

MUNICIPAL YEAR 2016/17 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
6 July 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|---|------|
| SUBJECT : Review Application | |
| PREMISES : Taverna, 290 Green Lanes, LONDON, N13 5TW | |
| WARD : Palmers Green | |

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 3 March 2015 an application was made by **Mr Luigi Patrascu and Mrs Eugenia Patrascu** for a **new Premises Licence** for Taverna, 290 Green Lanes, N13 5TW.
- 1.2 The application was subject to representations from the Police and Licensing Authority who proposed additional conditions to which the applicant agreed and therefore the representations withdrawn.
- 1.3 Two representations against the application were made by Other Persons, namely local residents and the application was determined by the Licensing Sub-Committee who resolved to grant the licence in full.
- 1.4 On 13 May 2015 Premises Licence (LN/201500119) was issued, naming **Mr Luigi Patrascu and Mrs Eugenia Patrascu** as Premises Licence Holders and **Onisor Vlad Tomai** as the Designated Premises Supervisor (DPS).
- 1.5 On 4 December 2015, a Temporary Event Notice (TEN) was issued for alcohol, regulated entertainment and late night refreshment at the premises from 8pm on 24/12/15 to 6am on 25/12/15.
- 1.6 On 9 December 2015, TENs were issued for alcohol from 8pm on 31/12/15 to 2.30am on 1/1/16.
- 1.7 On 26 April 2016, a vary DPS application was granted naming **Mr Luigi Patrascu** as the new DPS.
- 1.8 The premises was previously a coffee shop and prior to that, a gift shop. No former business held a premises licence.
- 1.9 **The current Premises Licence permits:**
 - 1.9.1 **Hours the premises are open to the public:** Monday to Thursday from 08:00 to 23:00, Friday to Sunday from 08:00 to 01:00 the following day.

- 1.9.2 **Supply of alcohol (on and off supplies):** Monday to Thursday from 12:00 to 22:30, Friday to Sunday from 12:00 to 00:30 the following day.
- 1.9.3 **Live music (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 14:00 to 01:00 the following day.
- 1.9.4 **Recorded music (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 14:00 to 01:00 the following day.
- 1.9.5 **Performance of Dance (Indoors):** Monday to Thursday from 12:00 to 23:00, Friday to Sunday from 12:00 to 01:00 the following day.
- 1.9.6 **Late Night Refreshment (indoors):** Friday to Sunday from 23:00 to 00:45 the following day.
- 1.10 A copy of a location map of the premises is attached in Annex 1.
- 1.15 A copy of the current premises licence (LN/201500119) is attached in Annex 2.

2 THIS APPLICATION:

- 2.1 On 13 May 2016 an application was made by the Licensing Authority for the review of Premises Licence LN/201500119.
- 2.2 The review application relates to the prevention of public nuisance and public safety licensing objectives and is made because the premises has been issued with a noise abatement notice following a statutory nuisance relating to loud music was witnessed.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to remove live music from the Premises Licence, and to modify conditions.
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the review application is attached as Annex 03.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were made in respect of this review application, however a witness statement has been provided in support of the review application by the Metropolitan Police.
- 3.2 The Licensing Authority has provided Additional Information which includes the statement from the Police and is attached as Annex 04.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this review application have been agreed by the Premises Licence Holder, and are attached as Annex 05.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either:
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4 (1)].
- 5.3 The licensing objectives are:
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4 (2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4 (3)].

Review:

- 5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Live and Recorded Music:

- 5.6 The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. The Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.
- 5.7 Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:
- 5.8 Section 15.55: On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension of live music related conditions and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing Authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.
- 5.9 Section 15.56: An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

Decision:

5.10 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

5.10.1 to modify the conditions of the licence;

5.10.2 to exclude a licensable activity from the scope of the licence;

5.10.3 to remove the designated premises supervisor

5.10.4 to suspend the licence for a period not exceeding three months;

5.10.5 to revoke the licence [Act s.52].

