Section 67 of the 1974 Act (Noise Control of New Buildings);
(h) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
(i) that the Abatement Notice should have been served on some person instead of the appellant, being:
(i) the person responsible for the nuisance, OR
(ii) the person responsible for the vehicle, machinery or equipment, OR
(iii) in the case of nuisance arising from any defect of a structural character, the owner of the premises, OR
(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
(j) that the Abatement Notice might lawfully have been served on some person instead of the appellant being:
(i) in the case where the appellant is the owner of the premises, the occupier of the premises, OR
(ii) in the case where the appellant is the occupier of the premises, the owner of the premises;
(k) and that it would have been equitable for it to have been so served;
(l) that the Abatement Notice might lawfully have been served on some person in addition to the appellant, being:
(i) a person also responsible for the nuisance, OR
(ii) a person who is also owner of the premises, OR
(iii) a person who is also an occupier of the premises, OR
(iv) a person who is also the person responsible for the vehicle, machinery or equipment.
and that it would have been equitable for it to have been so served.
(3) If and so far as appeal is based on the ground of some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Notice served under Section 80A(3), the Court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
(4) Where the grounds upon which an Appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his Notice of Appeal on any other person referred to, and in the case of any Appeal to which these Regulations apply he may serve a copy of his Notice of Appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
(5) On the Hearing of the appeal the Court may:
(a) quash the Abatement Notice to which the Appeal relates, OR
(b) vary the Abatement Notice in favour of the appellant in such manner as it thinks fit, OR
(c) dismiss the Appeal;
and an Abatement Notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.
(6) Subject to paragraph (7) below on the Hearing of Appeal the Court may make such order as it thinks fit:
(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, OR
(b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
(7) In exercising its powers under paragraph (6) above the Court:
(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the Notice of Appeal in pursuance of paragraph (4) above.

Suspension Of Notice

3. (1) Where
(a) an Appeal is brought against an Abatement Notice served under Section 80 or Section 80A of the 1990 Act, and
(b) either:
(i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of the works before the Hearing of the Appeal, OR
(ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the Abatement Notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,
the Abatement Notice shall be suspended until the Appeal has been abandoned or decided by the Court.
(2) This paragraph applies where:
(a) the nuisance to which the Abatement Notice relates:
(i) is injurious to health, OR
(ii) is likely to be of a limited duration such that suspension of the Notice would render it of no practical effect, OR
(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
(3) Where paragraph (2) applies the Abatement Notice:
(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court and
(b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Revocations

4. The Statutory Nuisance (Appeals) Regulations 1990 and the Statutory Nuisance (Appeals) Amendment Regulations 1990 are hereby revoked.

Environmental Services & Community Safety

Regulatory Services Manager: Gavin Douglas



O'Neills
87 Muswell Hill Broadway
Hornsey
London
N10 3HA
N10 3HA

Our ref: ES/RS WK/000186994

Date: 28th March 2016

Contact: Enforcement Response
Team

Warning Letter: Licensing Act 2003

Address: O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

It has been identified that the above premises on 19th March 2016 at 02:03hrs were being used for regulated entertainment which is not permitted under any current license at that time.. You are warned that this practice must cease unless you have a Licence which does permit it. Regulated entertainment includes but is not restricted to playing recorded music above background level, live music and karaoke.

It is an offence under section 136 of the Licensing Act 2003 if a person

- (a) carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or
- (b) he knowingly allows a licensable activity to be carried on.

You should familiarise yourself with the activities permitted under any current License & such unauthorised use of the premises must cease immediately.

This Authority may seek to prosecute if future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing Team Leader on 020 8489 8232.

Yours sincerely

Mark Eastwood
Enforcement Response Team

Enforcement Response Team

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

F: 020 8489 5133

T: 020 8489 1335

E: enforcement.response@haringey.gov.uk

Environmental Services & Community Safety

Regulatory Services Manager: Gavin Douglas



Mitchells and Butlers
Leisure Retail Ltd
27 Fleet Street
Birmingham
B1 1JP

Date: 28th March 2016

Our ref: ES/RS WK/000349392

Dear Sir

Re: London Local Authorities Act 2004
O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

You have been identified as committing an offence on the 19th March 2016 at 02:03 hrs in regard to an abatement notice served under the Environmental Protection Act 1990.

A Fixed Penalty Notice (FPN) provides a person with the opportunity to discharge any liability to conviction by payment of the prescribed amount within 28 days.

