

# APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

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.

Martin Wood (Principal Nulsance Control Officer) applies for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

#### Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnan	ce survey map reference or description			
Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR				
Post Town: Harlesden	Post Code (if known) NW10 4TR			
Name of premises licence holder or club holding club pre	emises certificate (if known)			
Mr. Agnaldo Pains Dos Santos Dal Forno	·			
Number of premises licence or club premises certificate (	(if known)			

Licence number 1190128

## Part 2 - Applicant details

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1)		an interested i	party (please	complete (A) or (F	3) helow)		1	Please tic	k √ Yes
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	•			s living in the vicir	ally of the prom	sinon			
	c)			ss in the vicinity o					<u>L</u>
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	,	- 20 a) 10p1000	annig person		iess in the vicin	nity or the	premises		
2)		a responsible a	authority (plea	ase complete (C) l	below)				x
3)		a member of th	ne club to whic	ch this application	relates (please	e complet	e (A) below)		
(A) D	ETA	ILS OF INDIVID	OUAL APPLIC	CANT (fill in as ap	plicable)				
Pleas		ck							
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Telepi	one	number (if any)							
E-mail	add	ress (optional)						<u></u>	

#### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Martin Wood (Nuisance Control Team) London Borough of Brent Brent Civic Centre Engineers Way Wembley, HA9 0FJ	
Telephone number (if any) <b>020 8937 5561</b>	
E-mail address (optional) martin.wood@brent.gov.uk	
This application to review relates to the following licensing	g objective(s) Please tick one or more boxes
1) the prevention of crime and disorder	П

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

2) public safety

3) the prevention of public nuisance4) the protection of children from harm

Nuisance Control Team (NCT) believe the Licence Holder Mr Agnaldo Dal Forno has failed to prevent public nuisance at noise sensitive times whilst operating within the terms of his Premises Licence. The premises is presently licensed to open from 6am – 3am Monday to Saturday and 6am – 02:00am Sunday. It is licenced for recorded music and live music until 02:30am Monday to Saturday and until 01:30am Sunday. There are no noise controlling conditions on the premises licence. NCT suspect the premises is not professionally soundproofed.

This application is made on the basis of the number and the nature of complaints submitted to NCT by local residents living in close proximity to the premises. Residents report they are unreasonably disturbed by loud music coming from the premises and from unreasonable behaviour from the front of the premises at noise sensitive times when the premises is operating. The impact reported by residents is primarily from noise: (live music, recorded music, drumming, crowds shouting and singing, revving motorbikes). It is reported the venue is operating as a nightclub and has constructed a terrace extension at the front.

NCT have issued Mr Dal Forno with a Noise Abatement Notice prohibiting nuisance from loud music; successfully prosecuted him at court for breaching that same notice; seized speakers from the premises after Mr Dal Forno continued to play loud music - despite NCT giving unambiguous advice about our concerns and our enforcement powers. It is our contention the premises is operating as a nightclub at noise sensitive times and causing public nuisance.

NCT ask Licensing Committee to reduce the terminal hours to:

Sunday to Thursday: 23:30hrs;

Friday and Saturday: midnight.

We also ask Licensing Committee to endorse the premises licence with the following noise controlling condition:

Live and recorded music is to be removed from the scope of the licence as a licensable activity and shall not be permitted at the premises until such time as a scheme of acoustic treatment, approved by the Council's Nuisance Control Team, has been installed, completed and tested by a registered Member of the Institute of Acoustics who shall be competent and qualified to undertake the testing of such works.

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

NCT are providing:

Prosecution File dated 02/01/2019 sent to the Borough Solicitor in respect of breach of noise abatement notice and containing:

- Witness Statement
- Noise Abatement Notices (Mr Roshan Wial and Mr Agnoldo Dalforno)
- Contravention Letter to Mr Wial
- Part A Premises Licence
- Companies House printout
- Initial advisory letter
- Letter warning of formal application to review licence

Witness Statement to the Borough Solicitor in support of the Prosecution File dated 04/02/2019, containing:

- Witness Statement
- Photographs
- 6 x redacted complaints from local residents

Witness Statement to the Borough Solicitor dated 08/05/2019, in respect of second suspected offence of breach of noise abatement notice.

Email correspondence between complainant and Martin Wood (July / September 2019) reporting ongoing loud music and nuisance noise from customers at noise sensitive times.

Have you made an application for review relating to this pre	mises befor	e?	Please tick <b>✓ Yes</b>
If yes, please state the date of that application	Day	Month	Year
If you have made representations relating to this premis and when you made them N/A	es before,	please state	what they were
Checklist			Please tick ✓ Yes
I have sent copies of this form and enclosures to the resauthorities and the premises licence holder or club holding premises certificate, as appropriate	ponsible ng the club		□ YES
I understand that if I do not comply with the above requir my application will be rejected	ements		☐ YES
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A F STANDARD SCALE, UNDER SECTION 158 OF THE L FALSE STATEMENT IN OR IN CONNECTION WITH T	<b>ICENSING</b>	ACT 2003	ON THE TO MAKE A
Part 3 – Signatures (please read guidance note 3)			
Signature of applicant or applicant's solicitor or other duly aut on behalf of the applicant please state in what capacity.  Signature			
Date 18/0CT 2019 Capacity PRINCIPAL NULANCE CONTRO	C 044	CER	
Contact name (where not previously given) and postal addres application (please read guidance note 5)	s for corres	pondence ass	ociated with this

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Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

#### 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 return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Regulatory Services (Licensing) Brent Council Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ

**2** 020 8937 5359

Email: business.licence@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police Brent Licensing Department North West Area 1 London Fire Brigade Trading Standards
Fifth Floor
Review Application\_Barril, 159 High

Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8733 3206

Environmental Health Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8937 5252

Area Planning Service Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8937 5210

169 Union Street London SE1 0LL

Tel: 020 8555 1200 x38778

Children's Services Brent Civic Centre Engineers Way Wembley HA9 0FJ

Public Safety Team Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8937 5359

Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8937 5555

Licensing Authority Fifth Floor Brent Civic Centre Engineers Way Wembley HA9 0FJ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

EXHIBIT MW/01

## REGULATORY SERVICES **MEMORANDUM**

To:

Legal Services (Prosecutions)

From:

Regulatory Services (Nuisance Control Team)

Date:

02/01/2019

Tel. No:

020-8937 5561

Email:

martin.wood@brent.gov.uk

#### <u>Breach of Noise Abatement Notice - Environmental Protection Act 1990</u> <u>Barril Pizzeria, 159 High Street, London, NW10 4TR</u>

Please consider the following evidence for prosecution proceedings.

Kind regards

Jennifer Barrett Regulatory Services Manager



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#### **Statement of Witness**

SR/13344/17

Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B; Magistrates' Court Rules 1981,r.70

Statement of:

Martin Wood

Age of Witness: 'Over 21' (True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice).