5.11 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

Drg.No. 6800HT
 Scale 1:1250
 Date 16/06/2016

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ENFIELD
 Council



LONDON BOROUGH OF ENFIELD
 CIVIC CENTRE, SILVER STREET,
 ENFIELD, EN1 3XE
www.enfield.gov.uk

Taverna, 290 Green Lanes, LONDON, N13 5TW



Annex 1

Mr & Mrs Patrascu
480A Hoe Street
Walthamstow
London
E17 9AH

Please reply to Rose McMurray
: Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail : licensing@enfield.gov.uk
Phone : 020 8379 3578
Textphone : 020 8379 4419
Fax : 020 8379 2190
My Ref : LN/201500119
Your Ref : NOT PROVIDED
Date : 27th April 2016

Dear Mr & Mrs Patrascu

Licensing Act 2003

Premises : Taverna, 290 Green Lanes, LONDON, N13 5TW

This letter concerns the application for a Variation of the DPS on a Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

Ian Davis
Director - Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Phone: 020 8379 1000
Website: www.enfield.gov.uk

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly :
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 068 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EG' with a long horizontal stroke extending to the right.

Ellie Green
Principal Licensing Officer

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500119

Part 1 – Premises Details

Postal address of premises :

Premises name : Taverna

Telephone number : 07442 811750

Address : 290 Green Lanes LONDON N13 5TW

Where the licence is time-limited, the dates : Not time limited

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

(1) Open to the Public - Whole Premises

| | |
|--------------------|----------------------|
| Sunday : | 08:00 - 01:00 |
| Monday : | 08:00 - 23:00 |
| Tuesday : | 08:00 - 23:00 |
| Wednesday : | 08:00 - 23:00 |
| Thursday : | 08:00 - 23:00 |
| Friday : | 08:00 - 01:00 |
| Saturday : | 08:00 - 01:00 |

(2) Supply of Alcohol - On & Off Supplies

| | |
|--------------------|----------------------|
| Sunday : | 12:00 - 00:30 |
| Monday : | 12:00 - 22:30 |
| Tuesday : | 12:00 - 22:30 |
| Wednesday : | 12:00 - 22:30 |
| Thursday : | 12:00 - 22:30 |
| Friday : | 12:00 - 00:30 |
| Saturday : | 12:00 - 00:30 |

(3) Live Music - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 14:00 - 01:00 |
| Monday : | 12:00 - 23:00 |
| Tuesday : | 12:00 - 23:00 |
| Wednesday : | 12:00 - 23:00 |

| | |
|-------------------|----------------------|
| Thursday : | 12:00 - 23:00 |
| Friday : | 14:00 - 01:00 |
| Saturday : | 14:00 - 01:00 |

(4) Recorded Music - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 14:00 - 01:00 |
| Monday : | 12:00 - 23:00 |
| Tuesday : | 12:00 - 23:00 |
| Wednesday : | 12:00 - 23:00 |
| Thursday : | 12:00 - 23:00 |
| Friday : | 14:00 - 01:00 |
| Saturday : | 14:00 - 01:00 |

(5) Performance of Dance - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 12:00 - 01:00 |
| Monday : | 12:00 - 23:00 |
| Tuesday : | 12:00 - 23:00 |
| Wednesday : | 12:00 - 23:00 |
| Thursday : | 12:00 - 23:00 |
| Friday : | 12:00 - 01:00 |
| Saturday : | 12:00 - 01:00 |

(6) Late Night Refreshment - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 23:00 - 00:45 |
| Monday : | - |
| Tuesday : | - |
| Wednesday : | - |
| Thursday : | - |
| Friday : | 23:00 - 00:45 |
| Saturday : | 23:00 - 00:45 |

Part 2

Name and (registered) address of holder of premises licence :

Name : Mr Luigi Marian Patrascu

Telephone number : Not provided

e-mail : gina_patrascu2004@yahoo.com

Address : 480 Hoe Street, Walthamstow, London, E17 9AH

Registered number of holder (where applicable) :

Not provided

Name and (registered) address of second holder of premises licence (where applicable) :

Name : Mrs Eugenia Patrascu

Telephone number : 07787 536067

Address : 480 Hoe Street, Walthamstow, London, , , E17 9AH,

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name : Mr Luigi Marian Patrascu

Telephone number : Not provided

e-mail : Not provided

Address : 480A Hoe Street, Walthamstow, London, E17 9AH

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :

Personal Licence Number : Z01N10480H/1

Issuing Authority : London Borough of Enfield

Premises Licence LN/201500119 was first granted on 29/04/2015.

