

Harrow Council Out of hours noise investigation

Council property	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licensed premises	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Officers on duty	MNR/AH	

Call on the night via security OR Call via Police CAD No.
OR Proactive referral email / note from Worksheet No. WS/

Problem	Analysis source group No. & source code letter	Analysis noise type
Name: Stan Lounge	Industrial 1	Alarm A
Address: Stan Lounge. 80/32 Railway Approach. Wealdstone HA3 5AA	Commercial / Leisure 2	Barking Dog B
	Domestic 3	Other animal / bird C
	Construction / Demolition 4	PA system D
	Vehicles 5	Fixed machinery E
	Traffic 6	Mobile machinery F
	Phone:	Miscellaneous 7

Nature of problem: hand noise / music

Music B
Party I
TV/Radio J
DIY K

Other:

Complainant / Source	
Name	Date complaint received: 28.2.2014
Address	Time complaint recorded by OOH team: 22.15
	Time of first response by OOH team: 22.15
	Phone

M3 worksheet outcome	M3 analysis tab outcome
<p>Leave worksheet active and allocate to:</p> <p><input type="checkbox"/> Existing case officer</p> <p><input type="checkbox"/> NFC: send diary pack to new case</p> <p>OR, dealt with, so CLOSE worksheet with code:</p> <p><input type="checkbox"/> Complaint withdrawn (CECW)</p> <p><input type="checkbox"/> Visited: No action (CENP)</p> <p><input type="checkbox"/> Advice given (CEAG)</p> <p><input type="checkbox"/> Case resolved (CECR)</p> <p><input type="checkbox"/> Referred elsewhere (CERE)</p> <p><input checked="" type="checkbox"/> Warning given (CEWG)</p> <p><input type="checkbox"/> S80 served (CENS)</p>	<p>No statutory nuisance proven</p> <p><input type="checkbox"/> Not a statutory nuisance (0)</p> <p>OR</p> <p>Statutory nuisance witnessed and</p> <p><input type="checkbox"/> No action possible (4)</p> <p><input checked="" type="checkbox"/> Ceased, not likely to recur (1)</p> <p><input checked="" type="checkbox"/> Resolved informally (3)</p> <p><input checked="" type="checkbox"/> Referred to other service (2)</p> <p><input type="checkbox"/> Notice served (5)</p> <p>And also, generate a linked worksheet for</p> <p><input checked="" type="checkbox"/> LICENSING + DOMESTIC</p> <p>Because:</p>

Standard letter to print First warning = OOH01

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TC-5591.518.v.2.1.3275

Date	Time (24 hr clock)	VTO	CPO	Action taken V=Visited T=Telephoned O=Other C=Complainants premises P=Problem premises	Initials
28.2.2014	22:15	T	C	loud music disturbing his sleep. They complained last week and as a result the patrons from the club came to his door and urinated there. He called the Police and since then he has installed CCTV. Asked if the noise was loud enough to cause nuisance to him. He said yes and as the night it gets late in the night the noise gets louder.	MNK
28.2.2014	22:50	V	C	went to complainants bedroom on 18 th floor. It was quiet after 10 min, the volume of music went up. With the complainants window closed it was reasonable but as the complainant opened his bedroom window, music was clearly audible. Left complainants premises and walked toward the rear of source premises could hear music but not so loud. It was on the border line.	MNK
28.2.2014	23:30	T	C	Complainant called to say that the music volume has gone up again and this causing nuisance.	MNK
1.3.2014	00:10	V	C	loud music audible in the bedroom for 10 minutes and it was ongoing as we left	MNK
1.3.2014	00:20	V	P	visited Star Lounge, music very loud asked to see the noise limiter they showed	MNK

Summary of action	Details
<input type="checkbox"/> Telephoned: no problem / stopped <input type="checkbox"/> No time to visit <input type="checkbox"/> Visited: no problem / stopped <input type="checkbox"/> Visited: reasonable <input type="checkbox"/> Visited: difficult to establish nuisance <input checked="" type="checkbox"/> Visited: nuisance if recurrent or for long period <input type="checkbox"/> Visited: statutory nuisance <input type="checkbox"/> Leaflet given <input type="checkbox"/> Other:	<p>a machine Mr Hauch took the photographs they said it was the noise limiter and it was working properly. They agreed to lower the music a bit but were concerned about their business if they lower the volume.</p> <p>MNK</p>

TC:5591.51B.v.2.1.3275

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Officers on duty	Att/Truce	

Call on the night via security OR Call via Police CAD No.

