



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	29 November 2012		St Peter's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: MYTHOPOLIS, 277 CITY ROAD, LONDON, EC1V 1LA**

## 1. Synopsis

- 1.1 This is an application by the Council's Noise Team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
  - i) The prevention of public nuisance.
- 1.3 The Noise Team have stated that the Committee could consider that revocation of premises licence an appropriate course of action to abate the nuisance.
- 1.4 If the Committee do not consider revocation of the licence as a remedy, then both the Noise Team and the Council licensing authority have proposed alternative measures including reducing the hours to Monday to Saturday from 12:00 to 23:00 and on Sunday from 12:00 until 22:30, and removal of the exemption in respect of live music on the licence as a result of the Live Music Act 2012.
- 1.5 The Council Noise Team have also requested that the Licensing Sub Committee remove both the performance of dance and the playing of recorded music from the licence.
- 1.6 Further recommendations including additional suggested conditions are attached in both Appendix 3, and set separately in Appendix 4.

## 2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
  - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
  - f) the Committee also have the option to leave the licence in its existing state;
  - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

### **3. Background**

- 3.1 The premises currently holds a licence allowing:
  - i) The sale by retail of alcohol, on supplies only, Sunday to Wednesday from 12:00 until 00:00, Thursday, Friday and Saturday from 12:00 until 03:00 the following day.
  - ii) The performance of dance, on Sunday to Wednesday from 21:00 until 22:30, Thursday, Friday and Saturday from 21:00 until 03:30 the day following.
  - iii) The performance of live music, on Sunday to Wednesday from 21:00 until 00:00, Thursday, Friday and Saturday from 21:00 until 03:30 the day following.
  - iv) The playing of recorded music, on Sunday to Wednesday from 21:00 until 00:00, Thursday, Friday and Saturday from 21:00 until 03:30 the day following.
  - v) The provision of late night refreshment, on Sunday to Wednesday from 23:00 until 00:00, Thursday, Friday and Saturday from 23:00 until 03:00 the day following.
- 3.2 Papers are attached as follows:-
  - Appendix 1: application form and supporting documents;
  - Appendix 2: current premises licence;
  - Appendix 3: representations;
  - Appendix 4: suggested conditions and map of premise location.
- 3.3 The Licensing Authority has received three supporting letters of representation, from a local resident; the Licensing Authority, and the responsible authority for Health and Safety.
- 3.4 The licensing Authority has also requested that Mr Makis be removed as designated premises supervisor at the premises.
- 3.5 Relevant licensing history at the premises:
- 3.6 The premises first came to the attention of the council in 10 December 2010 when it received complaints from customers regarding smoking in the basement. The licensing officers found that the premises did not have a valid designated premises supervisor, the basement was in use despite a licence condition prohibiting its use and a CCTV system was not installed.
- 3.7 Mr Makis submitted applications to vary the DPS and transfer the licence on the 17 December 2010.

- 3.8 Since the 17 December 2010 the premises has been subject to a number of visits by Council licensing officers, London Fire Brigade and the Noise Team. On 18 March 2011 licensing officers issued a Closure Notice prohibiting the sale of alcohol in the basement until the works condition for the use of the basement was complied with. These works were completed on the 1 April 2011.
- 3.9 The licence holder had been providing live music in the basement after its permitted hours on a number of occasions since December 2010. These offences have been investigated by the Licensing Team and the decision about appropriate enforcement action was put on hold as the licensee Mr Makis submitted a variation application on the 6 June 2011
- 3.10 This application was to permit the provision of live music at the premises from Sunday to Wednesday 21:00 to 00:00; to extend the terminal hour of live music from 01:00 to 03:00 on Thursday, Friday and Saturday; and to extend the terminal hour for the provision of recorded music from 23:00 to 00:00 from Sunday to Wednesday.
- 3.11 This application was granted by Licensing Sub Committee on 26 September 2011, and the offences were dealt by way of a final warning, as the licence application appeared to remove the potential for further breaches.
- 3.12 There have been further licensing breaches witnessed by the Council's Noise Team since this application was granted, these offences will now form part a Council prosecution case against the licence holder.
- 3.13 A designated premises supervisor application was submitted on 17 July 2012 to name Mr Stephanos Makis as the DPS at the premises.

#### **4. Planning Implications**

- 4.1 There are no planning implications in respect of the premises review application.

#### **5. Conclusion and reasons for recommendations**

- 5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

#### **Background papers:**

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

**Signed by**

  
Service Director – Public Protection

20. 11. 12  
Date

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020 7527 3227

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E-mail: [niall.forde@islington.gov.uk](mailto:niall.forde@islington.gov.uk)

Mr Stephanos Makis  
Licensee  
Mythopolis Restaurant  
277 City Road  
London EC1V 1LA  
**BY HAND**

This matter is being dealt with by:  
**Anne Brothers**

Noise Patrol Team  
222 Upper Street  
London N1 1XR  
  
T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/111223197  
Your ref:

Date: 12 October 2012

Dear Mr Makis  
**PREMISES LICENCE REVIEW APPLICATION. MYTHOPOLIS, 277 CITY ROAD, LONDON EC1V 1LA. LICENSING ACT 2003**

Please find enclosed an application for the review of the premises licence for Mythopolis at 277 City Road, EC1V 1LA. This application is being served on you tonight at the premises address by hand and copied to your home address via first class post.

The application is self-explanatory and is made on grounds of the prevention of public nuisance. If you would like any information regarding the application or the review process, please contact the Licensing Section at the above office. They can be contacted by telephone on 020 7527 3031 or by e mail to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk).

In addition, you may also benefit from legal advice in relation to the application. If you have any queries you can also contact me at the above office.

Yours sincerely,



**Anne Brothers**  
**Principal Technical Officer**  
cc. Louise Norris, Noise Patrol Manager  
Niall Forde, Licensing Officer





ISLINGTON

**WARRANT TO ENTER PREMISES**

In the Highbury Magistrates Court Code 2572  
Petty Sessional Division of East Central

**INFORMATION** on Affirmation on behalf of Islington Council having been laid before me, one of Her Majesty's Justices of the Peace that on the 22nd day of October 2012, it became necessary that Anne Brothers a duly authorised Officer of the said Council should enter the premises situate at Mythopolis Restaurant, 277 City Road, London EC1V 1LA in the District of the said Council under Section 81(3) of the Environmental Protection Act 1990 and Section 10 (7) of the Noise Act 1996 of which premises Stephanos Makis is the Occupier, for the purpose of abating the noise nuisance.

**And** that it is apprehended that admission to the premises will be refused

**And** it having been shown to my satisfaction that the allegations in the said information are true;

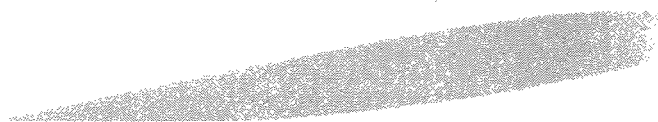
**And** that there is reasonable ground for entry into the premises for the purpose aforesaid;

**Now** I do by this Warrant authorise the said Council by any authorised Officer to enter the said Premises, if need be by force.

Date: 25 October 2012

Time: 10.20

Signature: [Handwritten Signature] Justice of the Peace aforesaid







# ISLINGTON

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 **Anne Brothers**

*(Insert name of applicant)*

apply 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

**Postal address of premises or, if none, ordnance survey map reference or description**

277 City Road,

Post town **London**

Post code (if known) **EC1V 1LA**

**Name of premises licence holder or club holding club premises certificate (if known)**

Stephanos Makis

**Number of premises licence or club premises certificate (if known)**

LN8074-170712

**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
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
  
- 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**

**Please tick ✓ yes**

I am 18 years old or over

**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**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

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

<b>Name and address</b> Anne Brothers on behalf of the Noise Patrol Team Public Protection Division, 222 Upper Street, London N1 1XR
<b>Telephone number (if any)</b> 020 7527 3047
<b>E-mail address (optional)</b> anne.brothers@islington.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
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Noise Team is making this application for a review of the premises licence for Mythopolis Restaurant and club on grounds of public nuisance arising from the use of the premises.

This is contrary to the licensing objective of the prevention of public nuisance and with reference to Licensing Policy 10 in the Licensing Policy document for 2011 – 2014.

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

There are noise conditions on the premises licence as follows:

- The premises shall be fully sound proofed.
- No live or recorded music after 00:00 on all days on the ground floor.
- Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.
- A policy and procedure for customers smoking and sitting outside and for dispersing customers when leaving the premises, including at closing times, shall be developed and approved by the Councils noise team prior to the variation of the licence application taking effect. This policy and procedure shall be fully implemented after its approval and any necessary training, information and instruction to implement the procedure given to staff. These policies to include:
  - There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm. There shall be no drinks allowed outside the premises after 11pm.
  - The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.
  - Signs shall be erected inside the premises in Greek and English asking patrons to be quiet when leaving the premises.

Stephanos Makis took over as licensee in January 2011, he also took over as Designated Premises Supervisor in July 2012. Since he has been operating the premises, we have been in receipt of consistent reports of unwanted noise from residents, originally in connection with noise outside the premises and at closing time. In addition we have received consistent calls to the Noise Service about noise from amplified music at the premises.

In order to illustrate the noise reported and findings of visiting officers I have attached details of calls to the out of hours Noise Service received over the past 12 months in list form on a separate sheet.

I also attach the following correspondence sent to Mr Makis in relation to noise and other issues from the premises since he took over in January 2011.

- Licence contraventions warning January 2011
- E mail sent 15 February 2011
- Noise Issues Letter June 11
- People noise warning November 2011
- Music and people noise warning February 2012
- Minded To Letter May 2012
- Section 80 June 2012
- PACE invitation to interview July 12
- Minded To Letter Ioannis Tzoumakas July 12

- E mails July and August 2012

I also attach the following documents in relation to smoking at the premises:

- Smoking Witness Statement January 2011
- Smoking Warning Letter January 11
- Smoking Witness Statement November 2011
- Smoking Witness Statement March 2012

#### Recommendations

There are options available to Committee at a review hearing in order to abate the nuisance reported by residents and witnessed by Noise Patrol.

We have no confidence in the Licensee that noise will be controlled at the premises in future.

Committee may consider that in order to abate the nuisance the first option may be appropriate:

- a. Revocation of the premises licence

An alternative to the above may be considered by Committee as appropriate:

- b. Removal of the following regulated entertainments from the premises licence:

The provision of regulated entertainment by way of:

Live music

The playing of recorded music

The provision of entertainment facilities for:

Dancing

In order to reduce the likelihood of further calls to the Noise Patrol Service and further enforcement action we seek to have the above provisions removed.

In addition the opening hours of the premises are specified on the premises licence as follows:

Sunday to Wednesday 12:00 - 00:00

Thursday to Saturday 12:00 – 04:00 the following day

Committee could decide to reduce the operating hours for the sale of alcohol to:

Monday to Saturday 10:00 to 23:00

Sunday 12:00 to 22:30

In addition we would seek a drinking-up time period and closing times to be specified on the premises licence.

I would add that a prosecution is currently being processed in relation to the contraventions of the Section 80 noise abatement notice that have been witnessed.

Please tick ✓ yes

Have you made an application for review relating to this premises before

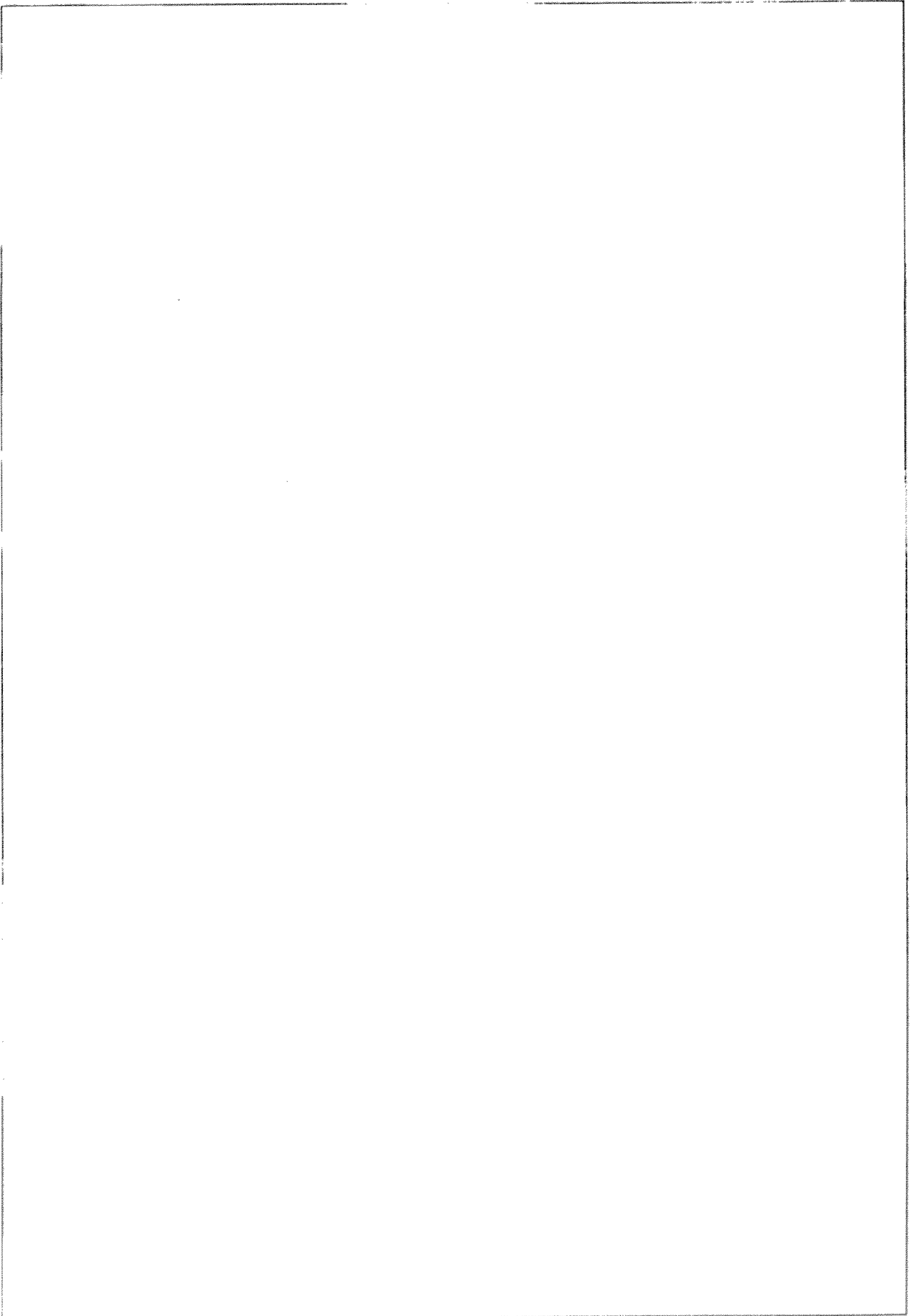
If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this 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 read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

**Signature** Anne Brones  
**Date** 12/10/12  
**Capacity** Principal Technical Officer - Noise Patrol

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.



**Details of out of hours visits to Mythopolis carried out by the Noise Service over the past 12 months.**

**Proactive shift notes 6/11/11**

Serious issues re: shutters down and smoking inside the premises again:

Mythopolis, City Road, 02:40 and 03:55

Passed by at 02:40 and noted premises as closed. All the shutters were down on the frontage, including on the door. No-one was outside. Absolutely no sign of any activity at all. Passed by again at 03:55 and noted door shutter was up and people were outside. Visited and on entry could smell cigarette smoke from inside. Asked someone outside who approached me if Stephano Makis, Licensee was there and he went and got him for me. As we went in there was a thick atmosphere of smoke and the smell of smoke was very apparent at the top of the stairs. We went downstairs and the music (recorded) was just ending. A lot of people were on their feet and the first thing I saw was a man standing near the door smoking. I challenged Stephano that people were smoking and he was non-committal with me. He was more concerned that people paid their bills at that time. He left us to it for a few minutes and I managed to get his attention a few minutes later and asked him to switch the lights up to full beam in the basement. I saw a lot of evidence of smoking inside the basement. The floor was littered with cigarette ends throughout. Staff were clearing tables but there were no ashtrays on the tables. I saw a few fag ends in small bowls on tables but then the staff cleared them away - they were clearing tables as people left.

After the basement had cleared I took some photographs of the floor and the cigarette ends scattered throughout. The air was thick with cigarette smoke when we entered.