Signed :



Date : 27th April 2016

for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2. A digital CCTV system must be installed in the premises complying with the following criteria:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
2. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
3. Be capable of visually confirming the nature of the crime committed.
4. Provide a linked record of the date, time, and place of any image.
5. Provide good quality images.
6. Operate under existing light levels within and outside the premises.
7. Have the recording device located in a secure area or locked cabinet.
8. Have a monitor to review images and recorded picture quality.
9. Be regularly maintained to ensure continuous quality of image capture and retention.
10. Have signage displayed in the customer area to advise that CCTV is in operation.
11. Digital images must be kept for 31 days.
12. Police or authorised local authority employees will have access to images at any reasonable time.
13. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

3. An alarm system shall be installed, operated and maintained at the premises.

4. A minimum of two door supervisors shall be employed on the premises whenever a booking is taken for over 40 people from 21:00 until the premises has closed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

5. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
6. The premises shall only operate as a restaurant: (a) in which customers are shown to their table; (b) where the supply of alcohol is by waiter or waitress service only; (c) which provide food in the form of substantial table meals that are prepared on the premises and served and consumed at the table using non disposable crockery; (d) which do not provide any take away service of food or drink for immediate consumption; (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
7. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
8. There will be no pay to enter on the night events.
9. Signs shall be displayed at the entrance, toilets and other public areas of the premises informing that this premises is 'A DRUG FREE ZONE.'
10. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include details of each door supervisors clearly printed name, SIA licence number, employer, and the duty they are employed on any particular night.
11. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
12. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
13. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
14. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
15. Children under 14 years not accompanied by an adult are not permitted to remain at or enter the premises after 21:00 hours.

16. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

17. The maximum number of persons on the premises at any one time shall not exceed 60.

18. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

19. All external doors and windows to be kept closed but not locked whilst regulated entertainment music is provided.

20. An external area at the front of the premises shall be designated for the use of smokers from 9pm until closing time, there shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area at any time.

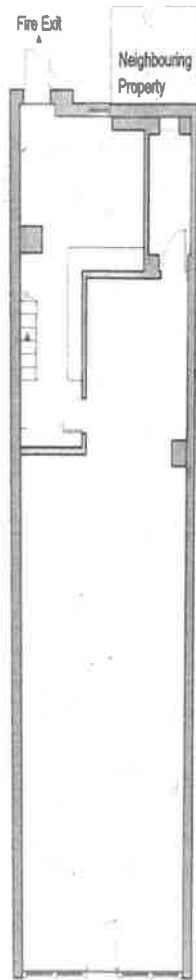
21. Staff shall actively discourage patrons from congregating around the outside of the premises.

22. Wall mounted ashtrays shall be provided outside the premises.

23. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Annex 4 – Plans

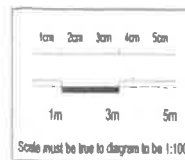
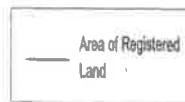
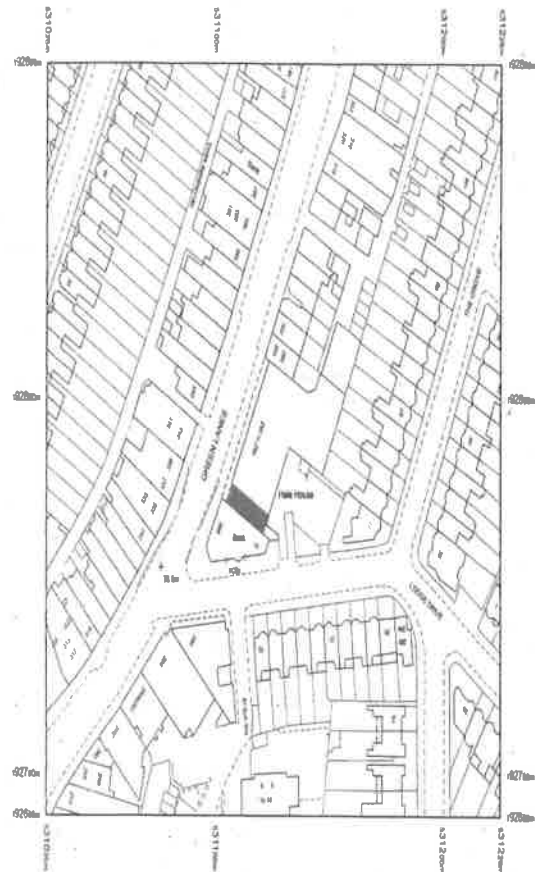
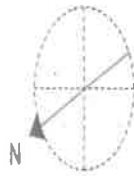


