

Environmental Health

Legal Notice Enclosed

**Mr Suraj Chopra
85 Bell Street
Reigate
Surrey
RH2 7AN**

Our Ref: 23/04299/ENCOM

Date: 11/01/24

Dear Mr Chopra,

**Environmental Protection Act 1990, Part III
Complaints of noise nuisance caused by loud music and patron noise late at night
at 85 Bell Street, Reigate, Surrey, RH2 7AN**

I am writing about the above complaint which was initially received by Environmental Health of Reigate & Banstead Council on 26/10/2023.

Following this we wrote to the premises on 27/10/2023 to advise you of the complaint. We then received corroborating evidence to support the claim and wrote to the property again, dated 31/10/23 advising that we were then actively investigating. Further to this I sent copies of both letters to an email address provided on your personal licence application form and received a response from you.

We continued to receive evidence in the form of noise recordings and video recordings of the noise nuisance from music being played inside the premises. I then visited the premises on 10/11/23 and discussed the complaint issues with a member of your staff. I then detailed these issues to you on an email with recommendations to reduce the noise nuisance by keeping the volume and bass down and restricting the use of the garden area in the late evening in the hope the complaint would be resolved.

Despite further and continuous recommendations made to yourself regarding the volume of music and the use of the garden area after a certain time of night, the complaints continued to be reported over the coming weeks.

On 20/11/23 and 17/12/23 separate independent complaints were made from nearby residents; I wrote to the premises on each occasion to advise you of this but there were still no obvious improvements made.

Following evidence obtained including the use of a Noise Nuisance Recorder in December 2023 and January 2024 , along with observations made by officers of this department in the late evening of 05/01/24 the Council have now concluded our investigation.

We are of the opinion that the noise emanating from loud music and entertainment is causing a statutory nuisance and that there is likely to be a recurrence of the nuisance.

Once a statutory nuisance has been identified then the council are legally required to serve an abatement notice on appropriate person(s).

You will note that to abate the nuisance the notice requires that with immediate effect **No noise nuisance be caused from amplified, live or recorded musical entertainment or other amplifying equipment, to any adjoining or neighbouring residential occupiers.**

I must advise you that your landlord will be informed of this notice being served and provided with a copy of it.

Please be aware that Environmental Health will continue to use noise monitoring equipment and utilise officer patrols in the area and within complainants' properties over the foreseeable future to monitor compliance with this notice and gather any necessary supporting evidence should a breach of abatement notice occur.

I must also highlight that the Council is empowered to seize equipment causing noise from commercial premises whether prosecution proceedings are contemplated or have commenced. The Council also has legal powers of entry to enable this should a breach of notice occur please note.

Your attention is drawn to your rights of appeal as outlined on the back of the notice.

Failure to comply with the notice is an offence which upon conviction currently carries an unlimited fine. If the notice is not complied with this authority may take action to abate the nuisance ourselves. You may wish to seek legal advice regarding this matter although currently no offence is being committed and we can therefore freely converse with you and any suitably qualified person you engage to try and resolve the matter. However, we wish to bring to your attention that should the nuisance continue, and an offence is being committed due to the legalities of the situation we will no longer be able to converse so freely. Therefore, if you have any questions or require any further information, please contact me on directly as soon as possible to discuss them.

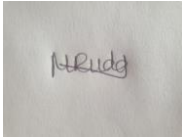
Please note whilst the enclosed notice solely relates to noise from amplified or live music I must inform you that the Council is still gathering evidence from multiple complainants regarding noise from patrons using the rear garden/ shisha area. The Council cannot therefore rule out further action either by Environmental Health or Licensing (or both) relating to this.

In addition to the above, under the Licensing Act 2003, Environmental Health, as a responsible authority, are currently minded to make a formal application to the Licensing Department to trigger a formal review of your premises licence should matters mentioned above not significantly improve promptly.

At this current time we can still converse freely about this matter, and I would urge you to consider reaching out to the Council to discuss these issues further so we can work together to ensure compliance going forward. Should breach of notices occur though, we may not be able to converse so freely in the future I must highlight.

- www.reigate-banstead.gov.uk
- Follow the council on twitter.com/reigatebanstead
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Yours sincerely

A small, square image showing a handwritten signature in dark ink on a light-colored background. The signature appears to be 'M. Rudd'.

Maria Rudd
Environmental Services Officer

Direct dial: 01737 276892

Email: environmental.protection@reigate-banstead.gov.uk
maria.rudd@reigate-banstead.gov.uk

Enc. Abatement Notice