If payment is received within this time period court proceedings will be avoided.

The fixed penalty for noise from commercial premises is £400. (£240 if paid within 14 days)

If we do not receive the payment or a valid written representation setting out your reasons why you should not pay the fixed penalty within 28 days this matter may proceed to a Magistrates Court

If the council does not accept your reasons, then you will have a further opportunity to pay this fixed penalty but at the full amount.

When making a payment please ask for your payment to be credited to P22400
GL 60618

Yours sincerely

Mark Eastwood
Enforcement Response Team

Copy to

O'Neills
87 Muswell Hill Broadway
London
N10 3HA

Enforcement Response Team
Level 6, Alexandra House
10 Station Road, Wood Green
London N22 7TR

F: 020 8489 5133

T: 020 8489 1335

E: enforcement.response@haringey.gov.uk

NS0 FPN Rev: March 2016

www.haringey.gov.uk/noise

Office Use:

FPN payments to be credited to P22400 GL 60618
Notify enforcement.response@haringey.gov.uk when
payment made.



London Local Authorities Act 2004 - Fixed Penalty Notice

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

Reference
number:
WK/000349392

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

Notice given by Haringey Council
Level 6, Alexandra House, 10 Station Road, Wood Green, London N22 7TR

Notice given to: Mitchells and Butlers Leisure Retail Ltd

of: 27 Fleet Street Birmingham B1 1JP

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

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

Signature of authorised officer:

Date: 28th March 2016

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

Amount of Fixed Penalty (£400):
£100 (Residential) (E1)
£400 (Industrial/Trade/Business) (E2)

Date of alleged offence: 19th March 2016

Location of alleged offence: O'Neills, 87 Muswell Hill Broadway, London, N10 3HA

Circumstances alleged to constitute the offence: that you did play music at an excessive volume that amounted to a nuisance which detrimentally affected nearby residents, contrary to the provisions of the Noise Abatement Notice served on the 18th April 2015

Part B
Payment Methods

You may pay the fixed penalty by the following method:

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

When you phone please state that FPN payments are to be credited to P22400 and ask for a receipt number. It is important that you retain this.

If you cannot pay by this method, please contact Environmental Services & Community Safety on 020 8489 1335 to discuss alternative payment arrangements.
Please note office hours are 9am to 5pm Monday to Friday (closed bank holidays).

Part C

Offence codes and description of offences

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

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

Commercial & Operations

Regulatory Services Manager: Gavin Douglas



Mitchells and Butlers Leisure Retail
Ltd
27 Fleet Street
Birmingham
B3 1JP

Our ref: ES/RS WK186994
Date: 18th April 2016
Contact: Enforcement Response Team

Dear Sir,

Re: Environmental Protection Act 1990
O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

We have continued to receive complaints about loud music despite there being a sound limiter in place.

We would recommend that the limiter is re-set and suggest that you liaise with a nearby resident – we understand that a particular resident has been in continued contact with you.

Our contact email address is enforcement.response@haringey.gov.uk

Yours sincerely

Derek Pearce
Enforcement Response Team

Copy to

O'Neills,
87 Muswell Hill Broadway,
London,
N10 3HA.

Commercial & Operations

Regulatory Services Manager: Gavin Douglas



Mitchells and Butlers Leisure Retail
Ltd
27 Fleet Street
Birmingham
B3 1JP

Our ref: C&O/RS WK186994

Date: 27th April 2016

Contact: Enforcement Response Team

Dear Sir,

Re: Environmental Protection Act 1990
O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

I refer to our letter dated 18th April 2016 (copy attached)

Please could you update us on your efforts to re-set the sound limits

Our contact email address is enforcement.response@haringey.gov.uk

Yours sincerely

Derek Pearce
Enforcement Response Team

Copy to

O'Neills,
87 Muswell Hill Broadway,
London,
N10 3HA.

Commercial & Operations

Regulatory Services Manager: Gavin Douglas



Mitchells and Butlers Leisure Retail
Ltd
27 Fleet Street
Birmingham
B3 1JP

Our ref: C&O/RS WK186994
Date: 29th April 2016
Contact: Enforcement Response Team

Dear Sir,

Re: Environmental Protection Act 1990
O'Neills, 87 Muswell Hill Broadway, London, N10 3HA.