We sat down with Stephano Makis and I cautioned him at 04:07. "You do not have to say anything but it may harm your defence if you fail to mention when questioned anything you later rely on in Court. Anything you do say may be given in evidence."

AB: What happened tonight?

SM: We stopped serving drinks at 03:00 and at 03:30 the live music stopped. During the night nobody smoked but at 03:30 some of the customers started to smoke and I started fighting with them and telling them to go outside.

AB: What about at 02:40 when all the shutters were closed.

SM: This was a mistake. I fight with my customers to try and get them to stop

AB: So you can't control your customers.

SM: I can control them.

AB: You weren't today.

SM: This was an extreme case.

AB: Why.

SM: Because some were new customers

AB: Everyone knows about the smoking ban. The basement was too crowded for you to control them.

SM: Only 90 people inside, (only 80 seats in the basement - you can count them if you like)

AB: I am very disappointed in you, we gave you a chance after the last time and it's as bad as ever in here.

SM: Not as bad as before.

At that point I told Mr Makis that I was going to take some photos of the mess of the cigarette ends on the floor in the basement and our exchange became more conversational.

We went upstairs and I spoke to the security man there about why the shutter was closed earlier on. He told me there were some drunks outside at 03:10 and he had closed the shutter to the door to keep them out. I told him his timing was wrong and he said it could have been earlier, he didn't look at his watch. I told him that they must not close the shutter or lock the door (as has been found previously) at all while anyone was on the premises. I checked all the bins but there was no sign of any ashtray debris. The bins were all very full of food and other waste and I was not inclined to root around in them - worried about any broken glass that may be present. Took a couple of photos upstairs of smoking rubbish inside indicating GF had also been used for smoking that night although both men said no-one smoked upstairs. Stephano made a point of showing me fag ends on the pavement outside and for the sake of fairness I took a photo of the pavement showing some. Notable picture of fag ends in a glass taken on GF along with a couple more pictures taken up there. I warned Stephano, telling him someone had been heavily fined recently for allowing smoking on his premises. Stephano said again that he does not allow smoking. We left the premises at about 04:35. No-one remained outside at that time. I wouldn't be surprised if Mr Hampton was woken up by noise of all the people leaving quite quickly due to our presence downstairs.

Would comment that Stephano needs to get his bills paid promptly when they are distributed at 03:00 (like he says they are). Perhaps if that happened, he would be in more of a position to get people to leave immediately if they start smoking (he said they only started at 03:30) I do not think I believe him on that point however. Can he take their credit/debit cards at the start of the evening and charge them promptly at 03:00? Lots of people were still paying while we were there at 04:00. Difficult to chuck people out for smoking if they haven't paid their bills.

I'm not sure when they stated clearing tables and some evidence of smoking may have already been removed from the tables before we arrived.

### **Notes from proactive shift 20/11/11**

#### **Mythopolis, 04:05**

Watched a slow dispersal from across the road. Had passed by earlier and noticed shutter was up and a group of people were outside smoking (did not count them - is there a limit on numbers allowed outside?)

04:05. 9 people outside, one man quite noisy. No DS seen outside. Noted 3 more men just up the road with more people coming out bringing numbers outside to 19.

04:06. 21 people outside now. Some loudish conversation heard in gaps in the traffic. 2 more people came out. NO DS.

04:09. Can now see the D. People are waiting for cabs? 2 men just rode past on Boris bikes talking very loudly. Counted 13 people outside. DS not seen now.

04:10. 5 walking away, 8 left outside. Noted 1 man being ill, 2 men walking away followed by another man with the ill man.

04:12. Loud shouting from 6 people walking past - not connected to Mythopolis.

4 men (including the ill man) standing just a few doors up the road, some brief whooping and clapping from one of them - brief. Noted the 4 men moved closer to the premises again, one of them had a brief conversation with the DS who was standing in the doorway.

04:18. DS now sweeping the pavement - may have been for our benefit as he had seen me standing over the road. Checked the doorway to 275 and the ill man had been sick there.

Told the DS and he said he was going to clear it up along with some broken glass there. He said the man had been sick twice inside as well.

04:20. 3 more came out - are these staff? Noted the premises looks like it is in complete darkness. 6 more came outside.

04:23. 15 outside now, DS is sweeping up outside. Do not think people are staff - noted some comings and goings of people outside.

04:24. 13 outside now.

04:25 19 outside now. 3 walking away. Another 3 getting into a cab

04:30. Leaving now. 8 people still outside - presume they are waiting for cabs.

04:33. Drove past, 12 people outside.

Would comment that closing was slow but not overly noisy. If they speed closing and dispersal up at all, there may be more noise which the resident may find more disturbing. He reports noise from people standing outside through the night. He sometimes e mails me when noise is noted.

#### **Notes from proactive shift 4/12/11**

Mythopolis, City Road, 04:05

Watched closing and dispersal from the other side of the road by the telephone box.

Unremarkable, people coming out in dribs and drabs but no excessive noise.

Could hear some conversation from people at times in the breaks in the traffic noise.

Music noise from cars stuck at traffic lights and other passers by contributing to the night time sound profile - none attributable to Mythopolis.

Saw DS sweeping up outside from 04:18. He had not been visible until that time. Think there may be a requirement for him to be outside supervising dispersal. Check New Licence.

We left at 04:25. No-one outside as we drove away. Don't know how many people were still downstairs.

May visit premises next shift to check potential for people staying inside the premises after closing.

#### **Notes from proactive shift 15/1/12**

Mythopolis, City Road, 04:35

Noticed a group of about 15-20 people outside. Stopped off and went into the premises and spoke to Stephanos Makis, Licensee. Reminded him of the need to adequately disperse customers at closing time and of the noise phenomenon where customer noise outside can travel up to the flats over the road.

Suggested to him that when he is collecting the money and billing customers at the end of the night that he could offer to call cabs for people at that time and that may help with dispersal and discourage people from gathering outside after hours to say their goodbyes.

He also pointed out a Planning consultation notice on a lamp post outside. Told him that Planners were consulting on an application to extend the business hours until 04:00 (has there been an application?). This would be in order to bring PP in line with the premises licence. Told him that planning legislation is superior to the Licence and it needs to be sorted out if PP does not extend to 04:00. OK with advice given.

#### **Notes from proactive shift 29/1/12**

Mythopolis, City Road 00:30 and 04:00

Passed by at 00:30. Noted 4 customers outside smoking with DS. Quiet.

Had a look at 04:00 closing time. Notes as follows:

0400: 20 people outside. Not excessively noisy but can hear their conversation from by the phone box across the road during breaks in the traffic.

More people coming out, some brief laughter. Some people walking away straight away.

0402: 19 people outside with DS.

0405: 36 people outside now. Noise is more noticeable now. Some peaks of noise, brief shriek, some intermittent loud voices. Noted still more coming outside.

0406: Saw Mr Makis at the door, some people walking away. "Whoop!" loud! Now 21 outside.

0408: 10 people from Mythopolis have moved away to 2 doors up the road and are all standing around there. 5 left directly outside now. Can still see Mr Makis. DS got the broom and is sweeping the frontage.

04:20: Still a handful outside Mythopolis. Spoke to Mr Makis. Told him to disperse them.

### **Notes from proactive shift 12/2/12**

Mythopolis, City Road, 00:45 and 01:32

Got an e mail from the resident during the shift at 23:35 stating no music noise tonight - they usually start at around 22:00 - although it had been noisy for the past two nights. E mailed him back at 23:42 asking him to call in if the music starts

Passed by at 00:45 and noted a few people outside.

Another e mail received from the resident at 00:50. Visited him at home a little later.

Intrusive noise to the living room and one of the bedrooms. Was faintly heard. Both residents stated the music noise can be louder and in addition, people noise from the restaurant can be an issue later on as they get more lively.

The resident is at XXXXXXXXXXXX in a basement flat that backs onto the basement at Mythopolis. Need to have a look at an OS map in order to determine the exact orientation and whether it is structurally attached.

Advised the residents it was borderline and not a nuisance at the levels heard tonight. Told them to use NP service in the event of further intrusion tonight and other nights but that I would visit the restaurant and ask the licensee to reduce the volume of the band.

There is a licence condition requiring immediate cessation of regulated ents in the event of noise nuisance being established. If we heard it at the levels heard tonight a few times, it probably would be. If we heard it at higher levels as claimed by the residents, it probably would be.

Visited Mythopolis and spoke to Mr Stephanos Makis. Told him I had heard intrusive noise tonight from a resident's home nearby and asked him to reduce sound levels which he did do immediately for me. He was good natured about it but pointed out that every time we visit it costs him money.

Reminded him of the licence condition and suggested he may consider getting a limiter installed and we will assist in setting sound levels in order to reduce the likelihood of noise nuisance being established.

Will discuss next week with colleagues and contact Mr Makis with recommendations.

### **NP Report 13/2/12**

Call received 00:39 "Group of 25 people outside a greek restaurant and brothers aware of this case"

NP report of visit. 01:08

NP Officer visited and there were 30+ people outside restaurant. Not particularly loud but occasional raised voices. No door supervisor seen. Spoke to Stephanos and reminded him only 10 people should be outside after 11pm. I also asked where door staff was. He got someone to come and do the door. I saw the licence. They cleared people inside. No music. Stephanos said they were students going back to Greece and they were waiting for the coach

### **Notes from proactive shift 26/2/12**

N.B. called Police to assist in dispersal:

Mythopolis, 277 City Road, 01:30 and 03:30

EMR from XXXXXXX at 0445 Saturday morning reporting noise outside all night from Mythopolis on Friday/Saturday. Alleging that premises had just closed at 0435 and mentioning some Police visits possibly that night (but not sure from the EMR)

He said that at 0435 last night there were 20 people were outside and the door was still open.

0130. Passed by. Noted 6 people outside. We were too far away to see if they had any drinks with them.

Revisited at 0330.

Notes as follows:

We are sitting in the car in the parking bay very close to the premises

0330: 1 man outside smoking. He went inside then 2 women and 2 men came outside to smoke with the DS present. 2 more women and a couple come outside - total of 8 people outside now. Some conversation.

0332: Now 4 men and 5 women outside plus the DS. Conversation outside, no raised voices.

0335: Same people outside, some laughter, not prolonged.

0338: Woman went inside, and 2 women came out. Total of 6 women and 4 men outside plus the DS. 1 man came out and walked away. Couple came out with 2 more women and they walked away, crossing the road.

0340: 5 women and 3 men outside plus DS. Some laughter, 6 went inside leaving 2 women outside with the DS. Couple came out and walked away. 1 man and 2 women outside with the DS. Quiet chattering. Crowd of about 12 Goths just walked past - loud conversation from some of them.

0345: 3 women and 1 man outside with the DS. Can hear music noise with live male singer escaping from inside through the open door. DS went inside. Another couple have come outside and the DS returned. Can still hear the singer although may be a bit fainter now - has the DS closed the door at the bottom of the stairs? Now 1 man and 2 women outside - 1 woman then went back inside.

0348: 1 woman has just arrived by cab and has gone inside, dressed up and greeted warmly by the DS. 4 women and 1 man just came out. Total of 8 people outside.

0350: 5 men and 4 women outside now. DS has just gone back inside - out of view anyway. 1 man came outside followed by a couple. 5 men and 4 women outside now. DS keeps popping in and out. 3 men went inside and 1 woman came outside.

0353. 8 people outside now, DS is on the door.

0355: 4 people walking past. 10 outside now - 2 are leaving, 3 men and 5 women outside. Can still hear the singer performing inside from the car parked outside. 9 people outside, 3 people walked away - another man came out. 6 outside now. Lots of to-ing and fro-ing.

Noted conversational noise - not loud or unreasonable from our position. 3 woman and 1 man plus DS outside.

0400: 3 women outside now. 2 men came out and walked away but one of them returned for his scarf. 4 women outside plus DS and 1 passer-by. 2 cyclists just gone past - calling to each other. 2 women just walked away leaving a couple outside, quiet conversation. Can't see the DS.

0405: 1 man and 2 women come out and walking away. No-one outside.

0407: Door is closed. 2 women returned from around the corner by the pub and went back inside. 2 women came outside, 1 has her drink with her. Man standing just inside the door with his hand outside holding cigarette. Another woman came outside. Man standing on the threshold smoking his cigarette.

0411: Man on threshold chucked his cigarette and went back inside. 3 people outside, no DS visible. Woman with drink outside is a bit animated, waving her arms around in conversation. Can hear the music again from inside.

0414; Animated woman clapping her hands and sang for a couple of moments. 4 people outside now. No DS visible. 3 more people came outside with their coats. Another woman came out and walked away. Saw DS just inside the door. 1 woman and 2 men came out, joining the group outside. Total of 9 people outside now.

0416: Volume of conversation is a bit louder now with some peaks of noise. DS not seen.

0419: 6 people walking away leaving 2 women and 1 man outside.

0420. The man went back inside leaving the 2 women outside. 2 women went back inside leaving no-one outside.

At this point I decided to go inside and have a look to see how many people were downstairs. On entry the DS was just inside the door, I asked him how many people were there and he said 103 at first, when I looked surprised he said that had been the total that night and there were 70 people still downstairs at this time.

We went downstairs and saw the band were still in position with their instruments on the stage, the lighting was still dimmed and the basement looked quite crowded still. People were seated at their tables with drinks. I went to the bar and saw a bottle of beer being taken out of the bar chiller, opened and passed over the counter. Lots of empties on the counter waiting to be washed. 2 bar staff visible, no sign of Mr Makis. Asked for Mr Makis at the bar and told female bar staff to switch the lighting up.

Went straight outside and asked the DS who was still at the top of the stairs where was Mr Makis. He told me he didn't know where he was. Told DS premises should be closed by this time.

Went outside and decided to call 101 to get Police in case there was any trouble. CAD Ref 1840.

Stephanos Makis then came outside while I was on the phone. He said the beer was given away and not sold and that the bills were done at 0330.

People started to come outside, felt some tension. Stephanos Makis angry with me, he said the Council was bullying him. Told him he should stick to the terms and conditions of his licence re: closing etc. Told him that music should have stopped at 0330 according to the copy of the licence I had on me and we had heard some music until after 04:00 and the musicians were still in position on stage with their instruments when we went downstairs at 04:21. I told Mr Makis again that we are getting complaints re: noise from residents in the tower block opposite.

The DS came over and I was discussing the content of my notes, saying it wasn't all bad but that at times the DS had not been visible, that we had seen a woman come outside with her



drink. Pointed out some notes to him about noise from passers-by that were nothing to do with them. The DS said he was only human and needed to use the loo etc. Mr Makis hotly disputed that anyone would be outside with a drink after 23:00...Told them that when DS not on the door for any reason that Mr Makis should supervise outside to make sure no drinks outside and no noise etc. Mr Makis swore a bit and pointed his finger at me as he was speaking to me but apologised and stopped when I asked him to stop swearing and pointing at me. Warned him that if complaints continued that he could be in danger of licence review application.

Police arrived and there was a gathering of customers outside by that time, they cleared quite quickly with presence of the Police. We went downstairs and the staff were clearing up, only a handful of people seen. Went back upstairs and I think there were about 15-16 people left outside. We then left at 0445 at the same time as the Police for personal safety reasons. Licence contraventions noted:

- Music continued after 0330 - we could hear it outside from the car
- We saw a woman with drink outside just after 0400
- Some brief periods with no DS or manager supervising outside.
- Listed closing time of 0400 not observed.
- Query Condition 15 requiring policy and procedure for closing etc to be approved by NT. Have suggested closing down plan to Mr M but no evidence seen of it being implemented tonight.

Licence compliance noted:

- At no time were there more than 10 customers outside smoking.

Can LO please send warning letter re: closing time and woman outside with drink seen and allegation of late closing and noise from resident on Saturday morning.

### **Notes from proactive shift 11/3/12**

Mythopolis, City Road, 04:30

Visited to check closed. Saw a couple of women outside with DS on arrival. DS then went inside out of view. Went to visit and as I opened the door, the two women said they were closed. Went in and saw DS inside on GF. No noise. Asked him if Mr Makis was around and he said he was downstairs, said I wanted to go down to see him and he said OK

Went downstairs and there was a group of around 10-12 people seated with drinks all talking. Mr Makis there with the group. Saw them smoking.

Told Mr Makis that smoking was not permitted at any time. Had a brief discussion with him about it and informed him that smoking was not allowed at any time more than once. He said it was after hours, reiterated that smoking not allowed at any time, including after hours.