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Worksheet No. WS/

Problem	Analysis source group No. & source code letter	Analysis noise type
Name:	Industrial 1	Alarm A
Address: STAR LOUNGE RAILWAY APPROACH HARROW	Commercial / Leisure 2	Barking Dog B
	Domestic 3	Other animal / bird C
	Construction / Demolition 4	PA system D
	Vehicles 5	Fixed machinery E
	Traffic 6	Mobile machinery F
	Miscellaneous 7	People noise G
Phone:		Music H
Nature of problem: Monitoring it		Party I
		TV/Radio J
		DIY K
		Other:

Complainant / Source

Name:	Date complaint received: 2/3/14
Address:	Time complaint recorded by OOH team: 00.20
	Time of first response by OOH team:
	Phone:

M3 worksheet outcome	M3 analysis tab outcome
<p>Leave worksheet active and allocate to:</p> <p><input type="checkbox"/> Existing case officer</p> <p><input type="checkbox"/> NFC: send diary pack to new case</p> <p>OR, dealt with, so CLOSE worksheet with code:</p> <p><input type="checkbox"/> Complaint withdrawn (CECW)</p> <p><input checked="" type="checkbox"/> Visited: No action (CENP)</p> <p><input type="checkbox"/> Advice given (CEAG)</p> <p><input type="checkbox"/> Case resolved (CECR)</p> <p><input type="checkbox"/> Referred elsewhere (CERE)</p> <p><input type="checkbox"/> Warning given (CEWG)</p> <p><input type="checkbox"/> S80 served (CENS)</p>	<p>No statutory nuisance proven</p> <p><input checked="" type="checkbox"/> Not a statutory nuisance (0)</p> <p>OR</p> <p>Statutory nuisance witnessed and</p> <p><input type="checkbox"/> No action possible (4)</p> <p><input type="checkbox"/> Ceased, not likely to recur (1)</p> <p><input type="checkbox"/> Resolved informally (3)</p> <p><input type="checkbox"/> Referred to other service (2)</p> <p><input type="checkbox"/> Notice served (5)</p> <p>And also, generate a linked worksheet for</p> <p><input type="checkbox"/></p> <p>Because:</p>

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TC-5591.518.v2.1.3275

LONDON BOROUGH OF HARROW
ENVIRONMENTAL PROTECTION ACT 1990 Section 80

**NOTICE FOR ABATEMENT AND/OR PROHIBITION
OR RESTRICTION OF NUISANCE**

To: The Occupier
The Star Lounge
32 Railway Approach
Harrow
Middlesex
HA3 5AA

WHEREAS the Council of the London Borough of Harrow are satisfied that a statutory nuisance is emanating from the premises at

The Star Lounge, 32 Railway Approach, Harrow, Middlesex HA3 5AA

within the district of the said Council arising from:

the playing of loud amplified music and / or amplified vocals.

AND WHEREAS you are the person responsible for the said nuisance / occupier of the said premises

TAKE NOTICE THAT the said Council in pursuance of their powers under the above mentioned Act

DO HEREBY PROHIBIT a recurrence of the said nuisance and **REQUIRE** you **FORTHWITH** to abate the same

AND FURTHER TAKE NOTICE THAT if the said nuisance (whether abated or not) occur or recurs (or if you fail to comply with any of the requirements of this notice) an offence will have been committed and such offence may then be dealt with in a Magistrates' Court.

DATED 2nd March 2014

Time notice served

Signed

Officer authorised under the Environmental Protection Act 1990.