Further to recent correspondence (copies attached) I have now received availability of the tenant who may be able to assist with setting the sound limits

She is available:

weekends

7th / 8th May both Friday and Saturday

Friday 13th May

Saturday 21st May

She asks – please can we make sure that the re-assessment includes *all audio* - bands/DJ and general background music as the recent issue was when recorded music was played at c. 2.00am not live music on that occasion.

Please could you update us on your efforts to re-set the sound limits

Our contact email address is enforcement.response@haringey.gov.uk

Yours sincerely

Derek Pearce
Enforcement Response Team

Copy to

O'Neills,
87 Muswell Hill Broadway,
London, N10 3HA.

Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: George Roberts

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK/000367401

Date: 15th November 2016

Premises: O'Neills, 87 Muswell Hill Broadway, Hornsey, London, N10 3HA

Type of application: Review

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Review

The regulated entertainment activities are inappropriate due to the level of music being played disturbing local residents – See supporting information.

Supporting Information

Date reported & time	Subject	Observations & time	Outcome	Our Ref
6/7/07 @10:51	Noise when people leave and people smoking and drinking outside	N/A – Complaint received the following day	No action required	WK37890
14/7/07 @00:07	Loud music & voices	@00:39 Call back made - Noise off	No action required	WK40081
20/7/07 @23:38	Loud voices	@00:08 Call back made - Noise off	No action required	WK44693
31/7/07 @23:17	Loud voices	@23:24 Call back made - Noise off	No action required	WK41470
17/8/07 @22:16 & @23:36	Loud music	@ 23:33 Officer arrived on scene and witnessed 30 to 40 people drinking and smoking outside of venue – Outer set of double doors left wide open – Noise observed in complainant's property was judged by officer to be a statutory nuisance – Officer spoke to pub manager Mr Tristan Langham and doors were closed and music volume reduced – Nuisance abated	Warning letter re loud music dated 17/8/07	WK43832 & WK43834
18/10/07 @22:42	Loud music	@22:48 Call back made - Wrong Number	No action required	WK51095
20/8/08 @20:38	Loud music	@20:40 Call back made - Noise off	No action required	WK87548
20/8/08 @22:13	Loud music from band	@22:50 & @23:11 Call back made but no answer - @23:44 Messages left on a/p – @00:30 Proactive visit made to area– Very faint music heard in area not loud enough to warrant further action	No action required	WK87554
17/10/08 @22:14	Loud music	@00:01 A crowd of approx 30 to 40 people milling around outside of bar slowly dispersing as officer arrived but no music heard outside	No action required	WK95953
19/10/08 @22:37	Loud music	@23:35 Noise was not loud enough to constitute a nuisance	No action required	WK96016
24/10/08 @23:02	Loud music	@00:40 Music had stopped before officer arrived	No action required	WK97064
2/11/08 @21:30	Loud music	@23:00 No noise heard at time of visit	No action required	WK98189
6/11/08 @15:04	Loud music from band	N/A – Complaint received when noise not on	No action required	WK98985
14/11/08 @22:38	Loud music	@23:28 Call back made music on but officer unable to visit due to backlog of calls before premises shut	No action required	WK99884
28/11/08 @23:47	Loud music & voices	@23:52 Complainant wanted to notify us of problem – No visit required as premises about to shut	No action required	WK101721

4/12/08 @13:37	Noise from outdoor smokers at O'Neills pub. glass smashing and loud talking	N/A – Complaint received via email when noise not on - 5/12/08 Proactive visit carried out with the police no untoward activity noticed although there were smokers outside the premises – O'Neills contacted who confirmed there are notices in smoking area requesting customers to be considerate to neighbours regarding noise. Ms Fahy will have staff monitor smoking area more often	Premises contacted	WK102284
17/3/11 @23:01 & @23:41	Loud music	@23:42 Call back made – No response from complainant	No action required	WK186994 (1)
18/3/11 @00:01	Loud music	@00:22 Call back made - Noise off	No action required	WK186994 (2)
23/9/11 @23:38	Loud music	N/A – Complaint received when noise not on	No action required	WK186994 (3)
28/10/11 @15:51	Loud music	N/A – Complaint received when noise not on	No action required	WK186994 (4)
28/10/11 @16:14	Loud music	N/A – Complaint received when noise not on	No action required	WK186994 (5)
18/3/12 @00:29	Loud music	@00:44 Call back made - Noise off	No action required	WK186994 (6)
27/4/12 22:06	Loud music	@22:25 Officer visited but noise level not loud enough to warrant formal action – Officer spoke to DPS and informed them that complaint received	No action required	WK186994 (7)
15/6/14 @01:27	People noise	@01:50 Call back made - Noise off	No action required	WK186994 (8)
12/1/15 @09:47	Loud music	N/A – Complaint received when noise not on	Advisory letter issued dated 12/1/15	WK186994 (9)
16/1/15 @22:56	Loud music	@23:25 Statutory noise nuisance established in complainant's bedroom - @23:31 (Approximately) officer entered O'Neills and heard loud recorded music and saw band members packing away equipment – Officer spoke to Philip Chan the deputy manager outside of the pub who showed him letter they had received on 12/1/15	Warning letter re loud music dated 16/1/15	WK186994 (10)
26/1/15	Letter from Haringey Council to O'Neills Re: Noise complaint and license condition	N/A	Warning letter sent to O'Neills	WK186994
4/2/15	Letter from O'Neills to Haringey Council	N/A	N/A	WK186994