Suggested to him that rather than continue conversation downstairs in front of the staff and guests that we should go upstairs.

Sat at a table upstairs and cautioned Mr Makis at 04:36:

"You do not have to say anything but it may harm your defence if you fail to mention something you later rely on in Court. Anything you do say may be given in evidence"

AB: I have just been downstairs and staff and musicians are downstairs having a drink. People are smoking and I have told you that people are not allowed to smoke inside the premises at any time.

SM: We follow the law. We close at the right time. Nobody smoked at the premises during licensing hours. It's only the staff relaxing after 10 hours of work, discussing our job. I didn't know that smoking was not allowed after hours to be fair. It's just the staff.

This is very unfair. We work hard. We sit down to relax. You come in and create problems for me. If I want to co-operate with the Council you need to assist me but this is too much.

AB: No smoking allowed at any time.

SM: What about in my private house?

AB: That's your private residence. The restaurant is a public place. No smoking is allowed 24 hours a day.

At that point Mr Makis asked me to stop writing down what he was saying so the interview terminated at that point. I readout my interview notes to him and he signed my notebook at the end of the notes.

He told me that I should be paying more attention to other premises where there are fights etc. He said there was never any trouble at Mythopolis. I told him I had visited a couple of weeks ago and found him still open with a load of customers inside and musicians still on stage at 04:20 when he should have been closed and quiet by 04:00. I had visited again to check that he was closed. On entry it was obvious there were people still downstairs so I went downstairs to check and although it was pretty obvious when I looked in that it was staff and musicians I found them all smoking. Reiterated again that smoking not allowed at any time and he repeated that he thought it was OK after hours.

He said he disagreed with the law in this respect and I told him I would report to James Sarjeant for a decision on any possible further enforcement action. Told him I knew he had just been to Court last week about the previous smoking offences. Told him he may be in a position to tell the magistrates what he thought of the law but that the matter would be passed to James Sarjeant for a decision.

While I was upstairs with Mr Makis, a man was asleep on one of the upholstered benches up there.

### **Notes from proactive shift 25/3/12**

Mythopolis, 03:30 and 04:00

Passed by at 03:30. Noted 5 people outside.

Visited at 04:00. Notes as follows:

Parked up in side turning directly opposite giving a clear view of the front of the premises. 0400. 14 outside plus DS with 4 more a bit further away outside the old Offside Bar. Not noisy from our perspective on arrival.

Woman just walked into premises. Noted conversation can be heard in the gaps in the traffic. 3 men came outside. Some laughter. Car pulled up outside. Raised voice from a man standing in the road waving at some traffic. Some raised male voices - brief. Cab pulled up outside. Laughter and grunting noise from the men outside.

0404. 15 outside plus DS. All chatting. 2 more came out. Woman hugging DS, another woman came out and a man went back in. Some raised voices.

0406. Cab in the way parked directly in front of the premises. Woman calling to others from outside the Offside Bar.

0409. Musician has come outside - he has a guitar case across his back. More people are coming out. Noisy group of 3 men are moving away. Car horn beeping. 4 people walking away. Woman just came outside - 9 people outside now - quieter. 3 walking away. Counted 5 left outside - man just came outside making 6.. DS not been visible for past few minutes. Cab not pulling away although it looked like it was going to - car beeping. Can now see DS

again. 1 more out from premises. 2 more women came outside, 9 outside now. DS by the door. Cab finally driving away.

0415. 8 outside plus DS, all chatting. Another woman came out and the DS went inside, woman went back inside again. 8 outside now, some peaks of intermittent noise from voices. 1 man came outside, then 3 women came out. 1 woman walking away. Now can see Mr Makis has come outside for a cigarette. 3 walking away leaving 9 outside. The other 6 are walking away leaving Mr Makis, one woman and the DS outside.

0420. Musician with bags has come out, talking to Mr Makis. Mr M went back inside leaving the musician and the woman outside talking. Ds sweeping frontage.

0422. 3 have just come back, 5 outside plus DS now. DS gave directions and the 3 men walked away towards the Angel. Some shouting coming from somewhere - not outside Mythopolis. Woman standing just inside the door. Another woman and the musician are still outside talking. DS still sweeping frontage.

0424. DS just deposited all the sweepings from the pavement into the gutter!  
Drove away.

#### **Notes from proactive shift 7/4/12**

Mythopolis, City Road, 23:20

Passed by at the above time. DS only outside.

Mythopolis (again) 01:15

Passed by again at the above time. No-one outside.

#### **Notes from proactive shift 22/4/12**

Mythopolis, City Road, 23:45, 03:35 and 04:25

23:45: No-one outside.

03:35: Noted a small group of men outside smoking with Mr Makis.

04:25: No-one outside. Saw DS just inside the open door in - still trading?

#### **NP report 26/4/12**

Call received 01:21. "Restaurant Mythopolis having a Hard Rock night, electric Guitars drums."

01:21. Controller notes. Noise stopped while complainant was on the phone to be logged only.

#### **Notes from proactive shift 5/5/12**

Mythopolis, City Road, 23:35

Drove past at the above time. Noted 4 people plus DS outside.

Mythopolis, City Road, 03:20

Call received at via Controller at 02:44. Reference No. FI 578050

Re: "Loud Greek folk music"

Had spoken to this resident in the week. Called him back at 02:50. To visit.

Visited at the above time. Resident is on 1FFR bedsit. Bass and vocal audible on arrival inside the bedsit. Considered it sufficiently intrusive to interrupt sleep and prevent sleep.

Music noise heard alongside the traffic noise from outside - window closed.

The level of music was fluctuating, noted the vocal was clearly heard at one stage and it was a nuisance if not a one-off occurrence.

At 03:32 I noted that I could still hear the music with more higher frequencies being dominant. String instrument and vocal dominant.

Resident said that sometimes he can hear customer noise. The music stopped for a few moments then started up again, noted the vocal was clearly heard and it seemed to be getting louder.

At 03:37 I noted the music was continuing, sounded like a violin but probably Greek stringed instrument – like a guitar? Male vocal clearly heard. The song stopped at 03:39 and the resident said he thought that was that for the night.

I discussed whether a visit was absolutely necessary – I explained there is some tension between me and licensee at present and the resident was happy for me to leave it for the night.

Heard some more sound (drums?) at 03:40 but that stopped.

Left the bedsit at that point but as we went downstairs another song started up. We walked away as the premises should close at 04:00, not sure about when the music should stop according to Licence as did not have it on me.

Advised resident to call NP whenever disturbed for a limited 2-3 week period in order for us to establish recurring nuisance.. I think he thought he had to wait until very late to call in. Told him to call earlier if it's a problem to him and he should be able to expect some peace in his sleeping room after 23:00. He was very agreeable to that.

Said he has lived there for about 18 months and has tried to deal with the situation directly with the licensee and through his landlady who he said was very good about it but no joy so he contacted us on her advice.

Need to notify Housing re: conditions in the accommodation above. Suspect unlicensed HMO, cooking facilities in the bedsit, no noticed fire alarm system or control panel visible in the communal hallway. Don't think the door to the bedsit was a fire door, no door closer at the very least, didn't see smoke seals etc.

Long way down from the bedsit to the front door outside, long GF hallway. Interconnecting (locked) door to GF of the licensed premises, music freely escaping into the communal hallway from there, query fire protection generally.

As we walked away I glanced back and saw a handful of people outside.

Warning letter to be sent to Licensee. There are serious implications for regulated entertainment should a nuisance be established. I spoke to him a few weeks ago about music noise and advised him verbally at that time to reduce sound levels. N.B. Not heard from that resident since that time.

### **NP Notes 6/5/12**

Call received 02:40 "Loud Greek Folk Music"

Had spoken to this resident in the week. Called him back at 02:50. To visit.

Visited at the above time. Resident is on 1FFR bedsit. Bass and vocal audible on arrival inside the bedsit. Considered it sufficiently intrusive to interrupt sleep and prevent sleep. Music noise heard alongside the traffic noise from outside - window closed.

The level of music was fluctuating, noted the vocal was clearly heard at one stage and it was a nuisance if not a one-off occurrence.

At 03:32 I noted that I could still hear the music with more higher frequencies being dominant. String instrument and vocal dominant.

Resident said that sometimes he can hear customer noise. The music stopped for a few moments then started up again, noted the vocal was clearly heard and it seemed to be getting louder.

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Said he has lived there for about 18 months and has tried to deal with the situation directly with the licensee and through his landlady who he said was very good about it but no joy so he contacted us on her advice.

As we walked away I glanced back and saw a handful of people outside.

Warning letter to be sent to Licensee. There are serious implications for regulated entertainment should a nuisance be established. I spoke to him a few weeks ago about music noise and advised him verbally at that time to reduce sound levels. N.B. Not heard from that resident since that time.

#### **Notes from proactive shift 12/5/12**

**Mythopolis, City Road, 03:30 and 04:20**

No-one outside on pass by at 03:30.

2 people outside at pass-by at 04:20.

No call received this weekend from resident re: VLM as was expected. Minded To LSEN last week re: music noise to licensee, Mr Makis.

#### **Noise Patrol Notes 13/5/12**

Call received 01:51. "Complaint of loud music - a guy with a guitar playing greek folk music. Premise is a restaurant. Anne Brothers has been dealing with previous complaints"

NP Officer notes: taken 02.47, tctc 02.48, no answer, no message facility, deemed no useful purpose served by visiting in these circumstances, given other calls outstanding.

#### **Noise Patrol Notes 19/5/12**

Call received 00:51 "Complaint of loud music from licensed premises - Mythopolys restaurant. Ongoing problem."

NP Officer notes: Voicemail, left message.

#### **Noise Patrol Notes 20/5/12**

Call received 01:02 "loud music"

NP Officer notes timed at 02:57: tctc 02.38, visited 02.57, passing through GF hallway en route to comp's flat the sound of an acoustic guitar playing and a male singing within the restaurant was clearly audible at a loud level through the partitions between the hallway and restaurant. In comp's FF bedroom (looking out over the single storey roof of the restaurant and towards City Road) the same sound was audible at a moderately intrusive level with the

bedroom door open. With the door closed, the music was only faintly audible and was frequently drowned by the traffic noise from City Road. Not liable to disturb the average person's sleep. Advised comp that having regard to the nature and volume of the music and its expected cessation in 20 mins or so, there was no nuisance and no basis for intervention at this time. He agreed, and was content for the incident to be reported to AB.

#### **Noise Patrol Notes 27/5/12**

Call received at 23:36: "Very loud greek music coming from the Mythopolis Restaurant. This is an ongoing issue and Anne Brothers is aware of the situation. Comp unsure of the licensing times for Sunday."

Called at 0021 noise lower. No need to visit. CN02

#### **Noise Patrol Notes 31/5/12**

Call received 00:26. "Music coming from the Mythopolis Bar - resident would like to know what time they are allowed to play their music till"

NP Officer notes: Tctc 0117 noise has stopped

#### **Notes from proactive shift 2 /6/12**

Mythopolis, City Road, 04:55

Looked closed on pass-by. Shutters down.

#### **Noise Patrol Notes 7/6/12**

Call received 22:42 "Noise coming from restaurant"

NP Officer notes: 23:20 No Noise

#### **Noise Patrol Notes 8/6/12**

Call received 00:13 "Loud Music started up again"

NP Officer notes 00:23. Noise Stopped. 00:58. Noise still stopped

#### **Noise Patrol Notes 17/6/12**

Call received 00:43. "Loud music"

NP Officer notes: Called the com at 01:46 and arrived at 02:25.

From within the comp bedroom I could hear loud audible live music. It was a person singing in Greek and there was an instrument of some description being played as well. The noise was intrusive and unreasonable. Prior to going to the location I check the licence conditions and it appears that the venue was adhering to the ones I took a note off. 100 people or less at the venue, no live music on the ground floor after 23:00, no more than 10 persons outside, no drinks outside after 23:00. All ok.

The music was in the basement and in my opinion apart from being too loud there is a clear SI issue with the prem. I mentioned this to the PL Holder and he advised that he had a new extraction system fitted and the noise is escaping through the vents and going to the flat. I remained him of a condition that if the service receives complaints that he should commission an acoustics advisor. He agreed and said that after two weeks he is closed until Sep and when he gets back he look into that.

Loud music lowered ABR to be notified 02.55hrs

#### **Noise Patrol Notes 21/6/12**

Call received 23:48. "Restaurant Mythopolis playing loud music ongoing problem"  
NP Officer notes. 00:10. Noise quieter

#### **Noise Patrol Notes 8/7/12**

Call received 01:48. "Loud Live Music coming from Mythopolis happens all the time at the weekend and through the week always well past midnight"  
NP Officer notes. 04:20. Bassy music from the bar on the corner was audible in the street as we approached, but that was not the source of her problem. In her bedroom I could hear what sounded like Greek or Turkish music (vocals were muffled so unable to identify the language). Definitely not the bassy music from the corner bar. Went to Mythopolis and asked to see the manager. The bar was in complete darkness. All the lights in the ground floor and on the staircase to the basement were switched off until I told him to switch them back on again for safety reasons. He could not find a complete copy of his licence, but the pages he showed me indicated a finish time of 03:30 hrs for most activities. The music coming from the basement was consistent with the music in complainant's flat. The licensee Stephanos Makis said this was the last trading day before they closed for the summer. I told him his music was intrusive in his neighbour's property and he should contact Anne Brothers as soon as he got back from his holidays to deal with the noise breakout before the start of next term. (His customers are primarily Greek/Greek Cypriot students and he expects to re-open in September.)

#### **Noise Patrol Notes 8/7/12**

Call received 22:39. "Loud music coming from Mythopolis restaurant on City, has been ongoing since 20:00"

NP Officer notes. Visit 01.46. several people inside bar, possible that we were noticed walking across the frontage, as soon as we got inside the entrance door the comp said that the volume of music from the Bar had just been reduced. No noise audible in comp's bedroom.

Call received 22:58. "Very loud music"

NP Officer notes. 23:15. Comp called back @ 23:14 to say noise has been lowered - Call received from CI

#### **Notes from proactive shift 15/7/12**

03:20, 04:25 Mythopolis, 277 City Road

Premises in full swing. Saw Mr Makis briefly and asked him if he was coming in for PACE interview. He looked puzzled but then seemed to remember recent LSEN and told me he was coming in. He asked why did I want to see him and I told him it was because he has possibly contravened the S.80 notice served.

He said tonight was his last night before his summer break (think he said the same to MPE last weekend)

#### **Noise Patrol Notes 15/7/12**

Call received 23:47. "Loud music from Mythopolis restaurant ongoing problem"

NP Officer notes. 00:42 (16/7) Shutter down over window and three quarters shut over door. Could see movement inside. I could hear music and singing. As I went into the corridor leading to the flat I could clearly hear the sound of male voices singing and a bazooki, or similar instrument, playing. In the complainant's bedsit I could hear the sound of the bazooki and the male singing voices. In my opinion this noise would interfere with getting to sleep for



a person of average sensitivity. At 00:50 the noise got louder as more voices joined in the singing. Nuisance. This interferes with the normal use and enjoyment of the complainant's bedsit. It would keep awake a person of average sensitivity and is an unreasonable amount of noise to make in close proximity to residential premises at this time of night. Breach of s.80 notice.

As I approached the entrance of Mythopolis 2 men came out and I asked them if I could speak with the owner. One man went back inside to get the owner. A man with a bald head, about 5'8" with a Greek sounding accent came out. I asked him if he was the owner. He told me the owner had left 20mins ago. I asked "So he's gone and just left you here?". The man said yes. I asked him to advise the owner that he was likely to be prosecuted for tonight's noise. The man assured me that the music would stop immediately.

### **Noise Patrol Notes 16/7/12**

Call received 22:01. "Loud music from the bar Mythopolis customer living room door is closed and still can not hear the tv"

NP Officer notes. 22:33. Call from complainant to say noise has stopped

### **Noise Patrol Officer Report 30/7/12**

Call received 00:56. "loud music"

NP Officer notes. 01:49. Tctc 01.33. VST 01.49. Singing and string guitar audible at low level in comps bedsit. Not unduly intrusive. Did not warrant intervention. To be referred to AB.

CN04.

### **Notes from proactive shift 11/8/12**

Mythopolis, City Road, 03:10

Visited and spoke to Ioannis, in charge at the moment. Friendly conversation to make sure he understood fully the recent communication re: noise issues. Nicholas Aihie has been dealing with him re: food safety and informed me Ioannis has only recently come to the UK. Also made sure he understood that smoking was not permitted inside the premises.