Entrance

P1 Ground Plan
Scale: 1:100



P2 1st Floor Plan (Mezzanine Floor)
Scale: 1:100



| | |
|---|----------------|
| 290 Green Lanes, Palmer's Green, Enfield. | N13 5TH |
| Project No. | 00_12 |
| Drawing No. | 0000_01 |
| Drawing | Lease plan |
| Scale | 1:100 @ A3 |
| Revision A | Date: 20/09/10 |
| Do not use drawings for construction purposes | |

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

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.

I **Charlotte Palmer Senior Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 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, if none, ordnance survey map reference or description | |
| Taverna, 290 Green Lanes | |
| Post town | Post code (if known) |
| Palmers Green | N13 5TW |
| Name of premises licence holder or club holding club premises certificate (if known) | |
| Mr Luigi Marian Patrascu Mrs Eugenia Patrascu | |
| Number of premises licence or club premises certificate (if known) | |
| LN/201500119 | |

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

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)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH |
| Telephone number: 020 8379 3965 |
| E-mail address: charlotte.palmer@enfield.gov.uk |

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 | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

Please state the ground(s) for review: (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that live music at the premises has been played so loudly that an abatement notice has been served in respect of statutory nuisance arising from the production of noisy music.

This review is primarily based on the prevention of public nuisance licensing objective and also public safety. **The review application is to remove live music from the licence, to amend two conditions and to add four condition.**

Background Information:

Please provide as much information as possible to support the application
(please read guidance note 2)

Complaint and Visit History of Premises

Wednesday 13/05/15 - Premises Licence granted.

Saturday 18/07/15 – 23.09 – Noise complaint received in relation to loud music escaping through open kitchen door at the back of the premises. 23:39 - Visited location. Music audible from Lodge Drive. Noise officers spoke with owners - Mr & Mrs Patrascu. Advised live music was too loud. Advised to close kitchen door and any windows and to reduce volume of male singer.

Thursday 30/07/15 – 21:37 - Out of Hours Licensing Enforcement Officer (CPX/JF) carried out observations - premises closed.

Monday 30/11/15 – Complaint received from local resident alleging that the restaurant has live music every night and that on the previous night (Sunday) the music continued until 4am – alleged breach of licensed hours. The complainant

stated that there is a live band and customers stand outside smoking, making loud noise preventing complainant from sleeping.

Thursday 03/12/15 – 19:55 – 20:50 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises and carried out a full licence inspection. The officers had to wait for the owner to arrive as the staff on site were unable to assist as they did not speak very much English. The following 10 conditions were being breached:

Condition 4 - Camera covering entrance not working. Owner unable to use system so could not check footage for date of compliant.

Condition 7 - Alcohol zone poster not displayed.

Condition 9 - No personal licence holder on premises on arrival.

Condition 11 - Drugs poster not displayed.

Condition 13 - Refresher training for 2 members of staff was overdue.

Condition 15 - Refusals book needed.

Condition 16 - Think 25 poster not displayed.

Condition 18 - Leave quietly poster not displayed.

Condition 20 - Sound checks not carried out and documented.

Condition 24 - Wall mounted ashtray not in place.

Officers also noted that the plan attached to the licence was not accurate. Advised to send new plan to licensing team who will advise on what type of licence application is required. Advised of recent noise complaint. Owner denied there was a problem but had not been doing sound checks. Given 14 days to comply.