27/2/15	Letter from DSP Audio to Complainant on behalf of O'Neills	N/A	N/A	WK186994
21/3/15 @22:20	Loud PA system	@22:35 No noise witnessed by officer during visit	Noise officer discussed problem with manager	WK186994 (11)
23/3/15	Letter from Haringey Council to O'Neills Re: Ongoing noise complaints and license condition	N/A	Warning letter sent to O'Neills	WK186994
27/3/15 @23:10	Loud music	@00:01 No music heard on arrival to area only faint voices heard	No action required	WK186994 (12)
4/4/15	Proactive visit	@22:00 No noise witnessed	No action required	WK186994
11/4/15 @22:12	Loud music	@23:17 Music from O'Neills was immediately noticeable upon entering complainant's property - The bass from the music could be heard thumping throughout the complainant's premises causing the walls to vibrate and the bedroom was most affected - No lyrics were observed but the constant bass was dominating and sleep would have been impossible in the officers opinion and a statutory nuisance - The officer then went to O'Neills and noted that the band were set up by the entrance which is the opposite end from the complainant's premises - Somehow the bass was so loud that it penetrated the walls and floors of the complainant's as if it were played a few feet away.	S80 Noise abatement notice served dated 18/4/15	WK186994 (13)
16/10/15 @21:14	Loud music	@21:28 Call back made - Noise off	No action required	WK186994 (15)
17/10/15 @22:20	Loud music	@23:43 Noise was not loud enough to constitute a nuisance - Management advised and music volume further reduced. Manager said they are still awaiting full change of speakers in the venue and he will advice us in due course regarding the sound test and sound limitation	Noise officer discussed problem with manager	WK186994 (16)
7/11/15 @22:36	Loud music	@22:49 Call back made - Music on but officer unable to visit sooner due to backlog of calls - @00:30 Noise off	No action required	WK186994 (24)

9/11/15 @10:34	Loud music	N/A – Complaint received when noise not on	No action required	WK186994 (17)
4/12/15 @21:04	Loud music	@22:10 No noise witnessed by officer during visit	No action required	WK186994 (18)
5/12/15	N/A	@21:45 to 22:45 Officers assisted in setting sound limiting device - Negotiated a set level for band (could faintly hear bass and drum kit in Complainant's bedroom) which Complainant agreed was ok until 23:00 and then venue was to switch over to DJ which was barely detectable above background noise in the area and was at an acceptable level in officer's opinion - Screen shot of agreed levels was to be sent to us by email - Advised that either party could negotiate a review of this agreement - Agreement to be implemented immediately.	Sound limiting device set	WK186994
5/12/15 @23:12	Loud music	@23:31 Complainant said music levels went up loud soon after sound levels were set and officer left her premises. Complainant wanted to notify us that they have blatantly tampered with sounds levels just 15 minutes after sound levels were set with the council – Complainant to call if further problem	No action required	WK186994 (19)
19/12/15 @21:13	Loud music	@22:30 Music on but not very loud - Barely audible in Complainant's premises - Went to bar and spoke to Martin again - All limiters working fine and on green spectrum, not even yellow level all through my visit - Complainant advised that agreed levels have not been breached	No action required	WK186994 (20)
1/1/16 @22:32	Loud music	@22:54 Call back made - Music on but officer unable to visit sooner due to backlog of calls - @00:18 Noise off while officer enroute to attend	No action required	WK186994 (21)
16/1/16 @23:45	Loud music	@23:56 & @00:02 Call back made but no response from complainant – @23:56 Message left on a/p- @0034 visit made to the area – All quiet and premises shut	No action required	WK186994 (22)
5/2/16 @21:10	Loud music	@21:40 Call back made - Noise reduced now – No visit needed	No action required	WK186994 (23)
11/3/16 @23:11	Loud music	@23:29 Call back made - No response from complainant	No action required	WK186994 (24)
24/3/16 @23:11	Loud music	@23:40 Visit made but noise stopped prior to arrival	No action required	WK186994 (25)
18/3/16 @21:58	Loud music	@22:15 Call back made - Noise off	No action required	WK186994 (26)