Occupation of Witness: Environmental Health Officer

Address Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.

Tel No : (020) 8937 5252

This statement consisting of TWO page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which know to be false or do not believe to be true.

Signed: .....

Dated: 02 January 2018

Noise Nuisance Investigation-Environmental Protection Act 1990-Barril Pizzeria, 159 High Street, London, NW10 4TR

I am employed as an Environmental Health Officer for the Nuisance Control Team of the London Borough of Brent. One of my duties is the investigation of noise nuisance complaints. On Friday 30 November 2018, I was on evening duty and accompanied by a security officer as is normal procedure for night-time working. At 00:04hrs (now Saturday 01 December 2018) I received notification of a noise complaint against Barril Pizzeria, 159 High Street, NW10 4TR (the premises). The complaint specified loud music. I was already familiar with the premises as I had issued abatement notices in respect of the likely occurrence of a statutory noise nuisance from loud amplified music, in August 2018. One notice was served upon Mr Roshan Wial (the Licence Holder and Designated Premises Supervisor). The other notice was served upon Mr Agnoldo Dalforno (the Director of Barril Restaurant & Pizzeria Ltd.). A copy of both notices is reproduced in Exhibit MW/01. At 00:40hrs I was inside the complainant's lounge where I a nuisance level of loud amplified music was heard coming from the premises. The complainant's TV was muted and the double glazed windows were open. The music noise was intrusive and

prevented reasonable enjoyment of property. The complainant alleged the volume was 50% of the usual volume. At 00:47hrs I was inside the complainant's rear bedroom. An intrusive level of live music was playing and in my opinion this constituted a statutory noise nuisance. I noted that it would not be possible to sleep. The person making the complaint told me the music was preventing him from sleeping and upon questioning alleged the music could continue until the early hours. At 00:55hrs I was satisfied I had witnessed a statutory noise nuisance and a breach of the noise abatement notice based on character of the noise; the time of night; the loudness of the music and the duration of my assessment. At 01:00hrs I was in hallway - waiting for patrons outside to move before I made my exit. I noted a significant increase in the volume of live music. Bass energy was perceptible and people could be heard singing and cheering as though in a nightclub. Outside I was able to observe the premises was full with people standing or dancing. A male and female were each singing through a microphone. A man was seated playing a guitar. I requested the door supervisor to bring the manager outside. After approximately five minutes Mr Agnoldo Dalforno came outside. After introducing myself and explaining the reason for my visit I cautioned Mr Dalforno. He affirmed he understood the caution and was able to converse in English without difficulty. I explained I had responded to a complaint and verified statutory nuisance. I asked why after Brent Council had issued noise nuisance abatement notices was nuisance occurring. Mr Dalforno answered that on Friday and Saturday they play music and it is Brazilian culture that people like to enjoy music when they are eating. I observed the premises was operating more like a nightclub than a restaurant and I asked the same question again. Mr Dalforno's response again referred to Brazilian culture but directly addressing the question. I asked whether there was anything he wished to ask or to add before I terminated the interview. He said there was not. In an advisory capacity I then urged him to lower the volume and desist from causing further statutory noise nuisance. I explained to him my evidence would be passed to the Borough Solicitor with a recommendation to commence prosecution proceedings. On 06 December 2018, notice contravention letters were sent to the premises. A copy of these are reproduced in Exhibit MW/02. A copy of the Premises Licence is reproduced in Exhibit MW/03. Part 2 of the licence shows Mr Roshan Wial is the Holder of the Premises Licence and the Designated Premises Supervisor. Exhibit

MW/04 is a printout from the Companies House website. This shows that DAL FORNO, Agnaldo Pains Dos Santos is the director of Barril Restaurant & Pizzeria Ltd, at 159 High Street, NW10 4TR. Exhibit MW/05 reproduces an initial advisory letter sent to Mr Roshan Wial in March 2018. Exhibit MW/06 reproduces a letter sent to Mr Roshan Wiai in June 2018, explaining that a case review identified sufficient credible evidence on record to apply for a formal review of the Premises Licence under the Licensing Act 2003. Our records against the premises show five sperate complainant's from five separate households. Before serving the noise abatement notice we received 15 complaints of nuisance from loud music occurring. After serving the notice we received six complaints of nuisance from loud music occurring. Since interviewing Mr Agnoldo Dalforno under caution we have received four complaints of nuisance from loud music occurring. In responding to some of these twenty five complaints, we have been advised the volume of music has been lowered as we arrive; or we have not been able to enter the complainant's property without been observed; or the complainant has approached the premises before our arrival; or the volume of music observed has been annoying but not at a level that constitutes a statutory noise nuisance.

Signed

Date: 02. JAN-2019



EXHIBIT MW/01

LIF

#### LONDON BOROUGH OF BRENT

#### Environmental Protection Act 1990 Section 80

Abatement notice in respect of statutory nuisance

Mr. Roshan Wial Barril Restaurant & Pizzeria 159 High Street London NW10 4TR

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as neighbouring and nearby residential units at NW10 4TF within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the person responsible of the premises from which the noise is or would be emitted forthwith from the service of this notice, to abate the same and also

HEREBY PROHIBIT the occurrence of the said nuisance and for that purpose require you to: Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance

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 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.

IF without reasonable excuse you contravene or fall to comply with any requirement of this notice you will be guilty of any 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 (currently £5,000), 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 also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nulsance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 03/08/2018

Signed:

Print Name: Martin Wood Regulatory Services Authorised Officer Regulatory Services, Brent Civic Centre, Engineers Way, Wembiey HA9 0JF

Tel: 0208 937 5252

Email:ens.noiseteam@brent.gov.uk

Ref: EH/17/13344/MW

NB The person served with this notice may appeal against the notice to Brent Magistrates Court, 448 High Road, London NW10 2DZ within twenty-one days beginning with the date of service of the notice (see notes attached).

A Similar notice has been served on: Mr. Roshan Wial Barril Restaurant & Pizzeria, 159 High Street London, NW10 4TR, Agnoldo Dalforno Barril Restaurant & Pizzeria, 159 High Street London, NW10 4TR,

If you require further information or have a query in respect of this notice, please call Martin Wood on 020 8937 5252

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Designation 6



REGENERATION AND ENVIRONMENT

Brant Civic Centre, Engireers Way, Wembley, Middlesex. HA9 0FJ

Tel: (020) 6937 5252

Direct Line 020-8937 5561

Email: regulation@brent.gov.uk

www.brent.gov.uk

03/08/2018 Date:

Mr. Roshan Wial

Barrii Restaurant & Pizzeria

159 High Street

London

**NW104TR** 

Your Hel:

Our Ref; SR/13344/17

Contact: Martin Wood

Dear Mr. Roshan Wial,

#### Environmental Protection Act 1990 Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR

Following further complaints alleging nuisance from loud amplified music emanating from your premises at noise sensitive times, we have undertaken a review of our case records. On the basis of the number and the nature of complaints from different households, we are of the opinion that a statutory noise nuisance from loud amplified music is likely to occur.