Saturday 05/12/15 – 00:05 - Out of Hours Noise Officers (CLB/MPW) carried out observation. Premises appeared closed.

Friday 11/12/15 – 22:25 - Out of Hours Noise Officers (NJ/MPW) carried out observation. No music and no anti-social behaviour observed.

Sunday 13/12/15 - 01:04 - Out of Hours Noise Officers (PH) carried out observations. Arrived outside premises - 7 people standing outside smoking and talking. The front entry door open with open sign shown. 01:10 - Entered premises. Recorded music playing in the background. Five tables in premises with 1 table not seated with patrons. Approximately 25 - 30 patrons seen mostly seated. Food being served by staff and lots of food on table - **breach of licensed hours**. The music was turned off. At 01:13 - Manager Luigi Patrascu came down from upstairs as officers had requested to see the manager. Mr Patrascu said that he was upstairs having a sleep and that he had gone upstairs at approximately midnight; he said he was not aware that patrons were still inside the premises. He advised that the function was a birthday party. **The officers advised that he was operating past his licensed hours.** He said that it was just 5 minutes and that no music was being played. The officers advised him that music was being played when they arrived. He was asked for his licence - he produced his personal licence and then a folder containing a premises licence. 01:18 - Staff started bringing in tables that were outside. 01:20 - The Officers left the premises. All patrons seen inside remained seated. There was no effort made by staff to get them to leave. Two smokers walked up to the premises and were let in then after that the black shutters were lowered. This gave the appearance from the front that the premises was closed. No patrons had left the premises. 01:24 - Officers drove away from premises.

This demonstrates poor management, lack of control and a lack of consideration for public safety.

Temporary Event Notice in place **24/12/15 – 25/12/15 – 20:00 – 06:00**. Reduced to 02:30 at request of police.

Temporary Event Notice in place **31/12/15 – 01/01/16 20:00 – 02:30**.

Friday 22/01/16 – 19:55 – 22:00 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises and carried out licence inspection revisit. No one at premises was able to assist. An officer (CPX) spoke to Premises Licence Holder on the telephone and he said they had lost the last inspection report so didn't know what they needed to do. Officer agreed to leave a further report with details and asked them to phone to arrange a daytime inspection. Agreed to do so. Premises smelt strongly of cigarette smoke on entry and an ash tray was seen in the kitchen. The officer advised him of this on the phone and warned him that smoking inside could lead to a fine being issued. Also warned female member of staff of this fact before leaving.

Monday 25/01/16 – Complaint received in relation to loud live music every Friday, Saturday and Sunday up until 4am - alleged breach of licensed hours.

Friday 29/01/16 – 09:36 – 10:15 - A Licensing Enforcement Officer (CPX) carried out an inspection to check the outstanding conditions. **The following 3 conditions were still being breached:**

Condition 7 - Alcohol zone poster not displayed.

Condition 13 - Staff must be training in the times and conditions of the licence every three months.

Condition 20 - sound checks to be carried out every hour during entertainment. New plan to be submitted via minor variation application.

Advised how to get a duplicate licence. Part B of the licence to be displayed. Reminded that Condition 9 - a personal licence holder to be on the premises at all times. Officer agreed to email sound template, refusals template, training information, alcohol zone poster. Advised on how to complete a Vary DPS application form.

Friday 05/02/16 – Duplicate copy of premises licence issued on request as original lost.

Friday 19/2/16 - 22:45 – 23:15 - Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises and carried out licence inspection revisit. Parked opposite premises and music clearly audible from inside car with windows up. Entered premises and spoke to Mr Luigi Patrascu. Officers could not hear their own voices as they spoke as the music was so loud. One officer noted that the music was so loud they could feel the bass vibrating in their chest. The officers had to gesture to Mr Patrascu to turn the music down. He turned it off, and all the customers (approximately 25 people) looked at the officers. The officers advised that the music could keep it on, but needed to be much lower. The music had been a live band, three young males consisting of a singer, keyboard guitar and normal guitar. Speakers were in each corner of the room. The officers suggested he consider re positioning the speakers so that they did not face the door. The front door opened straight onto a cornered off area where smokers could go, but was effectively the pavement, i.e. no lobby. The front of the premises was entirely glass. Curtains could be pulled over the windows but had little effect. The officers checked the outstanding conditions. **The following 2 conditions were still outstanding:**

Condition 13 - no evidence of staff training

Condition 20 - sound checks not being carried out hourly

Officers advised that the music had been very loud and that the sound checks must be carried out and the music turned down in future. Inspection report completed, signed by and issued to Mr Patrascu.