Notes:

1. If any advice of further information is required please contact: The Environmental Protection Team, Community Safety Services, PO.Box 18, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT. Telephone 020 8736 6225
2. A person guilty of an offence is liable to a fine not exceeding £5000 and a daily penalty of £500 or, if the nuisance is related to industrial, trade or business premises, to a maximum fine of £20,000.
3. Failure to comply with the requirements of this Notice may result in the Council doing whatever is necessary to abate the nuisance and recovering any expenses reasonably incurred in so doing.
4. The person served with this Notice may appeal against the Notice to Magistrates' Court within 21 days from the service of the Notice.
5. The Statutory Nuisance (Appeals) Regulations, 1995 shall apply in relation to any appeal against this notice including the specified grounds of appeal contained therein.
6. In the event of an appeal against this Notice, the operation of the Notice shall not be suspended pending the result of the appeal as the nuisance is likely to be of limited duration such that suspension of the Notice would render it of no practical effect and the expenditure that would be incurred by any person in the carrying out of works in compliance with the Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
NB. section 3 paragraph (2) applies - see 'Suspension of Notice' attached.
7. See attached note on Regulation of Investigatory Procedures Act 2000.

Statutory Nuisance (Appeals) Regulations 1995 (Appeals under section 80(3) of the 1990 Act)

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.
-
2.
 - (1) The provisions of this regulation apply 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 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,that the best practicable means were used to prevent or to counteract the effects of, the nuisance;
 - (f) 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 66 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);
 - (g) 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);
 - (h) 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 a 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;
 - (i) 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,and that it would have been equitable for it to have been so served;
 - (j) 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 an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, 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 a 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 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 an appeal the court may make such an 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 shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the 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 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.

Regulation of Investigatory Procedures Act 2000:

For the avoidance of doubt, you are advised that the Council will be carrying out monitoring of the requirements of the Notice to ensure you have complied with it. This monitoring will take the form of periodic visits, to be carried out at any time of day or night, by officers who will undertake such observations as are necessary to determine whether the Notice has been complied with.

Our ref: EHS/OOH/Source Letter/Notice 2
2nd March 2013

Environment and Enterprise
Corporate Director – Caroline Bruce

The Occupier
The Star Lounge
32 Railway Approach
Harrow
Middlesex
HA3 5AA

O:\wp\ah\ooh1\ah9296

Dear Sir/Madam

RE: Noise Nuisance from Loud Music / Amplified Vocals
The Star Lounge, 32 Railway Approach, Harrow, Middlesex HA3 5AA
Environmental Protection Act 1990 Section 80

I am writing further to the recent visits to the above property by officers from this Councils Out of Hours Noise Service on 22nd February 2014 and 28th February 2014 where they spoke with you about the above nuisance.

The visit followed complaint/s from a local resident(s) who were being disturbed and Officers are satisfied that the loud amplified music / vocals was causing a statutory Nuisance and officers requested that the loud amplified music / vocals be turned down at the time in order to prevent further noise nuisance.

If further complaints are received and statutory nuisance is again witnessed, then an offence will have been committed which will be reported to this Councils legal services for consideration of further legal action.

As also advised at the time of visit, it was considered that there may also have been contraventions of your license conditions and this matter has been passed to this Councils Licensing Department for their consideration.

If you wish to discuss this matter or any other matter further, then please do not hesitate to contact the Team Leader of the Environmental Health Domestic Team or the Licensing Team on the number below.

Yours faithfully

Mr A Hauck
OOH Noise Service
Environmental Health
Direct telephone: 020 8901 2600. Email: ehealth@harrow.gov.uk

Our ref: EHS/OOH/Source Letter/Notice 1
2nd March 2013

Environment and Enterprise
Corporate Director – Caroline Bruce

Mr Ramesh Bhimji
The Star Lounge
32 Railway Approach
Harrow
Middlesex
HA3 5AA

O:\wp\ah\ooh1\ah9295

Dear Mr R Bhimji

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If you wish to discuss this matter or any other matter further, then please do not hesitate to contact the Team Leader of the Environmental Health Domestic Team or the Licensing Team on the number below.

Yours sincerely

Mr A Hauck
OOH Noise Service
Environmental Health
Direct telephone: 020 8901 2600. Email: ehealth@harrow.gov.uk