Therefore I am obliged to serve the enclosed Notice under Section 80 of the Environmental Protection Act 1990. This is intended to deal with this matter, not by taking proceedings in respect of this incident, but enabling the Council to take formal legal action should there be any further noise nuisance.

Should further complaints be received, we will investigate by monitoring the situation. Monitoring will either take the form of periodic visits, to be carried out day or night, by officers who will engage in non-intrusive monitoring (i.e. without alerting you prior to the visit) usually by visiting the person making the complaint, and/or the use of remote monitoring equipment which measures and records the noise being complained about.

Contravention of the notice could lead to the instigation of criminal proceedings against you. The maximum fine for each offence currently stands at an unlimited fine. The previous maximum fine was £20,000 upon conviotion.

Please note that there is a right of expesi to the notice. Application has to be made to the Magistrates Court within 21 days. The details are provided on the notes to the notice.

If there continues to be a persistent noise nulsance, the council will also consider applying to the Courts for a warrant in order to seize all audio equipment from your premises.

I also remind you of the letter sent on 17 June 2018 - copy attached.

Accordingly, I would strongly advise that you cease to cause noise nulsance and refrain from playing loud music at such a level as to disturb your neighbours.

Should you require any further information, please do not hesitate to contact me at the above address.

Yours sincerely,











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Martin Wood Environmental Health Officer Regeneration and Environment











LK

#### LONDON BOROUGH OF BRENT

#### Environmental Protection Act 1990 Section 80

#### Abatement notice in respect of statutory nuisance

Agnoldo Dalforno Barril Restaurant & Pizzeria 159 High Street London NW10 4TR

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as neighbouring and nearby residential units at NW10 4TB within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the person responsible of the premises from which the noise is or would be emitted forthwith from the service of this notice, to abate the same and also

HEREBY PROHIBIT the occurrence of the said nuisance and for that purpose require you to: Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance

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 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.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any 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 (currently £5,000), 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 also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nulsance. Further, if you fall to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 03/08/2018

Signed:

Print Name: Martin Wood Regulatory Services Authorised Officer Martin Wood Environmental Health Officer Regeneration and Environment

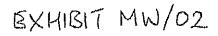














REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ

Tel: (020) 8937 5252

Direct Line 020-8937 5561

Email: ens.nolseteam@brent.gov.uk

Web: www.brent.gov.uk

Date: 06/12/2018

Mr. Roshan Wial

Barril Restaurant & Pizzeria

159 High Street

London . NW10 4TR Your Ref:

roui nei.

Our Ref: SR/13344/17

Contact: Martin Wood

Dear Mr. Roshan Wial,

#### Noise Nuisance - Section 80 Environmental Protection Act 1990 159 High Street, London, NW10 4TR

I am writing to inform you that on 01 December 2018, a further complaint about loud noise was received from your property. The investigating Officers witnessed the noise and were satisfied that the level of the music emanating from your premises on this occasion amounted to a statutory nuisance in law and that the Noise Abatement Notice previously served on you under the above legislation on 03 August 2018 was breached.

Without prejudice to any application to review your premises licence, we are currently considering starting legal proceedings in respect of this breach.

In addition, should there be further incidents of nuisance, separate legal proceedings will be laid before a magistrate. Upon summary conviction the size of fine imposed is likely to reflect the number of contraventions of the Noise Abatement Notice.

I would remind you that the maximum penalty on conviction for breaching the noise abatement notice is an unlimited fine for each offence. In addition the Council will seek to claim all costs incurred in taking Court action against you.

I would remind you of the existence of the abatement notice (a further copy is attached) and strongly advise that you make greater effort to control the level of noise arising from your property and refrain from playing music at such a level as to cause nuisance to your neighbours.

If the noise nulsance continues, the Council will also consider applying to the Court for a warrant in order to Seize all audio equipment from your premises.

#### NO FURTHER WARNING WILL BE GIVEN,

Should you wish to discuss any aspect of this matter please do not hesitate to contact me at this office.

Yours sincerely.

Martin Wood Environmental Health Officer Regeneration and Environment



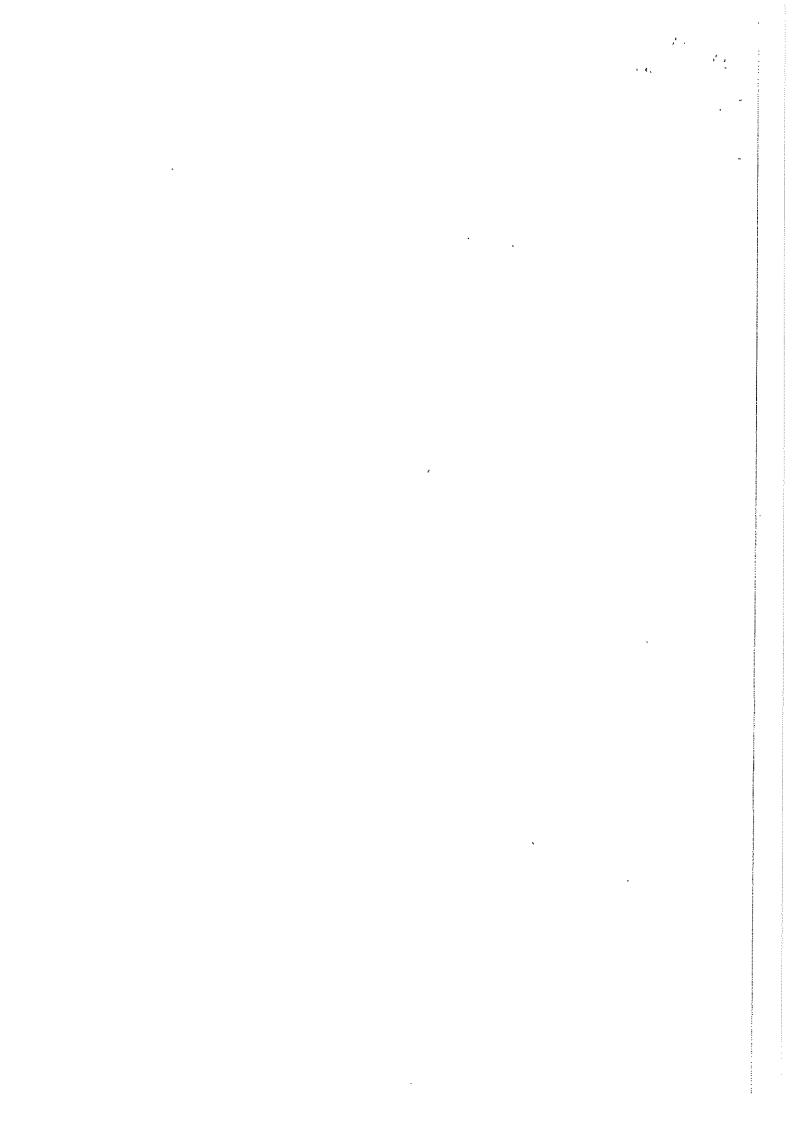








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ENVIRONMENT & NEIGHBOURHOOD REGULATORY SERVICES BRENT CIVIC CENTRE ENGINEERS WAY WEMBLEY HAS OFJ

TEL: 020 8937 5359

EMAIL: business.licence@brent.gov.uk

## **London Borough of Brent**

## **Premises Licence**

#### **PART A**

This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the **Licensing Act 2003**.