Tuesday 01/03/16 – Complaint received in relation to loud music coming from the premises on Friday and Saturday evenings till after midnight.

Tuesday 08/03/16 – 22:01 - Complaint received in relation to loud music coming from the premises on Tuesday 8th March until 3:30am - alleged breach of licensed hours. The complainant advised that the music was 'unbelievable loud'. They went on to say that the premises put the shutters down and the party and music continues. The complainant stated that even as they were emailing (Tuesday 22:00) the music was loud. The complainant stated that they had also called the police three times.

Tuesday 08/03/16 – An officer (CPX) phoned the premises and advised the Premises Licence Holder of the complaint. He said that they have put something in place to prevent sound escape and it should be completed by the following day. Advised officers will visit soon to see what he has done.

Wednesday 09/03/16 – 23:40 - Complaint received relating to noise emanating from the restaurant - alleged breach of licensed hours.

Saturday 12/03/16 – Out of Hours Noise team received a complaint in relation to loud music. 23:45 – Officers visited the premises and asked the owner to turn down the volume of the music.

Sunday 13/03/16 – 00:43 – Further complaint received in relation to loud music. 02:00 – Out of Hours Noise Officers visited complainant – music audible in their property above traffic noise. Bass and vocals. Shutters down at premises. **Level of music deemed to be a statutory nuisance.**

Monday 21/03/16 – Complaint received in relation to loud music on Sunday until 06:00 on Monday morning – alleged breach of licensed hours. The complainant advised that they had also called the police.

Thursday 24/03/16 – Environmental Protection Act 1990 s.80 Abatement Notice in respect of statutory nuisance served. The notice required that they abate the nuisance forthwith and prohibit the recurrence by exercising proper control of the volume of sound generated at the premises as to ensure that the total volume of sound emitted was not likely to cause a nuisance to person residing in the vicinity. **See Appendix 1.**

Saturday 26/03/16 – 23:40 - Out of Hours Noise Team received a complaint in relation to loud music coming from the premises. 00:32 – called complainant back but call went to voicemail.

Saturday 26/03/16 – 23:49 - Out of Hours Noise Team received a complaint in relation to loud music coming from the premises. Called complainant who advised the music was still loud and people were spilling out onto the street. Arranged to visit and assess. 00:15 - Visited and went to complainants bedroom. Complainant advised that the music stopped at 2am the night before – alleged breach of licensed hours. In the bedroom with the windows closed the officers could hear music that became louder when the front doors opened. The traffic was busy and this masked the music to some extent. Once the traffic reduced the bass and drums was evident. There were approximately 15 people gathered outside. The officers advised that at that time the level witnessed was not a nuisance, mainly due to the traffic which was busy. This complainant lives further away from the premises than one of the other complainants.

Monday 04/04/16 – Noise Officer received a phone call from Mrs Patrascu who confirmed receipt of the notice. She stated that they turned off the music at the weekend and wanted to comply. Advised that they needed to control the level of the music and monitor levels properly outside across the road. Advised that if no further

complaints were received then no action would be taken. She advised that they are in the process of carrying out some insulation work and will advise once complete.

Monday 18/04/16 – Police Licensing Officer – PC Karen Staff received query from a colleague asking about the licence for this premises. They advised that they went to the premises at about 03:30 that morning and there were 30-40 people eating and drinking inside. They were told by the owner that it was a private party. **Breach of licensed hours.**

Wednesday 20/04/16 – Complaint received by Licensing Enforcement Team in relation to extremely loud music on Sunday 17th of April Sunday up until 04:00 – alleged breach of licensed hours. The complainant said they also called the police.

Friday 22/4/16 – 19:45 - Out of Hours Licensing Enforcement Officers (EVG/CPX) drove past the premises during other licence inspections. Premises was in darkness and appeared to be closed. Drove past again at approximately 21:00, premises still looked closed.