19/3/16 @00:39	Loud music	@02:03 Officer visited area and loud music clearly audible across the street and also in complainants flat - Likely to be a nuisance to several nearby neighbours - The doors were locked and it looked like they were having a "lock in" - Eventually officer managed to make entry as some people were leaving carrying instruments - There were about a dozen people standing around, some were drinking alcohol - Officer spoke to the licensee and told him that the music was far too loud and was a noise nuisance - Officer also asked if he had a tens for the people drinking late but he didn't - Officer said he would be reporting this - Officer aware that notice was served in April 2015 and nothing witnessed since then	Licensing warning letter issued dated 28/3/16 + FPN issued regarding breach of noise abatement notice - Paid	WK186994 (27) + WK349392
2/4/16 @22:58	Loud music	@23:10 Call back made - No visit required	No action required	WK186994 (28)
16/4/16 @22:24	Loud music	@22:48 No noise on arrival - Then after a few minutes officer heard some very faint music which lasted for about 30 seconds - Noise was not actionable	No action required	WK186994 (29)
18/4/16	Letter from Haringey Council to O'Neills Re: Re-setting sound limiter	N/A	N/A	WK186994 (30)
27/4/16	Letter from Haringey Council to O'Neills Re: Re-setting sound limiter	N/A	N/A	WK186994 (30)
29/4/16	Letter from Haringey Council to O'Neills Re: Re-setting sound limiter	N/A	N/A	WK186994 (30)
6/5/16	N/A	Date arranged for visit to set sound limiting device	Visit cancelled by O'Neills	WK186994

13/5/16 @21:10	Loud music	@21:25 Complainant said that loud music from the pub was clearly audible in her property, but her concern was primarily whether it would still be going after 23:00 when she'd be wanting to sleep - Complainant said that the sound limiting device for the pub was being re-set next week - After some consideration, complainant decided just to log this complaint for the record and to be more demanding next week after the sound limiting device has been re-set - Officer advised her that if complainant is minded to call later tonight despite taking this position, then he'd endeavour to prioritise our response to their call in these circumstances	No action required	WK186994 (30)
21/5/16	N/A	Date arranged for visit to set sound limiting device	Visit cancelled by O'Neills	WK186994
11/6/16 @23:32	Loud music	@00:44 Call back made - Noise off	No action required	WK186994 (31)
18/6/16	N/A	@2015 Officers assisted in setting sound limiting device	Sound limiting device reset	WK186994
23/7/16 @22:37	Loud music (singing)	@23:25 Music had stopped prior to attending - Unable to ascertain if nuisance	No action required	WK186994 (32)
23/9/16 @22:36	Loud music	@23:00 Very faint music heard in living room and bedroom of complainant's premises but not loud enough to be actionable in officer's opinion - Complainant wanted officer to note that it appeared a live music act was still performing @2304 hrs as we could both hear what sounded like someone on a PA system and an acoustic guitar being played - Officer believed it was someone performing and not recorded music - @2332 Officer spoke to Mahmood the duty manager and informed him of complaint and noted at the time he spoke to him that they were playing recorded music.	No action required	WK186994 (33)

This representation recommends that the following alterations/conditions to the operating schedule:

Prevention of nuisance from noise / vibration

Regulated entertainment for recorded music and live music, using any form of amplification to be removed from the premises license.

Unamplified live music to be allowed to continue.

Percussion instruments will also be prohibited unless specifically licensed by the Licensing Team at Haringey Council with the exception of bodhran style percussion drums.

Reason: After multiple warnings and a breach of a noise abatement notice, the council have tried on a couple of occasions to set a suitable volume level using the sound limiting devices at the premises, but the limits have continued to be broken, so these measures would appear to be the only way to guarantee that there is no further noise nuisance in future.