Signed......

Director of Environment and Neighbourhood

Date: 7 May 2015

Licence number 1190128

Licence start date: 01/10/2012

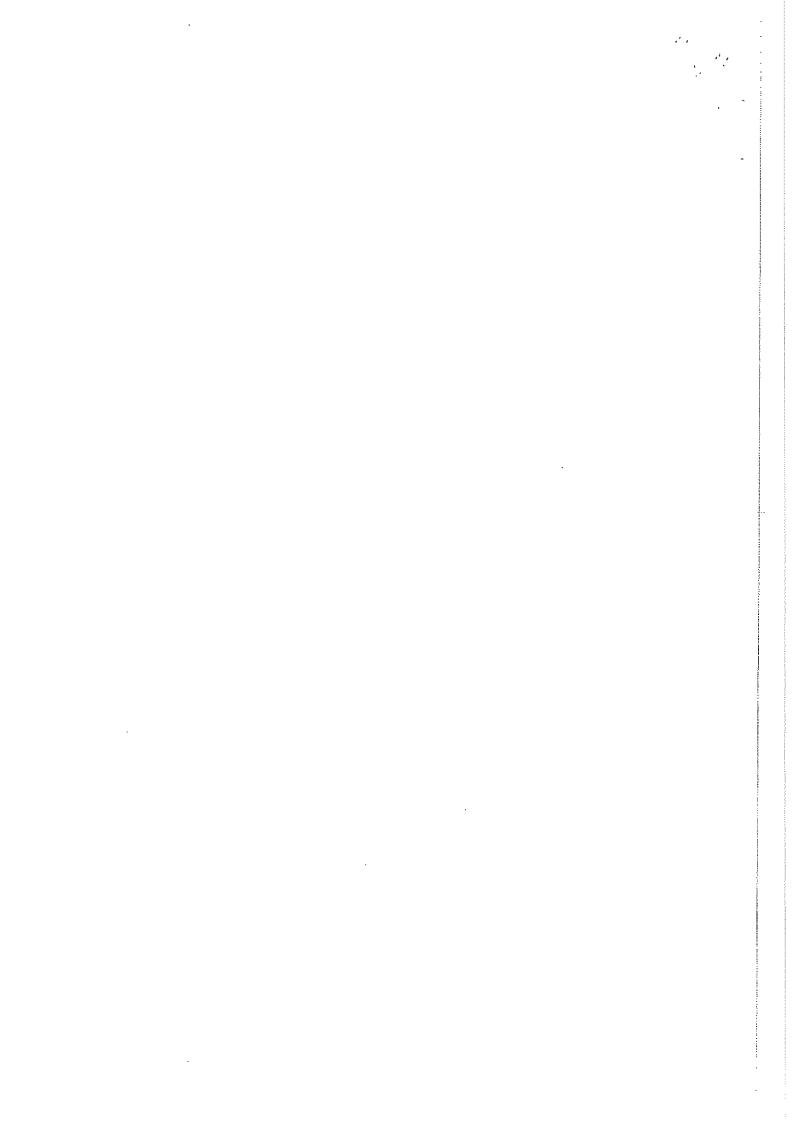
#### Part 1 - Premises Details

GOSTOSA, 159 High Street, London, NW10 4TR

Licensable activities and the times authorised by this licence

#### Live music:

Day	Start Time	<b>End Time</b>
Monday	06:00	02:30
Tuesday	06:00	02:30
Wednesday	06:00	02:30
Thursday	06:00	02:30
Friday	06:00	02:30
Saturday	06:00	02:30
Sunday	09:00	01:30