It looked like they were just closing. He is not using the BF at all. He told me he thought Mr Makis was coming back in the next couple of weeks from his holiday in Cyprus.

I have e mailed Mr Makis strongly recommending that he doesn't have any more music nights in there until he has appointed an AC and had an assessment done regarding reasonable volume of sound that will not cause a noise nuisance. I included the website details of the IoA and the ANC for him to enquire with them immediately.

He has previously told me he will contact them when he gets back from holiday.

### **Notes from proactive shift 8/9/12**

Mythopolis, 277 City Road, 00:25

Visited. Live music on in the basement. Sounded like a solo performer - quite low-key.

Spoke to Mr Makis re: recent advice given recommending no more live music events until SI installed and sound levels agreed, he said he has spoken to all the residents upstairs and they will call him if they have any issues with noise.

He said he thinks the fire exit door that connects to the residents hallway is the problem. He said his AC was coming over from Cyprus next week to inspect and make recommendations etc. Told him he could have got one that was a local but he said he was more comfortable with someone who would understand him better.



Advised that if we witness further nuisance I would have to apply for a review of the premises licence and emphasised the seriousness of such a move. Told Mr Makis that what may seem OK at 00:30 may not be OK for residents at 03:30 and we may still receive calls even though he has spoken to the residents upstairs.

Told him to keep me informed re: AC survey outcomes.

N.B. I have sent the AC the technical guidance. Need to email him to establish any progress made on this issue.

### **Noise Patrol Notes 24/9/12**

Call received 01:15. "Loud music - load drum conga sound"

NP Officer notes. Tctc 01.26. Noise stopped. CM12

### **Noise Patrol Notes 30/9/12**

Call received 00:58. "Loud music from Mythopolis Greek restaurant"

NP Officer notes. 03:15. Complainant was anon so no effective investigation possible - licensee says he has done some proofing works to the doors to reduce noise transmission. The g/f restaurant and stairs to the basement were (again) in darkness. Email sent to Commercial Team re H&S issue.

### **Notes from proactive shift 6/10/12**

Mythopolis, City Road. 02:00 and 02:30

EMR from resident received at 01:46 so visited at 02:00. During the earlier visit I approached the wrong address for the resident and was seen outside. Colleagues told me I had been spotted and someone went inside to inform that I was around.

By the time I clarified the resident's location and we went there, the volume inside had reduced to inaudible levels inside her flat.

We went away with an arrangement to RV in 30 minutes or so.

RV'd at 02:30

Stood at the bed head. Music noise audible at levels that are intrusive to the bedroom of the resident and could interfere with the ability to get to sleep. If this is regular occurrence to her, this will be a nuisance. She said it happens every weekend and she was having to go away quite a lot in order to catch up on sleep at weekends because of it. She also said they have band rehearsals there in the weekdays, she said it was rehearsals because they play the same songs over and over, practicing them. She said these usually end at 23:00 though so not as significant as the noise at the weekends. She said it has been louder in the past and it seems to have been reduced in volume recently. She said they frequently carry on after hours at the weekend.

I explained the work we have been doing with the licensee in order to control sound so as not to be a nuisance to residents.

Could distinguish male singing and guitar type instrument. Could have made out the lyrics and sung along if I knew the song but it was Greek folk music not known to me. Seemed like a sad song. The volume wavered and went up and down a bit. Could distinguish when the song ended and another was begun. Could distinguish the strumming of a guitar-like instrument through the wall.

Noise coming through a solid masonry wall but is structurally connected to the premises.

While there I could hear some noise from footfalls below, queried this with resident and she said it was from the club as well and she can also hear conversations of people quite a lot.

The WC's are at the rear of the basement at Mythopolis. Asked her but she can't hear hand

driers or flushing WC's, just voices and footfall. Query the floors at the rear; step up to the WC's – suspended timber floors?

Asked her to call us back later if the noise continues.

Visited premises and saw Mr Makis outside. Explained we had heard intrusive noise to a neighbour's bedroom and requested he reduce the volume further. He said if it goes down any further he will just have to stop the music. Repeated request he reduce the volume. He said there were 3 musicians, guitar keyboards and a Greek balalika(?).

Asked him about the survey and the AC. Not done yet, he said everything is too expensive for him. He asked if 3K for a survey is realistic and I told him I thought that was pretty standard but suggested he look at loA website and shop around – he was the one who got an AC based in Cyprus..... could be cheaper to appoint someone close to home to cut down on AC's travel and other expenses which will only add to the bill.

Discussed the footfall heard and queried the floors to the WC's. I explained resident reporting issues is structurally attached. He said he had spoken to the landlady of the flats above and she had told him that her tenants had been told they couldn't complain to us about noise but if it was someone else he would have to reduce the volume further.

Told him he had said that he would get everything sorted out when he got back from his holidays and that he had got back over one month ago and noise was still an issue.

Reminded him that licence condition states that matters must be dealt with within a limited period of time and I will be in touch to discuss deadlines for the completion of the survey and works. Possible 28 day limit on licence?

To place on list for a proactive visit to the resident during the next shift. This will decide on possible enforcement action re: possible contravention of S.80/application for review.

Letter with time limits to be sent.

#### **Noise Patrol Notes 8/10/12**

Call received 01:03 "music"

NP Officer notes. Vst 0132 people on premises. From comps room can hear conversation but only at very low level. He is not bothered by this. No music which, he reports, stopped 15mins earlier. Shutters lowered, not open to public. Cm12

#### **Noise Patrol Notes 12/10/12**

Call received 00:05. "Loud music coming from the Mythopolis Restaurant. Has been loud for an hour."

Call received 00:15. "Loud music coming from Mythopolis Restaurant. Comp wants to remain anonymous."

NP Officer notes. Visited at 0040hrs and witnessed noise nuisance. Served s80 by leaving it with mr. Stephanos Makis who said that he was the owner. His tel no. XXXXXXXXXXXX On return to the office, I spotted an error on the I made on the s80 notice. Instead of 0050hrs, I wrote 0150hrs. Please reserve the notice

Noise Patrol  
Public Protection Division  
222 Upper Street  
London N1 1XR

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F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/1017627

Your ref:

Date: 20 January, 2011

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**CONTRAVENTIONS OF PREMISES LICENCE, VISIT OF 16 JANUARY 2011, MYTHOPOLIS RESTAURANT, 277 CITY ROAD, LONDON EC1V 1LA. LICENSING ACT 2003**

I visited Mythopolis restaurant in the early hours of Sunday 16 January and witnessed smoking offences during my visits to the premises.

At the time of the visit I did not have the benefit of a sighting of the premises licence as I did not have a copy on me and there was no copy kept at the premises. During the visit the basement floor was in use and you were operating fully with live music and dancing on-going in the basement.

There is a licence condition on the premises licence for Mythopolis as follows:

- The basement area of the premises shall not be used under this licence until the arrangements at the premises are adequate for health & safety and have been approved in writing by the responsible authority for health and safety and the London Fire brigade.

I discussed this matter yesterday with Geoff Weaver, the Responsible Authority for Public Safety and he informed me the above condition has not yet been complied with. He provided me with a copy of the schedule of works he produced. Therefore, the basement should not be in use at this time.

There is another condition on the premises licence as follows:

- The maximum number of persons accommodated at any one time in the premises shall not exceed the following: Ground Floor – 50 Basement -40

During my visit on Sunday 16 January, I interviewed you under caution from 03:34 onwards and at one stage I asked you how many customers were in the basement. You informed me there were 60-70 customers present in the basement at that time. This was in excess of the maximum numbers permitted by the premises licence.

In addition, when I re-visited the premises at 03:30, I was unable to gain immediate entry as the door was locked with a bunch of keys that had been left in the lock on the inside of the door. I



eventually gained entry when some customers came upstairs and let themselves out by unlocking the door using the keys. I entered the premises at that point and found you. I retained the keys while I discussed licensing and smoking matters with you. Exit doors at the premises must be instantly openable.

Another point of concern is that the stairs down to the basement were unlit. I had to use my torch to illuminate the stairs down to reduce the risk of falling down the stairs. You are obliged to provide adequate lighting to all areas of the premises. This is particularly crucial to stairs and means of escape (MoE) in case of fire or other emergency. You must ensure the stairs and other MoE are adequately lit in order to reduce the likelihood of accidents in those parts of the premises.

During my interview with you I asked if you had a copy of the premises licence on-site. You told me you did not have a copy. It is a requirement of the Licensing Act 2003 that a summary of the premises licence must be displayed at the premises. In addition, there must be a copy of the full "Gold" premises licence available for inspection by authorised officers at all times.

I enclose a copy of the schedule from Geoff Weaver, please contact him to arrange for him to inspect once you have completed the works. You must have his written confirmation the required works are completed prior to any further use of the basement. I understand there are also works required by the Fire Authority. The premises licence requires that you must also get their written confirmation that they are satisfied their requirements are complied with prior to use of the basement.

This letter is copied to the relevant Responsible Authorities and the Licensing Officer for their information and for them to consider any further action as necessary in relation to the contraventions of the premises licence witnessed as detailed above. I must urge you to contact the relevant officers to discuss clearance of conditions on the premises licence and seek guidance on future compliance with the conditions on the premises licence.

Yours sincerely

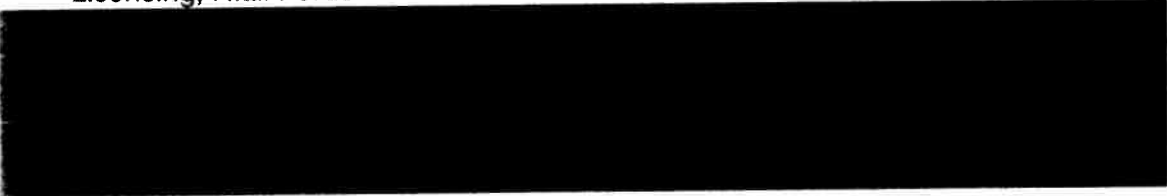
**Anne Brothers**

**Principal Technical Officer**

Encl: Copy of Public Safety Schedule post-survey of premises 21/12/10.

cc. Louise Norris, Noise Patrol Manager

Licensing, Niall Forde



From: Brothers, Anne  
Sent: 15 February 2011 20:08  
To: 'STEPHANOS MAKIS'  
Cc: Forde, Niall; Norris, Louise; Licensing; Sarjeant, James; Weaver, Geoff  
Subject: Premises Licence for Mythopolis, 277 City Road

Dear Mr Makis

I told you I would e mail you this week with information about a possible extension of the hours for the provision of live music at Mythopolis until 04:00.

Your current premises licence allows for live music until 01:00 (the following day) on Thursday to Saturday nights only.

You have a provision for the playing of recorded music until 03:30 (the following day) on Thursday to Saturdays and until 23:30 on Sundays through to Wednesdays.

The closing times are specified on the premises licence as 04:00 (the following day) on Thursdays through to Saturdays and midnight on all other nights.

Therefore you must cease the use of the premises for the provision of live music beyond the hours stated above.

When I visited you on Sunday 13 February, the live music was still going on at 04:10. The premises should be closed by that time.

You must comply with the conditions and timings on the premises licence. This includes any restrictions on numbers of customers allowed in the basement. There were at least 100 customers downstairs in the basement when I arrived at the premises in the early hours of Sunday morning. These matters have been reported to Licensing.

I have checked whether you may apply for an extension for live music by means of making an application for a minor variation but I am informed by Licensing that you cannot do that. Instead you will have to apply for a full variation of the premises licence.

A full variation will require you to advertise the application in the local paper and also at the premises. In addition there would be a consultation regarding the application with all residents within 50 metres of the restaurant. Residents may make representations objecting to any application on any of the four licensing objectives: Prevention of Public Nuisance, Crime and Disorder, Protection of Children From Harm and Public Safety.

I have to inform you that if you do decide to go ahead and make an application for a full variation of the premises licence, the Noise Team is likely to make a representation objecting to the variation unless you agree to the appointment of an accredited acoustic consultant to carry out an acoustic survey and report and carry out sound insulation works to the premises. In addition, they may require you to install a sound limiting device to limit the volume of sound to agreed levels so as not to cause a noise nuisance to any residents nearby. This could be very expensive for you to fulfil.

I would strongly advise you to contact Licensing to discuss this matter before you make any application. Licensing may be contacted on 020 7527 3031 or by e mail to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk).

Anne Brothers  
Principal Technical Officer  
Noise Patrol  
Public Protection  
Islington Council  
3rd Floor 222 Upper Street, London N1 1XR  
Tel : 020 7527 3047 Fax: 020 7527 3057  
Alternative contact:Noise Support Team; 020 7527 3258





# ISLINGTON

Noise Patrol  
Public Protection Division  
222 Upper Street  
London N1 1XR

Stephanos Makis

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E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/111223197

Your ref:

Date: 7 June, 2011

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**ALLEGED NOISE NUISANCE FROM CUSTOMERS OUTSIDE, MYTHOPOLIS RESTAURANT, 277 CITY ROAD, LONDON EC1V 1LA. LICENSING ACT 2003. ENVIRONMENTAL PROTECTION ACT 1990**

I visited Mythopolis at 04:30 on 22 May and informed you about recent complaints received from local residents in connection with noise from your customers outside your premises throughout the night using tables and chairs placed outside and at closing time. At the time of my visit I informed you that I had watched the premises that night since your listed closing time of 04:00.

There is a relevant condition on the premises licence for Mythopolis as follows:

- At least one-door supervisors registered with the Security Industry Authority shall be employed at the premises from 9pm until an hour after closing.

At the time of the monitoring I did not see a door supervisor outside at all. You told me that your door supervisor had let you down that night and one of your friends was standing-in for him. A door supervisor should be outside encouraging your customers to leave the area when the licence is in operation.

During the period of monitoring from 04:00 onwards until nearly 04:30 I noted groups of your customers leaving the restaurant and gathering outside talking and saying their goodbyes. The maximum number of people that I counted outside together was 30 persons during the monitoring period. There was a flow of customers leaving the premises throughout the monitoring period and as people moved away, more people came out of the premises to linger outside on the immediate frontage. At 04:25 I noted there was still a few people leaving and there were 12 people still hanging around outside.

As I explained to you, I could hear their voices during lulls in the traffic noise from ground level across the road. The residents claim the noise from your customers outside the premises at closing time and throughout the night is intrusive. I explained to you that from the higher vantage point of the residents living at higher levels in the tower blocks opposite, the traffic noise is not there to mask the noise of conversations from your customers as the traffic noise fades away at higher level. In my experience the sound of people voices does carry and is heard more significantly at higher levels where it is not masked by traffic noise.

We discussed the closing time for Mythopolis which is listed at 04:00 on the premises licence and I explained to you that I understood that to mean the premises should be emptied and closed by that time. You explained to me that your live musicians continue performing until 03:30 and after that was when you prepared the bills for your customers as everyone was still dancing up until that time. I reminded you again that live music after 01:00 at weekends is in contravention of the premises licence. I suggested that as the bar closes at 03:00 that you should prepare and distribute the bills for your customers at that time. This gives a full hour to complete all payments before the 04:00 closure time.

I suggested a closing down plan for the premises that would perhaps make closing on time easier for you. A suggested closing down plan is pasted below for your consideration.

### **Closing Down Procedure**

1. Reduce the volume of music from when the bar closes at 03:00; this can be done gradually so that by 03:30, the music volume is reduced to background levels. This will allow you to distribute their bills for payment promptly. You could also ask customers if they want you to order a taxi cab for them at this time.

2. In addition to the above you should slow the tempo of the music played out during the last half hour after 03:00. This should stop your customers dancing and is compatible with your current licence requirements.

3. From the time the bar closes for sales and until drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

**DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.**

4. As people begin to leave, your door supervisor should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be more actively involved with seeing customers off the premises, management could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave.

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

I take this opportunity to remind you again that the provision of live music after 01:00 is a contravention of the timings on the premises licence. Contravention of licence conditions is an offence for which you could be prosecuted. Current levels of fines under the Licensing Act 2003 are up to £20,000 per offence. I understand that Licensing are currently preparing papers for prosecution.

We look forward to your co-operation in these matters but I must warn you that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. In order to abate such a nuisance from customers outside the restaurant your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.



Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Alkis Michael, DPS, [REDACTED]

Niall Forde, Licensing Officer

Fanos Santis, Noise Team

Stephanos Makis via e mail: [REDACTED]



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Stephanos Makis  


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Our ref: abr/111223197  
Your ref:

Date: 25 November, 2011

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**ALLEGED NOISE NUISANCE FROM CUSTOMER NOISE OUTSIDE, MYTHOPOLIS, 277 CITY ROAD, LONDON EC1V1LA. LICENSING ACT 2003**

There are noise conditions on the premises licence for Mythopolis as follows:

- A policy and procedure for customers smoking and sitting outside and for dispersing customers when leaving the premises, including at closing times, shall be developed and approved by the Council's noise team prior to the variation of the licence application taking effect. This policy and procedure shall be fully implemented after its approval and any necessary training, information and instruction to implement the procedure given to staff. These policies to include:
- There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm. There shall be no drinks allowed outside the premises after 11pm.
- The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.

I visited to watch closing time at 04:05 on 20 November. At no time did I see any staff near the door or outside except the door supervisor. I noted a steady stream of people coming out and staying outside on the frontage for prolonged periods of time, presumably waiting for cabs. I noted intermittent raised voices from the groups of people outside throughout the period of observation.

You are required to develop a policy and procedure for the control of noise from customers outside smoking throughout the night and at closing time. You should submit your written proposals to the Noise Team but to date no such written policy has been received.

Please consider the following as a possible closing down plan. You will need to adapt it to suit your needs. This plan has been implemented at other licensed premises in the borough:

Closing Down Procedure

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.

2. Slow the tempo of the music played out during the last half hour.

3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.

4. As people begin to leave, door supervisors should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be more actively involved with seeing customers off the premises, your manager could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers should supervise the Door Supervisors during dispersal

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

I have to inform you we are still in receipt of complaints from local residents in connection with people noise outside and we must urge you to implement an effective closing down plan and supervision of customers outside the premises in order to comply with the licence conditions quoted above.

We look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. Your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Alkis Michael, DPS

Stephanos Makis via e mail:

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Noise Patrol  
Public Protection Division  
222 Upper Street  
London N1 1XR

Stephanos Makis  


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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/111223197  
Your ref:

Date: 23 February, 2012

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**TRANSMISSION OF MUSIC NOISE TO NEIGHBOURING RESIDENTIAL DWELLING,  
ALLEGED NOISE NUISANCE FROM CUSTOMERS OUTSIDE, MYTHOPOLIS, 277 CITY  
ROAD, LONDON EC1V 1LA**

There are noise conditions on the premises licence for Mythopolis as follows:

- The premises shall be fully sound proofed.
- Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.

I visited Mythopolis in the early hours of 12 February after I had visited a nearby resident who had reported noise nuisance from the transmission of music and people noise. I discussed with you the nature of the noise witnessed at the time and reminded you of the above condition in relation to reports of substantiated noise complaints.

The noise reported is music noise and noise from your customers in the basement as they clap and cheer with appreciation of the live music taking place. The noise I heard was from musicians only at the time of my visit but the reports from the residents in relation to customer noise from the basement is worrying. I can inform you I witnessed intrusive noise to the main sitting room and one of the bedrooms of the residential accommodation that I visited that night. My opinion was that it was not a Statutory Nuisance as a one-off event but the residents informed me the music noise can be louder than what I heard and that customer noise is also a frequent issue. In the event of louder noise being heard or further instances of intrusive noise being witnessed it is very likely that a noise nuisance will be established. This could have serious implications as an acoustic survey may be necessary should the problem persist (see below).

I informed you the easiest way forward to control the volume of music would be for you to invest in a sound limiter in order to control the maximum volume of music at the premises. Please

contact one of the organisations listed below in order to find a suitable acoustician to assist you with this:

Institute of Acoustics

77A St Peter's Street  
St Albans  
Herts  
AL1 3BN  
Tel: 01727 848 195  
Fax: 01727 850553  
[www.ioa.org.uk](http://www.ioa.org.uk)  
email : [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)

The Association of Noise Consultants

105 St Peter's Street  
St Albans  
Herts  
AL1 3EJ  
Tel: 01727 896 092  
Fax: 01727 896 026  
[www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk)  
Email: [maikl@anc](mailto:maikl@anc)

An accredited acoustic consultant will be able to advise you on a suitable limiter to control the live music played out in the basement. You will need to shop around to ensure you appoint a suitable consultant. Please ask your appointed consultant to contact me at the above office as soon as possible in order to discuss the issue and to arrange for a sound test after the limiter has been installed.

I would also strongly recommend that as much as possible is done to discourage boisterous and loud behaviour from your customers in the basement so as to reduce the likelihood of further complaints with regard to customer noise from there.

I have to warn that in the event of noise being witnessed from people noise, a full acoustic survey will be necessary. This will probably lead to the need for extensive sound insulation work to be identified. This would be very expensive.

I must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the powers of the Environmental Protection Act 1990. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is £20,000.

In addition I have to inform you that I have been notified of a recent Noise Patrol visit on 13 February in connection with a call from a local resident in connection with people noise outside. Noise Patrol reported that they visited at 01:08 and there were over 30 people standing outside the restaurant. I am informed there was no door supervisor or manager present outside with the customers at the time of Noise Patrol's visit. They told me they spoke to you at the time of their visit and you informed them the people were a group of students who were leaving for Greece and they were waiting for their coach.

There are licence conditions in relation to the control of customer noise outside as follows:

- There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm. There shall be no drinks allowed outside the premises after 11pm.
- The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.

I wrote to you last November in connection with calls from local residents in connection with people noise outside. I attach a copy of the letter sent for your ease of reference. You are required to develop a policy and procedure for the control of noise from customers outside smoking throughout the night and at closing time. You should submit your written proposals to the Noise Team but to date no such written policy has been received.

You must ensure that customers outside the premises during your trading period are kept to below the limits specified on the premises licence. In addition, you must ensure that customers outside are supervised appropriately in order to control noise that is reported as being a disturbance to several residents in the towers blocks directly opposite.

We look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. Your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance.

Please send me your written policy for the control of customers outside throughout the night and at closing time.

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Alkis Michael, DPS, [REDACTED]

Stephanos Makis via e mail: [REDACTED]

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer







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Our ref: abr/111223197

Your ref:

Date: 10 May, 2012

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**NOISE NUISANCE FROM AMPLIFIED MUSIC. MYTHOPOLIS, 277 CITY ROAD, LONDON EC1V 1LA. ENVIRONMENTAL PROTECTION ACT 1990 "MINDED TO". LICENSING ACT 2003**

I refer you to my letter dated 23 February this year. I enclose a copy of the letter for your ease of reference.

I regret to inform you that noise nuisance from amplified music at Mythopolis has now been witnessed. There are serious implications for the entertainments should noise nuisance be witnessed again. The licence condition states:

- Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.

I sent you details of the accredited organisations where you could find an acoustic consultant in my previous letter (enclosed).

**In order to reduce the likelihood of further complaints I must now request that you appoint an acoustic consultant without delay.**

In the meantime, the volume of sound must be reduced immediately. I have to inform you that we are minded to serve an abatement notice under the powers of the Environmental Protection Act 1990 without further warning in the event of further noise nuisance from amplified music being witnessed. This could have serious consequences for you as a contravention of any such notice served is a criminal offence for which you could be prosecuted. Current levels of fines are up to £20,000 per offence. In addition your premises licence could be called in for review if the Noise team is satisfied that a review is necessary in order to prevent public nuisance.

**Please contact me upon receipt of this letter to discuss your intentions with regard to the future control of noise from the premises.**

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Alkis Michael, DPS.

Stephanos Makis via e mail:

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer



**ISLINGTON**

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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/121348053

Your ref:

Date: 18 June, 2012

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990. MYTHOPOLIS, 277 CITY ROAD, LONDON EC1V 1LA.**

Please find enclosed a Section 80 noise abatement notice served on you today. The Notice is self explanatory. Please note: in the event of contravention of the Notice you could be prosecuted and a fine of up to £20,000 per offence could be imposed by the Magistrates.

I wrote to you previously in February and May this year about noise from amplified music at the premises and I enclose a copy of the letters sent for your ease of reference.

I have to draw your attention to the notes on the reverse of the Notice.

If you have any queries, please contact me at the above office.

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol

Licensing

Stephanos Makis, Licensee, Mythopolis, 277 City Road, London EC1V 1LA

Alkis Michael, DPS, [REDACTED]

Stephanos Makis via e mail [REDACTED]



ENVIRONMENTAL PROTECTION ACT 1990, Section 80  
ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

TO: STEPHANOS MAKIS



An identical copy of this Notice has also been served on:  
Alkis Michael, DPS, 5 Grosvenor Parade, Uxbridge Road,  
London, W5 3NN

An identical copy of this notice has also been sent to:  
Stephanos Makis, Mythopolis, 277 City Road, London EC1V  
1LA

An identical copy of this notice has also been e mailed to:  
stephanosmakis@yahoo.co.uk

**TAKE NOTICE** that under section 79(1)(g) of the Environmental Protection Act 1990 Islington Council being satisfied of the existence of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as **Mythopolis Restaurant, 277 City Road, London EC1V 1LA**

**HEREBY REQUIRE YOU** as the person responsible for the nuisance and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to **Take all reasonable steps to ensure that amplified music from the above premises is not played at levels likely to cause a nuisance.**

**IN** the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, [the noise to which this notice relates is likely to be of a limited duration, such that suspension would render the notice of no practical effect and 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 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 of 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. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. 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.

DATE: 18 June 2012

(Address to which all communications should be sent)

Noise Patrol Team

Public Protection Division

222 Upper Street

London N1 1XR

(Signature) Anne Brothers

(Name): Anne Brothers

(Title): Principal Technical Officer

N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

\*\* Currently £5000, subject to alteration by Order

The Statutory Nuisance (Appeals) Regulations 1995 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 the Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that 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 Control of Pollution Act 1974 ("the 1974 Act"), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act, or
    - (iii) any determination made under section 67 of the 1974 Act;
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises,

- (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
  - (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
  - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
  - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
  - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### **SUSPENSION OF NOTICES**

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







**ISLINGTON**

Noise Patrol  
Public Protection Division  
222 Upper Street  
London N1 1XR

Stephanos Makis  


T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/121348053

Your ref:

Date: 9 July, 2012

**FIRST CLASS POST**

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**SECTION 80 NOISE ABATEMENT NOTICE SERVED 18 JUNE 2012. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003. POLICE AND CRIMINAL EVIDENCE ACT 1984. MYTHOPOLIS RESTAURANT, M 277 CITY ROAD, LONDON EC1V 1LA**

It has been reported to me that the Noise Patrol Service was contacted at 01:52 on Sunday July 8 in relation to alleged noise nuisance by a residential neighbour of yours. The officers have reported that they visited at 04:20 that morning and witnessed amplified music from Mythopolis at levels that were intrusive to the resident.

I am now investigating in respect of a potential criminal offence of the contravention of the above Section 80 noise abatement notice served on 18 June and the unauthorised extension of hours of the permitted licensable activities at the premises. I have to inform you the Council is now considering legal action against you in respect of the above.

The facts surrounding the alleged offence are briefly described on the enclosed document. The alleged offence has been carefully considered and I believe there is sufficient evidence to take this matter to a court of law.

As part of the ongoing investigation and evidence gathering I am inviting you to attend an audio-taped interview under the provisions of the Police and Criminal Evidence Act 1984 at **14:00 on Tuesday 17 July 2012** at the Council Offices at 222 Upper Street, London N1 1XR. Please confirm who will be attending the interview, whether they are authorised to speak on behalf of the business and whether they require an interpreter by Thursday 12 July.

This will be your opportunity to present evidence of any due diligence defence and other information you want the council to consider concerning the alleged offences. You are entitled to have legal representation at the interview should you wish to do so, and you may also wish to obtain legal advice prior to the interview.

If you want to make any WRITTEN comments concerning the alleged offences, they should be sent to me by **Friday 13 July**. In the event of you making any written representations I have to caution you as follows:

**You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be used in evidence.**

If you have any queries in relation to this matter please contact me at the above office.

Yours sincerely

**Anne Brothers**

**Principal Technical Officer**

cc. Alkis Michael, DPS

Stephanos Makis, Licensee, Mythopolis, 277 City Road, London EC1V 1LA

Stephanos Makis via e mail:

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

### **Brief circumstances of alleged offences**

Our ref: abr/121348053

Date of offences: Sunday 8 June 2012

Place of offences: Basement floor, Mythopolis Restaurant, 277 City Road, London, EC1V 1LA

Brief circumstances of the offences:

1. On 8 July 2012, Noise Patrol received a telephone call timed at 01:52 in relation to loud live music from Mythopolis.

Noise Patrol officers visited the resident at 04:20 and witnessed intrusive noise from music from a nearby residents home. They visited the restaurant and spoke to Stephanos Makis in relation to the noise nuisance witnessed.

The noise witnessed is in contravention of the Section 80 noise abatement notice served on 18 June 2012 under the provisions of the Environmental Protection Act 1990

2. Music was being played at 04:20 in contravention of the premises licence which permits the playing of amplified music until 03:30 only. This is contrary to the provisions of the Section 136 of the Licensing Act 2003.

Noise Patrol Team

T 020 7527 3047

F 020 7527 3059

E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/121348053

Your ref:

Date: 30 July 2012

Ioannis Tzoumakas  
Mythopolis  
277 City Road  
London  
EC1V 1LA

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Tzoumakas

**ALLEGED NOISE NUISANCE, MYTHOPOLIS RESTAURANT, 277 CITY ROAD, LONDON EC1V 1LA. SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990 MINDED TO. LICENSING ACT 2003**

I recently interviewed Mr Stephanos Makis under caution as part of my investigation in relation to offences in connection with the playing of loud amplified and acoustic live music at the premises. For your information a Section 80 noise abatement notice was served on Mr Makis earlier this year. Mr Makis informed me that while he is away on holiday until the end of August that you are in charge at the premises but that the basement club nights would not be carrying on in his absence.

It has been reported to me that Noise Patrol visited the area at 01:50 on Monday 30 July; they had been contacted by a local resident in connection with the transmission of music noise from Mythopolis to their home that night. Noise Patrol reported to me that they witnessed music noise disturbance from Mythopolis and when they went to investigate the premises they found the shutters down but they confirmed the music noise reported was coming from inside Mythopolis. They describe the music noise as people singing to a musical instrument being played inside the premises.

There opening hours for permitted activities at Mythopolis are as follows:

Sunday to Wednesday	12:00 to 00:00
Thursday to Saturday	12:00 to 04:00 the following day.

Further to the above the premises licence has the following relevant conditions:

- The premises shall be fully sound proofed.
- No live or recorded music after 00:00 on all days on the ground floor.
- Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent



persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.

- A policy and procedure for customers smoking and sitting outside and for dispersing customers when leaving the premises, including at closing times, shall be developed and approved by the Council's noise team prior to the variation of the licence application taking effect. This policy and procedure shall be fully implemented after its approval and any necessary training, information and instruction to implement the procedure given to staff. These policies to include:
- There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm. There shall be no drinks allowed outside the premises after 11pm.
- The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.

It would appear from the Noise Patrol report from last night that both the timings for the closing of the premises and the restriction on music on the ground floor were both breached.

I repeat again that Mr Makis informed me that he was leaving you in charge at the premises in his absence. We have Mr Makis listed as the licensee and the designated Premises Supervisor for the premises.

I have to inform you that we are minded to serve an abatement notice under the powers of the Environmental Protection Act 1990 without further warning in the event of further noise nuisance from music being witnessed. This could have serious consequences for you as a contravention of any such notice served is a criminal offence for which you could be prosecuted. Current levels of fines are up to £20,000 per offence. In addition your premises licence could be called in for review if the Noise team is satisfied that a review is necessary in order to prevent public nuisance.

**Please inform me in writing within the next 7 days of how you intend to control noise from the premises for the remainder of the time of Mr Makis's absence. In the event of you not responding to this letter within the requested 7 days we are likely to serve an abatement notice without further warning.**

Yours sincerely

Anne Brothers

Principal Technical Officer

cc. Stephanos Makis via e mail: [REDACTED]

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

**E mail correspondence July/August 12**

From: Anne.Brothers@islington.gov.uk

Sent: Mon, 30 Jul 2012 15:47:48 +0000

To: [REDACTED] Louise.Norris@islington.gov.uk,  
Niall.Forde@islington.gov.uk

Cc:

Subject: Mythopolis noise issues

Dear Mr Makis,

Please find attached a letter i have sent today via first class post to Ioannis Tzoumakas who you informed me was managing the premises in your absence.