Friday 22/4/16 - 22:45 - Out of Hours Noise Officers (NJ/MPW) drove past the premises which looked closed.

On Friday night going into Saturday morning on 23 April 2016, at 00:15, Out of Hours Licensing Enforcement Officers (EVG/CPX) drove past premises again which at first sight appeared to be closed, as in total darkness. However, one male appeared to be using the smoking area directly in front of the premises, in the sectioned off area. The officers thought this was strange as the premises was closed so they parked up and approached the premises. They could hear music coming from the premises when they were approximately 20 metres away. It was not loud just audible. The officers entered the premises and spoke to Mr Patrascu. As the music inside was very loud the officers spoke to Mr Patrascu outside. He told the officers that he had put acoustic material on the windows to prevent noise escape. This was black and made it look like the premises was closed. The officers advised him that the music was still audible although not as much as previously and still needed to be reduced. Inside the premises the music was very loud. The officers advised him that they were not happy with the view into the premises being blocked by the material. They also advised him that he would be invited in for a formal meeting to discuss the continued complaints and issues with the licence.

Monday 25/04/16 – Meeting held with both Premises Licence Holders, PC Fisher and Senior Licensing Enforcement Officer (CPX). Advised that up-to-date plan still needs to be submitted via a minor variation – the plan forms part of the licence and it is an offence if it is not accurate. A DPS variation is needed (submitted that day) and that a review will be submitted because of the noise issues. Advised that officers are not happy with the sound proofing that has been stuck on the windows as it prevents people from seeing inside. Advised that there is no need for the music to be played at such a loud level and that the level must be controlled so as not to affect residents. Advised that as the Premises Licence Holder they are responsible for what goes on at the premises and must ensure that their staff and any musicians understand that they are in charge not the customers.

Tuesday 26/04/16 – DPS Variation granted.

The complaints detailed above come from 3 different local residents.

The current premises licence allows the following:

| Activity | Current hours |
|----------------------------|--|
| Open | 08:00 – 23:00 Mon – Thurs 08:00 – 01:00 Fri – Sat |
| Alcohol (on and off sales) | 12:00 – 22:30 Mon – Thurs 12:00 – 00:30 Fri – Sat |
| Live music | 12:00 – 23:00 Mon – Thurs |
| Recorded music | 14:00 – 01:00 Fri – Sat |
| Performance of dance | 12:00 – 23:00 Mon – Thurs 12:00 – 01:00 Fri – Sat |
| LNR | 23:00 – 00:45 Fri – Sun |

In Summary:

Twelve complaints have been made about this premises in just ten months. Live music has been provided at such a level to be deemed a statutory noise nuisance and an abatement notice has been served.

There are residential properties above the parades of shops in this area.

Despite being advised several times Mr Patrascu still does not appear to understand that the level of the music is unnecessary and uncomfortably loud and that that is the problem. He has gone to the expense of installing some sound insulation to the windows but what he needs to do is have proper control over the volume of the music.

The Licensing Authority has no confidence that the premises licence holders are able to control the volume sufficiently and is therefore seeking to remove live music from the premises licence altogether.

The plan attached to the licence is still not accurate. The Licensing Authority therefore also suggests that the licence be suspended until such time as a new accurate plan has been submitted and an up-to-date licence has been issued.

Detailed below are amended and additional conditions that the Licensing Authority believed should be added to the licence.

The Live Music Act 2012

The Live Music 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. The Licensing Authority does not deem it appropriate for this premises to be able to make use of this Live Music Act 2012 provisions.

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015 states the following in relation to this situation:

Licence reviews: Live and recorded music

- 15.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension 71

and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

- 15.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements 72.

If the Licensing subcommittee is minded to remove live music from the premises licence then the Licensing Authority requests that the following condition be added to the licence to prevent the premises making use of the provision of the Live Music Act 2012:

Additional condition

- Live music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this condition.
- The windows of the premises shall be kept clear of obstruction at all times to enable view into the premises from outside.
- The security shutters shall not be pulled down whilst people are still inside the building.
- There shall always be a member of staff on the premises who knows how to use the CCTV system.