### **Companies House**

BXHIBIT MW/04

**BETA** This is a trial service — your <u>feedback (https://www.research.net/r/chbeta)</u> will help us to improve it.

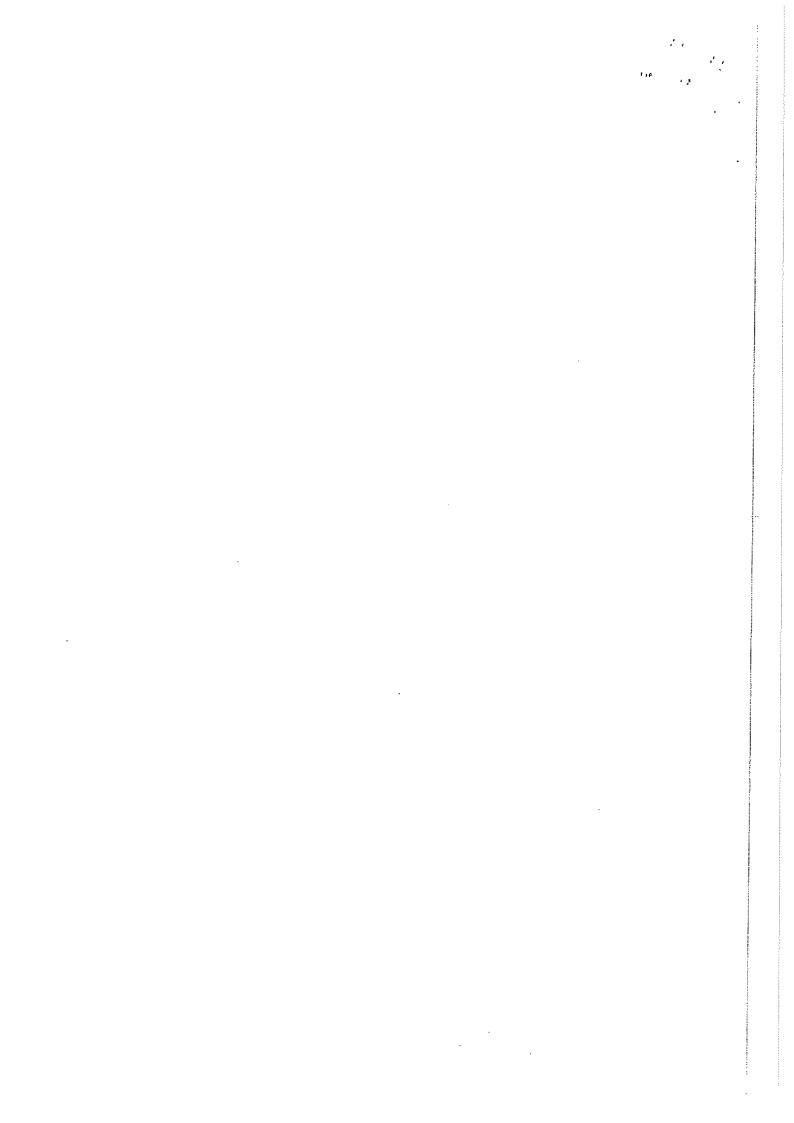
Search for companies or officers

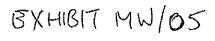
## **BARRIL RESTAURANT & PIZZERIA LTD**

Company number 10973719

- \* Officers
- Persons with significant control (https://beta.companieshouse.gov.uk/company/10973719/persons-with-significent-control)

Filter officers
Current officers
Apply filter
1 officer / O resignations
DAL FORNO, Agnaldo Pains Dos Santos
Correspondence address 159 High Street, London, United Kingdom, NW10 4TR
Role Active Director
Date of birth September 1975
Appointed on 20 September 2017
Nationality Italian
Country of residence United Kingdom
Occupation Food And Beverage Director
Is there anything wrong with this page?







REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,

Wembley, Middlesex, HA9 OFJ

(020) 8937 5252 Tel: 020-8937 5561 Direct Line

Email: regulation@brent.gov.uk

Web: www.brent.gov.uk Date: 16/03/2018

Mr. Roshan Wial

Gostosa

159 High Street

London **NW10 4TR**  Your Ref:

Our Ref: SR/13344/17

Conlact: Martin Wood

Dear Mr. Roshan Wial,

#### Noise Nuisance - Environmental Protection Act 1990 159 High Street, London, NW10 4TR

The Council have a duty to investigate noise nuisance. We have received a complaint alleging noise caused by loud amplified music and they have given us your address as being the source of the problem. We request you contact us to discuss this matter further.

We investigate problem noise by visiting those affected. We will decide what action to take based on the scale of the problem, how frequently it happens, who is affected by the noise and how. We may also use remote monitoring and recording devices to measure and record the noise being complained about.

If the Council is satisfied that a noise nulsance exists, or is likely, a noise abatement notice could be served on the person responsible. If the terms of that notice are broken and you continue to cause unacceptable noise, the Council may then take Court action. A successful prosecution can result in an unlimited fine and a criminal record being imposed.

Please consider whether any activities at your premises could cause a disturbance to your neighbours and, if so, take any measures necessary to reduce the noise.

Thank you for your co-operation.

Yours sincerely,

Martin Wood Environmental Health Officer Regeneration and Environment











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REGENERATION AND ENVIRONMENT

BXHIST MW/06

Brent Civic Centre, Engineers Way, Wembley, Middlesex. HA9 0FJ

Tel: (020) 8937 5252 Direct Line 020-8937 5561

Email: regulation@brent.gov.uk

Web; www.brent.gov.uk Date: 17/06/2018

Your Ref:

Our Ref: SR/13344/17

Contact: Martin Wood

Mr. Roshan Wial

Barril

159 High Street

London NW10 4TR

Dear Mr. Roshan Wial.

#### <u>Premises Licence Review - Licensing Act 2003</u> <u>Barril, 159 High Street, London, NW10 4TR</u>

The Council's Nulsance Control Team are a Responsible Authority under the Licensing Act 2003. We are continuing to receive complaints alleging loud amplified music emanating from your premises. Following a case review meeting we now consider there is sufficient credible information to apply for a formal review of your premises licence. This is on the basis of the number and the nature of complaints that we have received from different households.

#### Your premises licence permits:

Recorded music and Ilve music until 02:30am Monday to Saturday and until 01:30am Sunday.

A terminal hour for the premises of 03:00am Monday to Saturday and 02:00am Sunday.

We note there are no specific noise controlling conditions endorsed upon your licence and given the scope of your licence and the complaints made against your business we consider your licence warrants a formal review.

We remind you the Licensing Act 2003 places you under a duty to prevent public nulsance. This means operating your business in such a manner that it does not unduly interfere with your neighbours right to reasonably enjoy their property.

In applying to review your licence we are considering both a reduction in your operating hours and imposing noise controlling conditions.

Please contact me if you would like to discuss this further.

Yours sincerely,

Martin Wood
Environmental Health Officer
Regeneration and Environment

cc Brent Council Licensing Authority











Brent - building a better borough

EXHIBIT MW/02

#### **Statement of Witness**

SR/13344/17

Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B; Magistrates' Court Rules 1981,r.70

Statement of:

**Martin Wood** 

Age of Witness: 'Over 21' (True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice).

Occupation of Witness: Environmental Health Officer

Address Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ.

Tel No: (020) 8937 5252

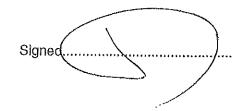
This statement consisting of ONE page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signed:....

Dated: 04 Feb 2019

Noise Nuisance Investigation-Environmental Protection Act 1990 - Barril Restaurant and Pizzeria, 159 High Street, London, NW10 4TR

Further to my previous statement of 02 January 2019, I am submitting the following information in support of prosecution proceedings. Exhibit MW/07 provides an image of the front of the premises, and an image showing one stand-mounted speaker within the premises. Prior to the service of the Noise Abatement Notice (dated 03 August 2018 and reproduced in Exhibit MW/01), we received the following online complaints against the premises. Exhibit MW/08 is dated 03 June 2018 and reports the restaurant is operating as a nightclub. Exhibit MW/09 is also dated 03 June 2018 and reports the premises is operating as a nightclub. Following service of the Noise Abatement Notice, we received the following online complaints and emails against the premises. Exhibit MW/10 is dated 04 August 2018 and reports the premises is operating as a nightclub. Exhibit MW/11 is dated 02 September 2018 and details disturbances experienced by the reporter. Exhibit MW/12 is dated 09 September 2018 and reports extremely loud live music and DJ music. Exhibit MW/13 is dated 06 January 2019 and reports further disturbances, including deafening noise from music at a noise sensitive time.