The letter has been sent with reference to further noise nuisance reported last night. Noise Patrol visited at approximately 01:50 and witnessed some music noise from the premises.

I telephoned you this morning and left a voicemail message for you in order to discuss this.

Please contact me as soon as possible to discuss this matter.

Anne Brothers

Principal Technical Officer

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3057  
Alternative contact: Licensing Support Team: 020 7527 3031

EMR from Ioannis Tzoumakas pasted below:

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

From: giannis tzoumakas [mailto:[REDACTED]]

Sent: 01 August 2012 17:16

To: Brothers, Anne

Subject: abr/121348053

hello miss. anne brothers. After reading the letter i here by would like to inform you that, i would like to thank you for informing about the premises and i assure you that what ever you wrote to me i will fully comply.

thank you

ioannis tzoumakas

from Mr makis in response to EMS on 30/7 copying him to Minded To LSEN to ioannis:

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

From:

[REDACTED]

Sent: 01 August 2012 17:09

To: Brothers, Anne; Norris, Louise; Forde, Niall

Subject: RE: Mythopolis noise issues

Dear Mrs Brothers,

as you know I am in Cyprus.

thanks for the email, and i will take actions asap.

I will email again to you after i will speak to Yiannis

Thanks

Stephanos

---

To Mr Makis. Awaiting any response:

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

From: Brothers, Anne

Sent: 08 August 2012 16:13

To: [REDACTED]; Norris, Louise; Forde, Niall

Cc: Norris, Louise

Subject: RE: Mythopolis noise issues

Dear Mr Makis.

I have not heard any more from you since your e mail below received last week.

I have to strongly recommend that on your return to the UK that you do not have any live music events at Mythopolis until you have been advised by an acoustic consultant as to reasonable sound levels that can be played that will not cause a noise nuisance to neighbours or lead to any further contraventions of the Section 80 noise abatement notice.

I discussed the possibility of the installation of a sound limiter with you some considerable time ago and I have sent you details of the Institute of Acoustics and the Association of Noise Consultants in order for you to appoint an acoustic consultant to assist you with this but to date you have not done so.

You informed me recently during the recorded audio interview that you would deal with the matter when you got back from your holiday.

I must urge you to look at the websites for the Institute of Acoustics and /or the Association of Noise Consultants now so that you can appoint a suitable consultant to meet with on your return from holiday.

You will need to appoint someone who is experienced in "entertainment noise". As discussed, I should be able to get access to the residents for your consultant when s/he is ready to set maximum music levels if they consider a noise limiter is necessary. I think they should have no difficulty in securing access to the ground floor hallway and other communal areas to the residential accommodation above through the access door from the ground floor of your premises. This will give them a very good idea of the noise control measures that you will have to adopt.

The websites for the Institute of Acoustics and the Association of Noise Consultants are pasted below.

Once you have appointed someone, please ask them to contact me at the office below in order to discuss the history of noise issues at Mythopolis. This will be helpful to them in order for them to develop a noise control strategy for the premises.

The relevant website addresses are pasted below. They should be able to provide you with listings of their accredited acousticians:

Institute of Acoustics

[www.ioa.org.uk](http://www.ioa.org.uk)

email : [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)

The Association of Noise Consultants

Email: [maikl@anc](mailto:maikl@anc)

[www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk)

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Please contact me back to inform me of your intentions with regard to the appointment of an acoustic consultant.

Anne Brothers

Principal Technical Officer

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3057

Alternative contact: Licensing Support Team: 020 7527 3031

[www.islington.gov.uk](http://www.islington.gov.uk)

receipt timed at 16:13, 8/8/12:

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:





**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, ss. 5A(3)(a) & 5B)*

STATEMENT OF **Anne Brothers**

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Principal Technical Officer, Noise Liaison, Public  
Protection Division**

This statement, consisting of **four** page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed JANUARY 2011

I have been employed as a Principal Technical Officer for Islington Council's Public Protection Division since 1988. I have Ordinary and Higher Certificates in Environmental Health Studies and a BSc (Hons) in Environmental Health Studies. I also have the Higher EHORB Diploma in Inspections of Higher Risk Food Premises. I have worked as Noise Liaison officer for approximately 6 years working with the Licensing and Noise Teams. I now work primarily with the Noise Patrol Service undertaking investigations into noise complaints arising from licensed premises in the borough.

I first visited Mythopolis restaurant at 277 City Road, London EC1V 1LA at 00:45 on Sunday 5 December 2010. The reason for the visit was to discuss allegations received by the Commercial Section of Environmental health that customers were being allowed to smoke inside the premises which was contrary to the smoking ban in enclosed spaces. On that occasion I did not witness anyone smoking inside the premises. I was approached by the person in charge who told me his name was Stephanos Makis. I explained the purpose of my visit to him in that we had received a complaint that smoking was being allowed at the premises. Mr Makis told me they had caught customers smoking and had asked them to stop and go outside. I told him we would monitor the premises and there was a strict enforcement procedure if smoking was witnessed at the premises

When outside Mr Makis told me he was the licensee I pointed out to him that his name was not on the licence. He told me he took over one month previously but he had been told he couldn't apply for a transfer until the leasehold agreement was settled. I told him he had been misinformed and he must contact the Licensing Section on the Monday after the weekend in order to transfer the premises licence. I asked him if he has a personal licence

Signed \_\_\_\_\_



## Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, ss. 5A(3)(a) & 5B)

### STATEMENT OF

and he told me he had one from Islington. I asked him for his home address and established that his home borough is Ealing. I told him I thought he should have a personal licence from Ealing. Mr Makis told me he had attended a course and had the necessary qualification for a personal licence. I told him to go to Ealing Council on Monday morning and start the process for getting his personal licence from them. I informed him I did not know how long this would take and that he needed a personal licence in order to sell alcohol and until his personal licence was attained he should not be selling alcohol.

We exchanged business cards and I wrote down instructions on what he must do i.e. transfer the licence and get a personal licence sorted out. I wrote down the Licensing duty number on my card and told him to call them on Monday to begin the transfer of the premises licence to his name, I told him there are forms to fill in so he would need to make arrangements with Licensing. I told him he should not be selling alcohol until he has a personal licence (or another personal licence holder to act as DPS). He did not have a copy of the premises licence at the time of that first visit so I gave him my photocopy of the licence as he did not have a copy at the premises. The premises licence copy I gave him detailed the permitted activities and the permitted hours and any conditions attached to the licence.

The next time I visited Mythopolis restaurant was in the early hours of Sunday 16 January. We had received a further complaint that smoking was being allowed at the premises. On that night I first visited at 02:35. I saw Mr Makis outside with some customers but he avoided me while I was at the door despite my trying to attract his attention. I introduced myself to the door supervisor and he told me the owner was not at the premises. I went inside the premises and the ground floor was not in use. There was no light to the stairs down to the basement and I had to use a torch to illuminate the way down the stairs to the basement room. When I entered the basement room, there was a live band playing out music and the customers were dancing. I noted that I saw numerous people smoking at the premises that night which confirmed the complainant's allegations that smoking was being allowed at the premises. I looked for Mr Makis when I came back upstairs and I asked a male member of staff to look for him for me and I looked in the kitchen and rear ground floor store room and in the street outside but he was nowhere to be found. I went away and carried out a visit to another licensed premises and returned at 03:30. At that time I found Mr Makis at the premises again and I interviewed him under caution under the powers of the police and Criminal Evidence Act 1984 with regard to the smoking by customers that I had witnessed at the premises that night. I noted the live music downstairs stopped at 03:40 while I was there interviewing Mr Makis and customers were still present downstairs paying their bills. During

Signed \_\_\_\_\_



## Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);*

*Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, ss. 5A(3)(a) & 5B)*

### STATEMENT OF

the PACE interview I asked him what time the licence was until and what time did the music and dancing at the premises have to end, he told me the time was 03:30 to both the questions. At the end of the interview I told Mr Makis that I would write to him about the offences I had witnessed regarding smoking inside the premises. I read the notes of the interview that I had taken and Mr Makis confirmed the notes by signing my notebook.

On 19 January I wrote to Mr Makis with regard to the smoking witnessed at the premises. I attach a copy of the letter sent as **Exhibit AB1**.

On 20 January I further wrote to Mr Makis with regard to public safety concerns arising from my visit of 16 January. I attach a copy of this letter as **Exhibit AB2**. I informed Mr Makis that as a schedule produced by Geoff Weaver, the Responsible Authority for Public Safety had not been complied with; the basement should not be in use.

I visited Mythopolis again at 04:10 on Sunday 13 February. I was stopped at the door by a door supervisor and I noticed Mr Makis was outside on the pavement, he came over and we went downstairs to the basement. I noted that live music and dancing was still going on. I told Mr Makis they should be closing and he got the musician to stop playing. As soon as the music stopped the customers started settling their bills and leaving. The basement was very crowded with people. I estimated there were at least 80 people in the basement after quite a few had already left. We waited for people to leave and eventually we told Mr Makis to switch the lights up to hurry them up a bit. He was circulating with people present talking to them and hurrying them up a bit while we waited.

During this visit I inspected the premises on behalf of Geoff Weaver, the Responsible Authority for Public Safety. I had his works schedule with me and I went through the ground and basement floors of the premises to establish whether works were completed that could have allowed the use of the basement at that stage. I also inspected to establish if there was any smoking waste in any bins or on any floors at the premises as we were still in receipt of complaints alleging that smoking was still being allowed at the premises.

I took some photos of a handful of spent cigarette butts on the floor and discussed smoking again at the premises. Mr Makis told me he now stops people smoking and tells them to go outside. He asked me what more could he do? I told him he should be banning people for smoking at the premises. He should tell them to leave. There were no signs of any cigarette waste in any of the bins at the premises.

After waiting a good while people had left and I counted the seats in the basement. There was seating for about 100 people, it could have been more but Mr Makis said they only seat one person per fitted seat along the walls where there is easily room for two. Therefore I

Signed \_\_\_\_\_

## Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, ss. 5A(3)(a) & 5B)

### STATEMENT OF

reduced my estimate in accordance with the availability of seating in the basement. I noted the tables and chairs crammed in close proximity to each other.

Went through Geoff Weavers schedule amid some protest from Mr Makis. He asked me why could this not be done during the day? Told him that basement was in use and works schedule had not been cleared and Geoff Weaver had asked me to check for him. I noted any works progress to complete the required works on the schedule and reported back to Licensing and Geoff Weaver the following week. The works required on the schedule produced by Geoff Weaver were not completed and the basement should not have been in use.

In addition I pointed out to Mr Makis very early on during the visit on 13 February that he only has live music until 01:00 specified on the licence. He appeared to be unconcerned about the limits of the licence and told me it was a special occasion as the musician was visiting from abroad. I asked him if it was another special occasion when I visited previously and saw live music at a very late hour. I explained other limits of the licence; bar and food service must end at 03:00 and the premises must close by 04:00. Mr Makis told me he wanted to have live music until 04:00. I discussed possibility of variation and minor variation but said Noise Team would be likely to require additional noise conditions. I told Mr Makis I would e mail him with any information on the following Tuesday on my return to the office.

I e mailed Mr Makis on 15 February confirming the licence timings and that live music must cease at 01:00 at the weekends. I attach a copy of the e mail to Mr Makis as **Exhibit AB3**.

Signed \_\_\_\_\_

Public Protection Division  
222 Upper Street  
London N1 1XR

Stephanos Makis  


T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/1017627  
Your ref:

Date: 19 January, 2011

This matter is being dealt with by:  
**Anne Brothers**

Dear Mr Makis

**RE: HEALTH ACT 2006. SECTION 7 (SMOKING IN A SMOKE-FREE PLACE). SECTION 8 (FAILING TO PREVENT SMOKING IN A SMOKE-FREE PLACE). MYTHOPOLIS RESTAURANT, 277 CITY ROAD, LONDON EC1V 1LA**

I visited you at Mythopolis restaurant on 5 December 2010 at 00:45. I discussed with you the reasons for my visit that night. I explained to you that the Council had received a complaint alleging that smoking was carrying on at your premises. I did not see anyone smoking at the premises at the time of my first visit. I told you that Council staff would be monitoring and informed you that in the event of smoking being witnessed at the premises we would have to consider enforcement action against you and prosecute you for contravening the above legislation.

I visited Mythopolis again last Sunday morning 16 January at 02:35 and again at 03:30. At the time of the first visit at 02:35 I entered the premises after having noticed you on the pavement outside talking to a couple of men. I tried to attract your attention to speak to you but you ignored me. I went inside the premises and despite my previous visit and verbal warning with regard to the allegations of smoking at the premises I witnessed numerous customers in the basement smoking inside, contrary to the above legislation. I spoke to a member of staff upstairs and he tried to find you but came back to me and told me that he could not find you. I then looked around inside on the ground floor and outside the premises but I could not find you at that time. In addition, my colleague pointed out to me that she had seen a member of staff on the ground floor inside the premises smoking during the first visit.

I returned to the premises at 03:30 and spoke to you. I administered a caution before speaking to you as follows:

"You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence."

I asked you if you understood the caution and you replied that you did understand. I informed you of the visit I had carried out earlier and that I had seen numerous customers smoking in the basement floor and that my colleague had seen a member of staff smoking on the ground floor.



We had a conversation about the smoking seen at the premises that night and I reminded you about the previous visit I had carried out when I warned you that we were in receipt of a complaint alleging that you were allowing smoking at the premises and that we would have no alternative but to consider legal action if we found smoking at the premises. I reminded you that I had said that we would monitor the premises for smoking. At the end of the formal interview, I went through my notes with you and you signed my notebook indicating that my notes were an accurate note of the matters discussed and questions asked.

After your customers had left the basement, I went downstairs with you and the air was thick with tobacco smoke. In addition, there were numerous cigarette butts on the floor and in small glass dishes on the tables. I told you I would report my findings to managers in this Division of the Council.

I have now transcribed my notes of the interview with you under caution and I have discussed the matter with James Sarjeant, Principal Environmental Health Officer, responsible for the area where your restaurant is situated.

I have been requested to inform you formally by means of this letter that it has been illegal since 1 July 2007 to allow smoking in any enclosed or substantially enclosed workplace or place to which the public have access. Your premises falls into this category of premises, and so must be smokefree at all times. As the person in control of the premises you are committing offences by allowing people to smoke.

This letter is a **formal and final warning letter**. Council officers will monitor the premises for Smokefree offences and they may not necessarily reveal their identities at the time of their visit. Should officers find evidence of further offences, the Council will prosecute you at Highbury Corner Magistrates' Court. There is a fine of up to **£2,500 for each incident of failing to prevent smoking**. Individuals found smoking may also be prosecuted, or else receive Fixed Penalty Notices.

This letter is copied to Alkis Michael who is listed as Designated Premises Supervisor (DPS) for the premises. The DPS would be equally liable should smoking be witnessed at the premises again.

If you have any questions regarding this letter, please contact me at the above office. Alternatively you may contact James Sarjeant who is also based at the above office or by telephone on 0207 527 3837. I will be writing to you separately about other licensing matter arising at the premises.

Yours sincerely

**Anne Brothers**  
**Principal Technical Officer**  
cc. James Sarjeant, PEHO.  
Andrew Walker, SEHO  
Louise Norris, Noise Patrol Manager  
Licensing  
Alkis Michael, DPS, [REDACTED]  
Stephanos Makis via e mail: [REDACTED]



**STATEMENT OF WITNESS**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Anne Brothers**

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Principal Technical Officer, Noise Liaison**

This statement, consisting of 4 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: \_\_\_\_\_ Date: NOVEMBER 2011

I have been employed as a Principal Technical Officer for Islington Council's Public Protection Division since 1988. I have Ordinary and Higher Certificates in Environmental Health Studies and a BSc (Hons) in Environmental Health Studies. I also have the Higher EHORB Diploma in Inspections of Higher Risk Food Premises. I have worked as Noise Liaison officer for approximately 6 years working with the Licensing and Noise Teams. I now work primarily with the Noise Patrol Service undertaking investigations into noise complaints arising from licensed premises in the borough. I work a proactive shift on alternate weekends specialising in dealing with issues regarding the outbreak of noise from licensed premises in the borough reported by residents to the Council. We are currently in receipt of reports from local residents in connection with noise from customers outside at closing time at Mythopolis restaurant at 277 City Road.