Condition to be amended:

If the committee is minded to remove live music from the premises licence then the Licensing Authority also asks that the following condition be amended as follows:

Condition 18

The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **regulated entertainment** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Amend to:

The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst **recorded music** is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be

taken to reduce this i.e. turning volume down. **Section 177A of the Licensing Act 2003 does not apply to this condition.**

Conditions 19

All external doors and windows to be kept closed but not locked whilst **regulated entertainment** music is provided.

Amend to:

All external doors and windows to be kept closed but not locked whilst **recorded music** is provided.

The Licensing Authority reserve the right to add any additional information to support this review application.

| | |
|--|----------|
| Suspension of Licence: | Y |
| Revocation of Licence: | N |
| Recommended period of suspension (max 3 months): | |
| The Licensing Authority recommends that this licence be suspended until such time as the plan attached to the licence accurately reflect the layout of the premises. | |

Please tick yes

Have you made an application for review relating to this premises before No ☐

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 ☐

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
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Palmer

Signature:

Date: 13th May 2016

Capacity: Licensing Enforcement Officer

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail 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.

Charlotte Palmer

From: Philip Bray
Sent: 24 March 2016 13:41
To: 'gina_patrascu2004@yahoo.com'
Subject: Taverna 290 Green Lanes [SEC=PROTECT]
Attachments: Notice.pdf; Covering letter.pdf

Classification: PROTECT

Dear Mrs Patrascu,

Please find attached a Noise Abatement Notice served on Taverna, 290 Green Lanes, N13 5TW.

The notice has been served further to a complaint that was received in the early hours of Sunday 13th March 2016. A noise nuisance was witnessed despite having visited the premise a few hours earlier to advise of the level of noise being generated.

If you have any queries do not hesitate to contact me.

Regards

Philip Bray
Housing Health And Safety Manager
Planning, Highways & Transportation
Regeneration & Environment Department
Enfield Council

☎ 020 8379 3655

☎ (Mob) 07958 627757

✉ Philip.bray@enfield.gov.uk

www.enfield.gov.uk

Classification: PROTECT

Mr Luigi Marian Patrascu
480 Hoe Street
Walthamstow
London
E17 9AH

Please reply to: Mr Philip Bray

E-mail : Philip.bray@enfield.gov.uk
My Ref : WK/215089534
Your Ref :
Date : 24 March 2016

Dear Mr Patrascu,

**Re: Environmental Protection Act 1990 Section 80
Premises: Taverna, 290 Green Lanes, N13 5TW**

Please find enclosed a noise nuisance abatement notice concerning the production of music at Taverna, 290 Green Lanes, N13 5TW.

From the service of this notice you are required to abate the said nuisance forthwith. Failure to comply with this notice will result in the Council taking further legal action. If you wish to appeal against this notice you have 21 days to do so and will need to report to:

Enfield Magistrates Court
The Court House
Lordship Lane
Tottenham London
N17 6RT.

Should you wish to discuss the matter further, please do not hesitate to contact me on the number given above

Yours sincerely



Philip Bray
Principal Environmental Health Officer

Ian Davis
Director - Regeneration &
Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

? If you need this document in another language or format contact the service using the details above.

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: **Mr Luigi Marian Patrascu**
of: **480 Hoe Street, Walthamstow, London, W17 9AH**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely [occurrence] [recurrence] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at Taverna, 290 Green Lanes, N13 5TW within the district of the said Council arising from:

The production of noisy music

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] [owner] [occupier] of the premises, Taverna, 290 Green Lanes, N13 5TW from which the noise is or would be emitted [forthwith] [within 0 days] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Exercise proper control of the volume of sound generated at the premises so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]]

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance] .]

/contd

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale*, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine not exceeding £20,000. The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance.

Signed



Philip Bray
Principal Environmental Health Officer

Dated 24th March 2015

*Currently £5000, subject to alteration by Order.

"Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice."

NB See attached explanatory notes N6 (N)

Address for all communications:
London Borough of Enfield
Planning & Environmental Protection
PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80
ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

NOTES (N6(N))
(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990
("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), (fa) 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)[4] 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; or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)

(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