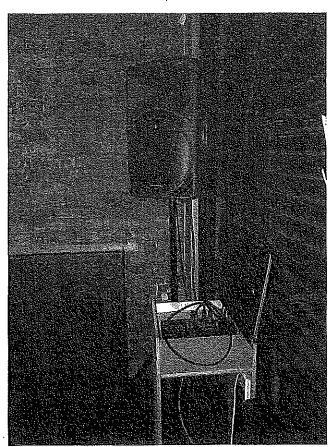
Date: 4 | FEB | 2019

EXMISIT MW/07

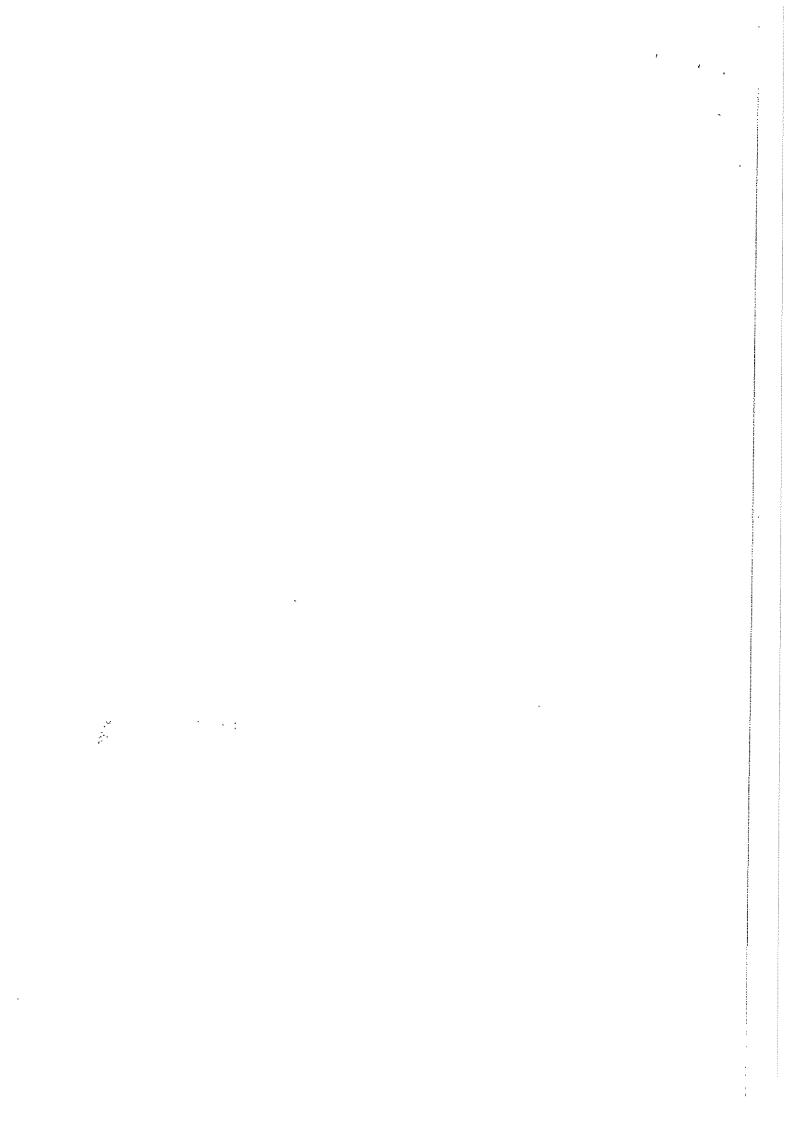
Barril Restaurant & Pizzeria, 159 High Street, London, NW10 4TR



Front of premises



Stand mounted speaker and audio equipment



From:

Sent: 03 June 2018 01:30

To: ENV Noiseteam < Env. Noiseteam@brent.gov.uk >

Subject: Noise Complaint Received - Ref: FS77417673 -

Dear Nuisance Control, A client has registered a nuisance. Please see attached form for Details

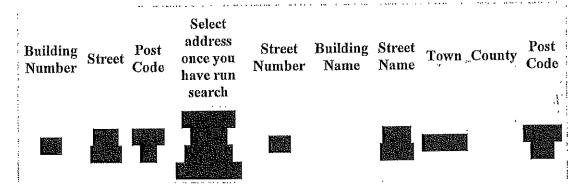
#### Client Name:

Title

First name

Last name

#### Complainant Address Details:



#### Client:



Please give the address of location of the noise nuisance.: 159 high street harlesden

Please state the nature of the nuisance (e.g. music, barking dog, etc): massive nightclub overspill into the stret with shouting, screaming and general drunken behaviour.

Any further details: A new club called Barril opened a few weeks ago and they have persistently had hundreds of people out infront of the bar with no bouncer and making very very loud noise until 3-4am in the morning on Friday, Saturday and Sunday nights. Many

residents have complained in person but nothing has been done. It's a small bar but there must be at least a hundred people outside shouting at each other all night. Please help with this as soon as possible.

Regards

Sent: 03 June 2018 09:41

To: ENV Noiseteam < Env. Noiseteam@brent.gov.uk >

Subject: Noise Complaint Received - Ref: FS77435965 -

Dear Nuisance Control, A client has registered a nuisance. Please see attached form for Details

#### Client Name:

Law age to the or the service of a particle of addition to page of the service of		
Title	First name	Last name

## Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street Number		Town County	
	1						

#### Client:

Mobile/Daytime telephone number	Landline/Evening telephone number	Email Address

Please give the address of location of the noise nuisance.: Circa 152 High Street Harlesden - Baril is the name of the place

Please state the nature of the nuisance (e.g. music, barking dog, etc): un-licenced/illegal nightclub open all night on weekdays and weekends

Any further details: This restaurant has illegally changed the venue into a night club! With live music and professional sound system - all night every night on weekends including Sundays, and often on Thursdays too. This is a recent event. the number of Visitors have quickly doubled in just a couple of weeks. They have also built an un-licenced semi enclosed TERRACE on the pavement outside. As the club is very small, the people in the night club

now spills out onto the whole pavement outside - ALL night. Even when the club shuts the people remain to have a party outside, causing havoc with the traffic and other people passing by . The club takes no responsibility for the people outside, there is no crowd control, bouncer or staff. On weekdays the music goes on past midnight and I have work the next morning (I also work on Saturday mornings so 4.30am on a Friday night for noise is not workable!!!!).

I have seen neighbours from the adjacent property being forced to physically go down to complain themselves to the club.

who gets very distressed with loud noise and who wakes at night!

I called the nuisance helpline in the middle of the night on Friday but there was no one there to take my call.