On 5 November 2011 I worked an out of hours noise patrol and licensing shift with my colleague Brian Morley (BMI) that went on until the early hours of 6 November. During these shifts I am designated Officer 1 and I make all decisions as to which premises will be visited and any follow up action necessary in conjunction with managers if necessary. At 02:40 on 6 November 2011 BMI and I were driving down City Road and I noted that Mythopolis at 277 City Road appeared to be closed as the shutters were all down, including the shutter to the door. There is only one exit to the premises which is to the right hand side as you face into the premises from the street outside. There were no people outside and I noted there was no sign of any activity at the premises at all.

BMI and I passed by Mythopolis again at 03:55 and I noticed the shutter to the door was up and there were people coming outside from the premises. BMI and I visited the premises at this time. On entry to the ground floor I could smell cigarette smoke from just inside the door. I smoke cigarettes myself and the smell of smoke was very apparent to me, even as a smoker. I looked out and asked a man who looked at me if Stephano Makis, the Licensee was present. He said he was and went and got Mr Makis for me. As we went into the premises there was a thick smell of smoke. We went downstairs to the basement via the staircase just inside the main door and the recorded music was just ending. A lot of people were on their feet in the basement

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

## Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

### STATEMENT OF **Anne Brothers**

and the first thing I saw was a man standing near the door to the basement who was smoking. He was the first person I saw as I entered the basement. I challenged Stephano Makis that people were smoking and he was non-committal with me. He was more concerned that people paid their bills at that time.

Mr Makis left us to it for a few minutes and I managed to get his attention a few minutes later and asked him to switch the lights up to full beam in the basement. I saw a lot of evidence of smoking inside the basement. The floor was littered with cigarette ends throughout. Staff were clearing tables but there were no ashtrays on the tables. I saw a few cigarette ends in small bowls on tables but then the staff cleared them away – they were clearing tables as people left. After the basement had cleared I took some photographs of the floor and the cigarette ends scattered throughout. The air was thick with cigarette smoke when we entered. The premises is entirely enclosed and no part of the premises is suitable to allow for smoking inside in accordance with the smoking ban implemented by the Health Act 2006.

We sat down with Stephano Makis and I cautioned him at 04:07. "You do not have to say anything but it may harm your defence if you fail to mention when questioned anything you later rely on in Court. Anything you do say may be given in evidence."

After I cautioned Mr Makis I made the following notes of our conversation in my notebook.

AB (Anne Brothers): What happened tonight?

SM (Stephano Makis): We stopped serving drinks at 03:00 and at 03:30 the live music stopped. During the night nobody smoked but at 03:30 some of the customers started to smoke and I started fighting with them and telling them to go outside.

AB: What about at 02:40 when all the shutters were closed.

SM: This was a mistake. I fight with my customers to try and get them to stop

AB: So you can't control your customers.

SM: I can control them.

AB: You weren't today.

SM: This was an extreme case.

AB: Why.

SM: Because some were new customers

AB: Everyone knows about the smoking ban. The basement was too crowded for you to control them.

SM: Only 90 people inside, (only 80 seats in the basement – you can count them if you like)

AB: I am very disappointed in you, we gave you a chance after the last time and it's as bad as ever in here.

SM: Not as bad as before.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF Anne Brothers**

At that point I told Mr Makis that I was going to take some photos of the mess of the cigarette ends on the floor in the basement and our exchange became more conversational.

I attach photographs Exhibit reference numbers AB2, AB3, AB4, AB5, AB6, AB7, AB8, AB9, AB10, AB11 and AB12 which are photographs I took of cigarette ends on the floor throughout the basement during the visit.

BMI, Mr Makis and I went upstairs and I spoke to the security man there about why the shutter was closed earlier on. He told me there were some drunks outside at 03:10 and he had closed the shutter to the door to keep them out. I told him his timing was wrong and he said it could have been earlier, he didn't look at his watch. I told him that they must not close the shutter or lock the door as has been found previously at all while anyone was on the premises.

I checked all the bins but there was no sign of any ashtray debris. The bins were all very full of food and other waste and I was not inclined to root around in them as I was worried about any broken glass that may be present.

I took three further photographs upstairs of smoking rubbish inside on the ground floor indicating the that area had also been used for smoking that night although both men said no-one smoked upstairs. Stephano Makis made a point of showing me cigarette ends on the pavement outside and I took a photo of the pavement showing some. In particular there are pictures of cigarette ends in glasses taken on the ground floor indicating that smoking had gone on there that night.

I attach photographs Exhibit reference numbers AB13, AB14 and AB15 which were taken on the ground floor.

Photograph Exhibit reference AB16 is of the pavement outside the premise which shows some cigarette ends on the pavement outside.

The photographs were taken using a Canon IXUS 8015 digital camera. I can confirm the images have not been altered in any way.

We left the premises at about 04:35. No-one remained outside at that time.

I am not sure when they started clearing tables and some evidence of smoking may have already been removed from the tables before we arrived.

I attach a series of photographs of the cigarette waste photographed at the premises during the visit.

I believe that Mr Stephano Makis did not take appropriate steps to prevent smoking at Mythopolis and that when he found his customers smoking, he failed to stop them. In addition, as the shutters were down at the premises for some time during the night. Therefore his customers would have been unable to step outside the premises onto the street outside to legally smoke had they wanted to.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF Anne Brothers**

I have had previous contact with Mr Makis with regard to smoking witnessed by me at Mythopolis as a result of complaints received by the Public protection Division from one of his customers at the restaurant. I wrote to Mr Makis with regard to previous interventions on 19 January 2011. I attach a copy of the letter sent as Exhibit AB1.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed

## Statement of Witness

(Criminal Procedure Rules, r. 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF **Anne Brothers**

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Principal Technical Officer, Noise Liaison**

This statement, consisting of **two** page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature \_\_\_\_\_ Date MARCH 2012

I have been employed as a Principal Technical Officer for Islington Council's Public Protection Division since 1988. I have Ordinary and Higher Certificates in Environmental Health Studies and a BSc (Hons) in Environmental Health Studies. I also have the Higher EHORB Diploma in Inspections of Higher Risk Food Premises. I have worked as Noise Liaison officer for approximately 17 years working with the Licensing and Noise Teams. I now work primarily with the Noise Patrol Service undertaking investigations into noise complaints arising from licensed premises in the borough. I work a proactive shift on alternate weekends specialising in dealing with issues regarding the outbreak of noise from licensed premises in the borough reported by residents to the Council. We are currently in receipt of reports from local residents in connection with noise from customers outside through the night and at closing time at Mythopolis restaurant at 277 City Road. London EC1V 1LA.

On 10 March 2012 I worked an out of hours noise patrol and licensing shift with my colleague Penny Britton (PBR) that went on until the early hours of 11 March 2012. During these shifts I am designated Officer 1 and I make all decisions as to which premises will be visited and any follow up action necessary in conjunction with managers if necessary. At 04:30 I decided to visit Mythopolis to check the premises was closed as on my previous shift two weeks earlier I had found them still open and trading at 04:21 when they should have been closed at 04:00 as is specified on the premises licence.

On arrival PBR parked the car outside Mythopolis by 277 City Road. I noted a couple of women were standing outside the premises with the door supervisor. Due to a recent history of the premises remaining open beyond its licensing hours I decided to enter the premises to see inside. By the time I entered the door supervisor had gone back inside and as I opened the door the two women said they were closed. I saw the door supervisor was inside on the ground floor and I asked him if Mr Stephanos Makis, the licensee was available. The door supervisor told me Mr Makis was downstairs, I told him I wanted to see downstairs and he said it was alright for me to go down there.

On entry to the bar/restaurant in the basement I noted a group of approximately 10 people seated around a table by the bar. They all had drinks with them. Mr Makis was seated with the group. I noted that some people were smoking. I saw cigarette packets and lighters were on the tables. I exclaimed to Mr Makis that people were smoking and told him that smoking inside the premises was not allowed at any time. He told me it was after hours at the premises and I told him again that smoking was not allowed at the premises at any time whether they were open to the public or not. I decided to continue the conversation upstairs away from the other people who were seated around the table with Mr Makis.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

## Statement of Witness

(Criminal Procedure Rules, r. 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

### STATEMENT OF

Once we went upstairs, PBR and I seated ourselves at a table with Mr Makis and at 04:36 I cautioned him:

"You do not have to say anything but it may harm your defence if you fail to mention something you later rely on in Court. Anything you do say may be given in evidence"

I then interviewed Mr Makis under caution recording my questions and Mr Makis's responses in my PACE notebook as follows:

Anne Brothers (AB): I have just been downstairs and staff and musicians are downstairs having a drink. People are smoking and I have told you that people are not allowed to smoke inside the premises at any time.

Stephanos Makis (SM): We follow the law. We close at the right time. Nobody smoked at the premises during licensing hours. It's only the staff relaxing after 10 hours of work, discussing our job. I didn't know that smoking was not allowed after hours to be fair. It's just the staff.

This is very unfair. We work hard. We sit down to relax. You come in and create problems for me. If I want to co-operate with the Council you need to assist me but this is too much.

AB: No smoking allowed at any time.

SM: What about in my private house?

AB: That's your private residence. The restaurant is a public place. No smoking is allowed 24 hours a day.

At that point Mr Makis asked me to stop writing down what he was saying so the interview terminated at that point. I readout my interview notes to him and he signed my notebook at the end of the notes. I attach a copy of my notes as Exhibit AB1.

Our conversation at that point became more conversational and Mr Makis told me that I should be paying more attention to other premises where there are fights and other trouble. He said there was never any trouble at Mythopolis. I told him I had visited a couple of weeks ago and found him still open with a load of customers inside and musicians still on stage at 04:20 when he should have been closed and quiet by 04:00. This visit was to check that he was closed. I reiterated again that smoking was not allowed at any time and he repeated that he thought it was OK after hours. My Colleague PBR tried to discuss the smoking ban at premises and the Health Act 2006 with Mr Makis, informing him it was for the sake of public health and to reduce the likelihood of harm to employees from passive smoking but Mr Makis was not receptive to her comments. He said he disagreed with the law in this respect.

I told Mr Makis I would report to James Sarjeant for a decision on any possible enforcement action to the offence of permitting smoking at the premises witnessed during the visit.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

**Addendum to the review Application by Noise Team in respect of Mythopolis, 277 City Road, London EC1V 1LA**

**Author: Anne Brothers, Principal Technical Officer, Noise Liaison, Noise Patrol Service**

**Date: 16/11/12**

I have attached further notes from the file in relation to noise issues at Mythopolis to 16 November. These events have happened subsequently to the application for review.

Another Section 80 Noise Abatement Notice was served on 26 October due to further noise nuisance being witnessed on 22/10/12. The person in charge at the time of the incident was Ioannis Tzoumakas, a manager employed by the licensee, Mr Makis.

In addition smoking was witnessed again at the premises on 22/10/12, therefore a smoking warning letter was also sent to Ioannis Tzoumakas.

The Licensee has appointed an acoustic consultant and I am informed that visits have been carried out to residents nearby who have been reporting intrusive noise from amplified music and other noise to their homes. The acoustic consultant's report is pending and we have requested a copy along with information as to what sound insulation works the licensee will be carrying out in order to reduce the noise intrusion currently being reported by residents.

**If sound insulation is to be installed at the premises as a result of the survey we recommend Committee consider the following conditions to be placed on the premises licence:**

- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
- All amplified sound played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded.
- The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
- If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system

shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.

- Remove the exemption for the deregulation of live music from the licence so that any conditions relating to the provision of live music could be enforced at all times.

**Recent entries to the database are printed below.**

**21/10/12. Notes from proactive visit**

Mythopolis, City Road, 00:40 and 04:15

Visited resident XXXXXXXXXXXXXXXXXXXXXXXXXXXX by arrangement.

Could hear live music noise coming through the wall into the bedroom. While standing at the bed head I could make out a male singer and accompanying instruments. The music was Greek folk type. Had it been of any genre familiar to me I would have been able to sing along. It wasn't "bangingly" loud but it was loud enough to have made it difficult to get to sleep in that room. Could hear the strumming of the instruments quite clearly and the volume seemed to be wavering up and down a bit. Intrusive noise. Nuisance as is a recurrent issue. Visited the premises and spoke to Mr Makis. 10 smokers outside on approach with DS - different DS from the usual one.

When he came outside to speak to me, Mr Makis told me he had reduced the volume inside. I called the resident to check and was told the volume appeared to have been lowered and it was OK at that volume. Told Mr Makis the volume should not exceed what is being played out at present (but at present there is no means of controlling this).

He said he had been in Greece last week and had chased up the AC and at he would contact me on Monday or Tuesday. He mentioned the noise from the WC's that I had mentioned previously (not heard tonight but don't think anyone used the loos while I was at the resident's home tonight)

He suggested possibly putting an additional door there but I told him I didn't think that would resolve the problem of footfall heard previously and voices reported by resident. Told him again that regarding the footfall heard I think there is a problem with the floor - it's a raised timber floor in the WC's? Also told him he needs approval from Geoff Weaver for any changes to the layout.

He asked me about the review and asked me if he should get some legal advice etc. Told him of consultation period and committee meeting in order to decide on the future of the licence. Told him the situation was very serious and he would benefit from some legal advice.

Passed by later on at 04:15 and there were a few stragglers still outside. Premises had all the shutters down. No further calls received from resident and I had asked her to call in again if the noise started up again. She did have guests though.

**22/10/12 NP report of visit 00:20**

On arrival to Cs property I noticed the shutters were down on Mythopolis and the door shutter was down 3/4 of the way. As I entered Cs property in the communal hallway loud greek bouzouki music was audible. In Cs bedsit the bouzouki music along with beat of drum and loud singing was clearly audible at a level that would interfere with sleep. I approached the restaurant and as I did I looked under the shutter through the glass door I witnessed a female sitting at a table on the left hand side light up a cigarette. I waited a few seconds and banged on the shutters. A male came to the door and I showed my ID and walked under the shutter into the restaurant. As I did this the male said something to the people in greek. I



spoke to the male insode and his name was Yiannis Zoumakas. I asked to speak to Stephanos but was informed he was not there. Yiannis said their licence is until 01:00hrs. I explained the music had to stop as it was way too loud and also informed him that I had witnessed the female lighting a cigarette. I informed him that this info would be passed on to the licensing team.

24/10/12

Smoking warning letter sent to Ioannis Tzoumakas, copy attached

25/10/12

Warrant to seize noise making equipment obtained today from Magistrates.  
Copy attached.

25/10/12

E mail sent to Licensee

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

From: Brothers, Anne

Sent: 25 October 2012 14:16

To: [REDACTED]

Cc: Norris, Louise

Subject: Noise at Mythopolis

Importance: High

Dear Mr Makis

I will be writing to you later today and will e mail you a copy of the correspondence. In the meantime I would greatly appreciate it if you could telephone me on the number below urgently.

I urgently need to speak to you with regard to further developments in respect of noise issues at your restaurant.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059  
Alternative contact: Noise Support Team: 020 7527 3258

25/10/12

Notes of telephone conversation with Mr Makis:

Mr Makis called me in reponse to e mail above.

Informed him that we now have a warrant and we can seize and detain all noise making equipment from Mythopolis in the event of any further noise nuisance being witnessed.

He said he would ensure no further noise nuisance. He said his AC should have been in touch by now, told him not so. He said he would get him to e mail me today.

In addition I told him about the most recent visit in the early hours of Monday and that I was now going to serve a S.80 on Ioannis Tzoumakas. Also told him about smoking seen on Monday and informed him that I had written to Ioannis and copied letter to him at his home address. He said he would speak to Ioannis, told him that we still consider him to have overall responsibility as he is the licensee.

25/10/12

E mail received from acoustic consultant:

From: Theodoros Niaounakis [mailto: [REDACTED]]

Sent: 25 October 2012 15:22

To: Brothers, Anne

Cc: [REDACTED] Brian Dennis

Subject: FW: Mythopolis acoustoic assessment

Importance: High

Dear Ms Brothers

We have been appointed by Mr. Makis to advise on noise issues associated with Mythopolis as identified by Environmental Health, Islington Council.

We are planning to carry out a noise survey in the premises as soon as possible and we need your help for arranging access to the complainant's property. Two noise surveys will need to be carried out, as detailed below:

• Attend site, at night-time, during the normal operation of the venue (which as we have been advised operates on Fridays and Saturdays) to undertake observations of current noise sources and carry out measurements of noise levels within the premises of the nearest affected complainants. The noise survey will start late at night and may continue until the early morning hours. The duration of this survey is anticipated to be about 1-1.5 hours and access is required to the complainant's property.