This is a completely illegal facility - please act quickly before it gets completely out of hand in the street and violence break out..I suspect they are selling very cheap alcohol which may have lent to it's quick rise in popularity

Regards

# BXNIBIT MW 10

From:

Sent: 04 August 2018 23:06

To: ENS Noise Team <ens.noiseteam@brent.gov.uk>

Subject: Noise Complaint Received - Ref: FS83825594 -

Dear Nuisance Control, A client has registered a nuisance. Please see attached form for Details

#### Client Name:

Title

First name



Last name



### Complainant Address Details:

Select Post address once Street Building Street Building Number Street Code you have run Number Name search

Name

Town County













### Client:

Mobile/Daytime telephone number

Landline/Evening telephone number

**Email Address** 





Please give the address of location of the noise nuisance.: 150-ish Harlesden High Street. Not sure of exact number - the establishment does not appear to be established. The place is called 'Barill'

Please state the nature of the nuisance (e.g. music, barking dog, etc): Night Club

Any further details: What use to be a quiet restaurant has turned into a night club. They constructed an illegal terrace outside (it they had a licence for this - please could you state why neighbours were not consulted?) where there is a wild party from Thur night to Sunday night (one of the loudest night). It's so loud that if you walk past on the opposite side of the road, you cannot hear what a person is saying. the parties goes on until whenever they feel like it. Occasionally they simply close and leave the party still on the terrace till 3.30am.

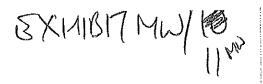
They now have live music inside but put the professional sound system by the door facing out. Often there is brazilian drumming performances, shouting and crowds singing along. The sound level is ridiculous. I've tried calling your nuisance line in the past but it is unstaffed at all times.

This is completely unlicensed to my knowledge. I have contact detail of one of councillors - if i receive no reply of this email within the next 10 days I will write a formal complain to the councillor, who is currently collecting comments from us residents of the issues we are experiencing.

I look forward to hearing from you so that we can open a discussion on the subject.

Best Regards,

Regards



----Original Message----

Sent: 02 September 2018 21:44

To: Whyte, Chris < Chris. Whyte@brent.gov.uk>

Subject: Harlesden High Street

Dear Chris

I hope you don't mind me contacting you directly - I have been unable to locate any other routes to the council who i can bring this matter to attention.

I write in hope that you might be able to help. We live on Harlesden High Street (Harrow Road - and we have enormous problem with a (unlicenced?) bar/night club and the second and the se

This then had a bit of a refit, changed it name to Barril and transformed it into a very lively, out of control party venue which goes on way past 3.30am in the morning. I work on Saturdays, and not being able to sleep until 4am is not acceptable. Shortly after giving it a refit and changing the name, they sneakily built a terrace extension in the front, which eventually also received a roof. This then transformed the venue to a make-shift outdoor bar/club (its a very small establishment so i presume you can't all fit inside), which invited the club to extend from the bar to the road, with the crowds covering the pavement and onto the road where the guests sit on their mopeds and very loudly rev the bikes in the middle of the night. The culture of this bar entails a huge amount of shouting, and you can barely hold a conversation whilst walking along the road on the other side, it's that loud. At no one point have I ever seen a member of staff outside, it's almost as if they are hiding (although I believe the owner may live upstairs, as the bar now encloses the front door to the flat upstairs).

This establishment is not only very disrespectful, it's very obviously also doing what they want, and i presume, sell very cheap alcohol, as the manage to get a full house every single Friday, Saturday and Sunday night. They may be having 'lock-in's on weekends as the shutters seem to come down later in the night, but the party is still in full swing outside and the door is open so although it may appear shut it doesn't help us residents. Most of our neighbours live in social housing (as does most of Harlesden it appears), and may not have the resources required to bring this to the council's attention. I feel for all the suffering neighbours, and over heard a person from the block opposite being very angry at a bar guest (this was almost at 6am and they were still there!!). No doubt it had kept her up all night too. I have attempted numerous times in desperation to call Brent nulsance help line but as i'm sure you're aware, this number is not a real open phone line. I've also tried calling the police, waited half an hour in the middle of the night after not much sleep, without getting to speak to anyone, so I gave up, opting to attempt to get some sleep.

I can assure you that we're not people who are easily disturbed, as of course no sensible person living in a property on this busy road would be. There is 24 traffic, fights and drunk people on the street, lively parties and all sorts outside our house every day of the year but this neither bothers us or generally wakes us. This establishment, isn't only enough to wake us, it makes sleep impossible for minimum 3 (but often 4) nights a week. As you can understand, this is not conjusive to work or life. I am unable to sleep in our bedroom, and loud noise causes our

Interestingly, the owners of this restaurant complained enormously when we had similar trouble with an illegal shisha club across the road (the council successfully shutch down a number of years ago), however this may have been a different owner of course.

I truly hope that you will be able to help us and get this night club under control. They need to keep the party inside, ensure all music is off before midnight (11pm on weekdays), and ideally stop having the speakers facing the door (which are wide open all night) and of course ensure that their activities are licensed and approved. We continue to have these problems on this section of the high street, and in the past it has been found that there has indeed been many breaches by these establishments relating to fire safety, using neighbouring electricity illegally, not paying for refuse and illegal extensions, so you may find that either of these laws may help your case. The trouble is that Harlesden is (as most of us residents know) a lawless zone, so I really worry that this problem will just be left.

I really, really hope that you can help us, as I am currently sleeping on a mattress on the floor in my children's room! We have a lodger on the top floor who is suffering endlessly as the noise travels louder to the loft, and no doubt she'll have enough if this continues! I would be enormously thankful if you could please help us.

Yours Sincerely,



Sent: 09 September 2018:29:2902 hornion englishm

To: ENS Noise Team < ens.noiseteam@brent.gov.uk >

Subject: Noise Complaint Received - Ref: FS87566932 -

Dear Nuisance Control,
A client has registered a nuisance.
Please see attached form for Details

#### Client Barner:

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:	Title	First name	Last name			
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#### Complainant Address Details:

Building Number	Street	Post Code	Select address once you have run search	Street	Building Name	Street	County	

#### Client:

Mobile/Daytime telephone 1		j
number	number	EMILITARIO NO DE PORTO DE PORT

Please give the address of location of the noise nuisance.: 159A High St, London, NW10 4TR

Please state the nature of the nuisance (e.g. music, barking dog, etc): Extrely loud live and DJ music and drunk and disorderly customers

Any further details: Over Numerous months this restaurant has been playing loud music from 8 PM until early hours of the morning 1 AM sometimes even later. I have tried on numerous occasions to speak with the manager about customers and the music but have ignored with all my verbal complaints. After the party have finished customers will leave

and throw bottles in my front garden and leave empty cups on my wall. They have been shouting and heard to be verbally abusive to one another as they are drunk and disorderly outside my front window. I have two children with me and most night find it difficult to go to sleep with this. Most of the times these parties happen on a Saturday night Sunday night Monday night even sometimes during the week and finishing around 1 AM knowing that I have to wake up for work the next day. I am now feel I cannot cope with the noise during these hours anymore, it is not fair as a neighbour when I have tried to speak with the manager about his customers and lowering the music at 11 PM at a reasonable time but has refused to comply. Many of my other neighbours are also having the same complaints about extreme noise but nothing has been done. I have gone out to the restaurant to speake face to face a few times to speak with customer asking then to please move away from my front garden because of the noise and they have been very abusive towards me and even one drop a glass in front of me. I shouldn't have to put myself in any danger but I cannot take the noise any longer. Pleasell! something needs to be done about this restaurant having parties after unsociable hours especially on a Sunday and Monday night, Otherwise I will have to start calling the police, which I'm trying to avoide but will have to it left no choice.

Regards

Sent: 06 January 2019 12:29

To: Nuisance Control < complaints@feedback.brent.gov.uk>

Cc: Whyte, Chris < <a href="mailto:Chris.Whyte@brent.gov.uk">Chris.Whyte@brent.gov.uk</a> Subject: Re: Your query (ref: 10604996)

Dear Martin/Chris,

Further to the below case, I write to report further disturbances at the below bar/nightclub.

This Friday night the bar woke me up at 3.30 with deafening noise from music, drunk people shouting and the usual revving of the stationary motorbike engines outside (this slightly bizarre behaviour occurs every night the bar is open for some reason) outside the bar. Last night at 1.55am, a group fight broke out. It was chaos. One chap was knocked unconscious on was on the floor for 5-10mins before being carried into a car (still unconscious) by his friends. Another chap who was also injured got into a car that was in the middle of the road, drove it 100m before stopping in the middle of the road again, too drunk to drive. This is all whilst busses and traffic is on the road so it causes road chaos which again is incredibly noisy as people shout, argue and beep their horns. It wakes our whole family, and we're far from light sleepers!

I'm surprised not more fights have occurred before, due to the cheap alcohol, long opening hours and lack of security.

I also note that it is registered as a restaurant/pizzeria (which is what it use to be before the current owner), but to my knowledge it's only open as a nightclub or bar in the late evenings, with a dancefloor and live music area rather than a food establishment.

The removal of the terrace did help and they did turn down the music a little but I feel that it's all slowly going back to it's previous behaviour. The late lock-in's aren't helpful, as they do not control their guests who party outside.

I would really appreciate your help in controlling this, to assist us residents to be safe and be able to sleep at night. Sundays is their loudest and most popular night and as you can imagine, turning up to work red-eyed from lack of sleep is not an option in many professions. They are open Thursday to Sunday, so it's not an ad-hoc party, which we would not have a problem with at all.

Please do contact me should you have any queries or wish to discuss further.

Yours Sincerely,

## Statement of Witness

SR/13344/17

Criminal Justice Act 1967,S9; Magistrates' Court Act 1980, ss5A(3)(a) and 5B; Magistrates' Court Rules 1981,r.70

Statement of :

Martin Wood

Age of Witness: 'Over 21' ( True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise 'over 21' shall suffice).

Occupation of Witness: Principal Nuisance Control Officer

Address Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ.

Tel No: (020) 8937 5252

This statement consisting of ONE page signed by me is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Signed:/....

premises')

Dated: 08 May 2019

Noise Nuisance Investigation - Environmental Protection Act 1990 Barril Restaurant and Pizzeria, 159 High Street, London, NW10 4TR ('the

Further to my previous statements of 02 January 2019 and 04 February 2019, I am submitting this statement in respect of a further suspected noise nuisance offence. On Sunday 05 May 2019, I was on evening duty and accompanied by a security officer as is normal procedure for night-time working. At 23:22hrs, I received notification of a noise complaint against the premises. The complaint specified loud music. I drove out to the area but was unable to contact the complainant by telephone. Later that night (now Monday 06 May 2019) at 00:05hrs, I received further notification about the same matter from the same complainant. At 00:50hrs, I was inside the complainant's home and witnessing a nuisance level of loud amplified music from a live band playing inside the premises. The interference was sufficient

to prevent sleep and reasonable enjoyment of the complainant's property. Live music from a band playing at the premises was audible and had been observed after parking up and walking towards the complainant's property. The complainant's TV was playing at moderate volume in the lounge, but the level of noise from live music playing at the premises was audible above that and prevented enjoyment of the TV. The complainant alleged he was unable to go to bed. A male performer with a live band continued playing at a nuisance level. At 01:00hrs, I noted loud singing and drumming noises continued emanating from the premises. I was satisfied that I had witnessed a statutory noise nuisance and a further breach of the noise abatement notice, based on the perceived loudness of the live music, and the time and duration of my assessment. I vacated the complainant's property and accessed the bar where I requested Mr Agnoldo Dalforno to join me outside. Inside the bar the level of music from the live performance was very loud. Some patrons were dancing. Outside the premises, I explained the purpose of my visit and read the PACE caution to Mr Dalforno. He affirmed his understanding. I asked why he was causing statutory nuisance when a court hearing was already pending for breach of a noise abatement notice. Mr Dalfomo said he would end the party but asked about noise from the Green Man (further down the High Street). I advised the Green Man would be dealt with and explained this was the second suspected offence. I observed Mr Dalforno did not seem to understand the severity of the noise incidents, which would also see us apply to change the premises licence. The music was playing as walked away but appeared to have been switched off as we drove away.



Date: 8 - MAY 2019

Sent: 26 September 2019 00:31'

To: Wood, Martin < Martin. Wood@brent.gov.uk>

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Unfortunately, it's all started again, I really don't understand this owner. The live music is load and customers making noise at this moment. I'm taking they do not care about their surrounding neighbours.

Kind regards

Sent from my iPhone

From:

Sent: 13 July 2019 03:28

To: Wood, Martin < Martin. Wood@brent.gov.uk >

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Good morning, I would like to complain again as the owner and his customers has no regards for neighbours. I write at this hour due to the noise of the customers are loud and drunk as they leave now, bottles are always left on my wall, I have gone in to complain about the motor cycles always parked on the pavement outside his restaurant and witnesses those are his customer's bikes. When approached and informed him about those bikes and the noise they cause at 2 am waking my children as they rev their bike engines, he replied stating those people were not from his restaurant (although I witnessed they were) but from the bar further down the road (Green man) but parked directly outside his restaurant to cause trouble for him. He then stated he would be leaving the residence for good in two months, which has been three months now and I have continued to put up with his loud mucus and customers leaving at this hour Friday through Monday. This is unfair and not liveable for the residence next door and across the road, they too have said how we all are coping, please can you speak to him as it's unbearable and I hate to speak to him as sometimes he too is drunk and aggressive when an approach is made.

Tomorrow this will happen again and I will send another email and maybe videos if I do go outside.

Kind regards

From:

Sent: 22 September 2018 03:24

To: Wood, Martin < Martin. Wood@brent.gov.uk >

Subject: Re: Noise Complaint Received against - Barril, 159 High Street, London, NW10 4TR

Thank you for your reply, well there are customers out again tonight at 3.20am making loud and inconvenience noise. How long will this go on for!!

Sent from my iPhone