• Attend site, during the daytime, to carry out sound insulation testing between the venue and the complainant's premises. This sound insulation testing will be carried out during daytime when the venue is closed and its duration is anticipated to be 2-3 hours. Simultaneous access to the venue and the complainant's flats is required. Please note that this type of testing requires generating high levels of noise for short periods within the receiving (complainant's) rooms.

The results from these two sets of measurements would enable us to identify the offending noise sources, the nature of the sound transmission (i.e. airborne or structureborne) and its potential sound paths, in order to put together a scheme of sound insulation and noise control measures for your consideration.

As discussed, I am currently in Athens and for the time being I can only be contacted on my mobile (XXXXXXXXXXXXXXXX) but please respond by email. As Mythopolis only operates with live music on Fridays & Saturdays, we propose to carry out the survey as soon as possible within the next two weeks i.e. either the w/e (2-3 November) or the w/e (9-10 November).

Please let us know about the tenants' availability so we could arrange a mutual convenient time for the survey & testing.

I look forward to hearing from you soon.

Kind regards

Theo I. Niaounakis

Executive Acoustic Engineer

HOARE LEA

ACOUSTICS

25/10/12

Reply to the acoustic consultant:

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

From: Brothers, Anne

Sent: 25 October 2012 17:14

To: 'Theodoros Niaounakis'

Cc: [REDACTED] Brian Dennis; Norris, Louise

Subject: RE: Mythopolis acoustoic assessment

Dear Mr Niaounakis

Thank you for your e mail which is noted here.

I attach for your information the technical guidance that we issue to acoustic consultants in relation to the control of noise from licensed premises.

There are two issues at Mythopolis:

1. Transmission of sound from amplified music - we have witnessed noise nuisance from amplified music from two separate residential premises.
2. Footfalls and voices heard when the toilets are used by customers, footfalls have been heard from one of the resident's homes.

The toilets are at the rear of the basement. I have visited a resident whose home backs on to the rear of the building and have heard the footfalls. I think this may be caused by a suspended timber floor in the W.C's.

There is a noise condition on the premises licence for Mythopolis as follows:

14. Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.

Are you accredited by the Institute of Acoustics or Association of Noise Consultants or an equivalent in Greece?

Mr Makis will have informed you that we have served a Section 80 noise abatement notice under the provisions of the Environmental Protection Act 1990 in relation to noise nuisance from amplified music. The nuisance has continued since the service of the Notice and we have now applied for a review of the premises licence at Mythopolis. I have also informed Mr Makis today that we now have a warrant in order to seize and detain noise making equipment from the premises if we witness further noise nuisance from amplified music there.

You will appreciate the urgency of the situation for Mr Makis and I have advised him to seek legal advice regarding his position.

I will contact the residents that have been in touch and ask for access in order for you to conduct your tests. I will request access for you on either of the dates you have mentioned?

Would you prefer me to try for access on one of the weekends? It could be that if they have an option they may choose different weekends for your access as they don't know each other. Please let me know your preferred weekend for access.

Let me know asap and I will contact them.

Regards,

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059  
Alternative contact: Noise Support Team: 020 7527 3258

**26/10/12**

Section 80 noise abatement notice served on Ioannis Tzoumakas, by first class post and copied via e mail (see below). Copy attached.

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

From: Brothers, Anne

Sent: 26 October 2012 18:21

To: giannis tzoumakas ([REDACTED])

Cc:

'ioannis@mythopolis.co.uk'

Subject: Noise at Mythopolis

[REDACTED]  
stephanos@mythopolis.co.uk;

Dear Mr Tzoumakas

Please find attached a Section 80 noise abatement notice and covering letter.

Other documents are discussed in the covering letter but I have not attached them here, they are enclosed in the hard copy of the notice that I have posted first class to you at the restaurant today.

I have also copied the Notice and enclosures to Mr Makis as licensee at Mythopolis.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059  
Alternative contact: Noise Support Team: 020 7527 3258

**5/11/12**

Passed contact details of resident #1 to acoustic consultant.

**6/11/12**

Passed contact details of resident #2 to acoustic consultant.

**12/11/12**

Confirmation from acoustic consultant that survey has been carried out:

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

From: Theodoros Niaounakis [mailto:[REDACTED]]

Sent: 12 November 2012 15:38

To: Brothers, Anne

Cc: Brian Dennis; stephanos@mythopolis.co.uk

Subject: Mythopolis noise assessment

Dear Ms Brothers

I am writing to confirm that I have carried out the noise measurements at Mythopolis and the complainants' flats. The measurements were carried out last Friday night and the next day. I am in the process of analysing the data and if it proves necessary I may need to revisit the complainants' premises if further measurements are needed while I am here this week. I will let you know about that.

Regards

Theo I. Niaounakis

Executive Acoustic Engineer  
HOARE LEA  
ACOUSTICS

**13/11/12**

Reply to AC and Licensee:

From: Brothers, Anne

Sent: 13 November 2012 13:08

To: 'Theodoros Niaounakis'

Cc: Brian Dennis; stephanos@mythopolis.co.uk

Subject: RE: Mythopolis noise assessment

Dear Mr Niaounakis

Please send me a copy of the report once it is completed.

I also need to know what works that you have identified in the report that Mr Makis will be undertaking at the premises in order to deal with the current issues of sound transmission.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059

Alternative contact: Noise Support Team: 020 7527 3258

**15/11/12**

Noise Patrol report:

From: Issues, NP

Sent: Wednesday, November 14, 2012 12:39 AM

To: Loizou, Anna

Cc: Rahman, Sean; Norris, Louise; Brothers, Anne

Subject: FI-707657

Address Mythopolis, 277 City Road

Islington

London

EC1V 1LA

Service Hours PatrolHours

HFI Property No

Complaint Type NN04 licensed premises noise-music

Complaint Details Loud music coming from Mythopolis since 23:00, comp would like officers to do a drive by.

Anonymous Customer Yes

Form Launched at 14/11/2012 00:35

Form Submitted at 14/11/2012 00:36

Submitted Form ID FI-707657

OneServe Customer ID 20371

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

From: Loizou, Anna

Sent: 14 November 2012 01:08

To: Issues, NP

Subject: Re: FI-707657

Vst 0050 from outside very low recorded music audible when door opened. Not loud enough from where I witnessed to be a nuisance. Do not know where complainant lives to assess near their property. Spoke to a female member of staff and just asked her to lower the volume. CM12

**15/11/12**

E mail sent to Licensee:

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

From: Brothers, Anne

Sent: 15 November 2012 14:35

To: stephanos@mythopolis.co.uk; [REDACTED]

Cc: Forde, Niall

Subject: Late night visit to Mythopolis, 00:50 Wednesday 14 November

Importance: High

Dear Mr Makis

It has been reported to me that Noise patrol were contacted by a local resident in the early hours of Wednesday night.

Noise Patrol visited Mythopolis at 00:50 and witnessed recorded music being played inside the premises at that time. My colleague reported to me that she spoke to a female at the premises and requested the volume of the music being played out be reduced.

I have checked the premises licence for Mythopolis and it states that on Sundays to Wednesdays, the premises should be closed by midnight. In addition, you are only permitted recorded music until midnight on that night.

I am very concerned that in the light of the pending review of the premises licence that you still appear to be disregarding the permitted hours and activities on the current licence.

Please contact me to discuss this matter.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047

**16/11/12**

No response to EMS yesterday. Therefore, another EMS today. Awaiting response:

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

From: Brothers, Anne

Sent: 16 November 2012 11:03

To: stephanos@mythopolis.co.uk; [REDACTED] Norris, Louise; Forde,

Niall

Subject: FW: Late night visit to Mythopolis, 00:50 Wednesday 14 November

Importance: High

Dear Mr Makis

I have not had any response to my e mail sent yesterday (see below).

I have to remind you that we have a warrant to enter your premises and seize all noise making equipment in the event of further noise nuisance being witnessed. In order to reduce the likelihood of the warrant being used it is essential that you have control over all the

activities at the premises and that no further noise nuisance is witnessed. In addition you must ensure that you close on time in accordance with the premises licence.

I must urge you to contact me to discuss this matter.

Anne Brothers

Principal Technical Officer

Noise Patrol

Public Protection

Islington Council

3rd Floor 222 Upper Street, London N1 1XR Tel : 020 7527 3047 Fax: 020 7527 3059

Alternative contact: Noise Support Team: 020 7527 3258

**16/11/12**

Reply from Mr Makis:

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

From: stephanos@mythopolis.co.uk [mailto:stephanos@mythopolis.co.uk]

Sent: 16 November 2012 12:36

To: Brothers, Anne; stephanosmakis@yahoo.co.uk; Norris, Louise, Forde, Niall

Subject: re: FW: Late night visit to Mythopolis, 00:50 Wednesday 14 November

Mis Anne,

I am in Cyprus due to a personal issue (my mother has a cancer operation) and i will come back tomorrow.

I will contact with you on Monday

thanks

Stephanos





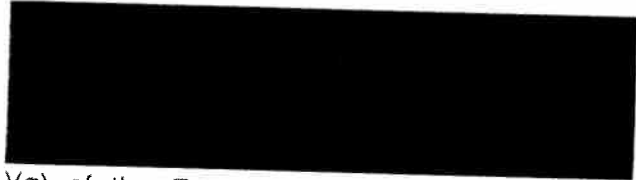






ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80  
ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM ACOUSTIC AND  
AMPLIFIED MUSIC

To Ioannis Tzoumakas  
Mythopolis Restaurant  
277 City Road, London EC1V 1LA



**TAKE NOTICE** that under section 79(1)(g) of the Environmental Protection Act 1990 Islington Council being satisfied of the likely recurrence of noise amounting to a statutory nuisance arising from the playing of loud amplified and unamplified music at premises known as **Mythopolis Restaurant, 277 City Road, London EC1V 1LA**

**HEREBY REQUIRE YOU** as the person responsible for the nuisance and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to:

**Take all reasonable steps to ensure that no acoustic or amplified music from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.**

**IN** the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, [the noise to which this notice relates is 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

**IF** without reasonable excuse you contravene or fail to comply with 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 of 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. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. 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.

**DATE:** 26 October 2012

(Signature): *Anne Brothers*

(Address to which all communications should be sent)

(Name): Anne Brothers

Noise Patrol Team

(Title): Principal Technical Officer, Noise Liaison

222 Upper Street, London N1 1XR

1. N.B. The person served this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

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\*\*  
Currently £20,000, subject to alteration by Order

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The Statutory Nuisance (Appeals) Regulations 1995 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 the Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that 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 Control of Pollution Act 1974 ("the 1974 Act"), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act, or
    - (iii) any determination made under section 67 of the 1974 Act;
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or

- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
  - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises,
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### SUSPENSION OF NOTICES

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



## Premises Licence Summary

### Licensing Act 2003

**Premises licence number** LN8074-170712

#### Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**

MYTHOPOLIS  
277 CITY ROAD

**Post town** London **Post code** EC1V 1LA

**Telephone number** 07753 227701

#### Where the licence is time limited the dates

Not Applicable

#### Licensable activities authorised by the licence

##### Ground Floor & Basement

- The provision of regulated entertainment by way of:  
Live music  
The playing of recorded music
- The provision of entertainment facilities for:  
Dancing
- The provision of late night refreshment
- The sale by retail of alcohol

#### The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the performance of live music:

Monday	21:00	to	00:00	
Tuesday	21:00	to	00:00	
Wednesday	21:00	to	00:00	
Thursday	21:00	to	03:30	
Friday	21:00	to	03:30	the following day
Saturday	21:00	to	03:30	the following day
Sunday	21:00	to	00:00	the following day

- The provision of regulated entertainment for the playing of recorded music:

Monday	21:00	to	00:00	
Tuesday	21:00	to	00:00	
Wednesday	21:00	to	00:00	
Thursday	21:00	to	03:30	the following day
Friday	21:00	to	03:30	the following day
Saturday	21:00	to	03:30	the following day
Sunday	21:00	to	00:00	

- The provision of regulated entertainment for the performance of dance:

Monday	21:00	to	22:30	
Tuesday	21:00	to	22:30	
Wednesday	21:00	to	22:30	
Thursday	21:00	to	03:30	the following day
Friday	21:00	to	03:30	the following day
Saturday	21:00	to	03:30	the following day
Sunday	21:00	to	22:30	

- The provision of late night refreshment:

Monday	23:00	to	00:00	
Tuesday	23:30	to	00:00	
Wednesday	23:00	to	00:00	
Thursday	23:00	to	03:00	the following day
Friday	23:00	to	03:00	the following day
Saturday	23:00	to	03:00	the following day
Sunday	23:00	to	00:00	

- The sale by retail of alcohol:

Monday	12:00	to	00:00	
Tuesday	12:00	to	00:00	
Wednesday	12:00	to	00:00	
Thursday	12:00	to	03:00	the following day
Friday	12:00	to	03:00	the following day
Saturday	12:00	to	03:00	the following day
Sunday	12:00	to	00:00	

Non standard timings:

### The opening hours of the premises:

Monday	12:00	to	00:00	
Tuesday	12:00	to	00:00	
Wednesday	12:00	to	00:00	
Thursday	12:00	to	04:00	the following day
Friday	12:00	to	04:00	the following day
Saturday	12:00	to	04:00	the following day
Sunday	12:00	to	00:00	

### Gaming Machine Provision:

None

### Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

### Name, (registered) address of holder of premises licence

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

Stephanos Makis  
269 Colney Hatch Lane  
London  
N11 3DH



**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Stephanos Makis

**State whether access to the premises by children is restricted or prohibited**

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council  
Public Protection Division  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

## Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any “irresponsible promotions” in relation to the premises.

In this condition, an “irresponsible promotion” means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

  - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - i) the outcome of a race, competition or other event or process, or
    - ii) the likelihood of anything occurring or not occurring;
  - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that:
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - i) beer or cider: ½ pint;
    - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - iii) still wine in a glass: 125 ml; and
  - b) customers are made aware of the availability of these measures.

### **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 At least one-door supervisors registered with the Security Industry Authority shall be employed at the premises from 9pm until an hour after closing.
- 2 CCTV system shall be installed and maintained inside the premises, including a CCTV unit. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with 24 hours of any request.
- 3 The premises shall be fully sound proofed.
- 4 A panic button shall be installed and maintained that is wired directly to the nearest police station.
- 5 The fire escapes shall be clearly signed.
- 6 A fire alarm shall be installed and maintained.
- 7 External area shall be kept clear of rubbish and shall be cleared every evening.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

9. The maximum number of person to be accommodated at any one time in the premises shall not exceed the following: Ground Floor and Basement - 100.
10. All staff shall be trained to prevent the sales of alcohol to persons who appear intoxicated.
11. Signs shall be displayed at the exit of the premises reminding customers to leave quietly and to respect the local residents.
12. All staff shall be trained regarding under age sales and to ensure that customers who appear to be under age have valid photographic identification.
13. No live or recorded music after 00:00 on all days on the ground floor.

14. Upon receipt of noise complaints, substantiated and witness by council officers, the applicant shall employ an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants, to carry out a noise survey and prepare a scheme of sound insulation and noise control measures to prevent persons in the neighbourhood from being unreasonably disturbed by noise coming from or due to the venue. The scheme shall be submitted for approval to the Council and the approved scheme fully implemented to the satisfaction of the Council within a specified time agreed with the council's noise team.
15. A policy and procedure for customers smoking and sitting outside and for dispersing customers when leaving the premises, including at closing times, shall be developed and approved by the Councils noise team prior to the variation of the licence application taking effect. This policy and procedure shall be fully implemented after its approval and any necessary training, information and instruction to implement the procedure given to staff. These policies to include:
16. There shall be a maximum number of 10 people allowed outside the premises to smoke after 11pm. There shall be no drinks allowed outside the premises after 11pm.
17. The dispersal of customers and customers outside smoking after 11pm should be supervised by the manager and the door supervisors to ensure neighbours are not disturbed.
18. Signs shall be erected inside the premises in Greek and English asking patrons to be quiet when leaving the premises.
19. All tables and chairs outside of the premises shall be either taken inside or made unusable by 11pm everyday.
20. All rubbish collections, bottling out and deliveries shall be made between the hours of 7am and 11pm, Mondays to Saturdays, and between 10am and 9pm on Sundays and Bank Holidays.

#### **Annex 4 – Plans**

Reference Number: 05.057.01

**Licensing Act 2003- Representation from the Licensing Authority**  
**Review Application: MYTHOPOLIS, 277 CITY ROAD LONDON, EC1V 1LA**

I am submitting a representation on behalf of the Licensing Authority in support of the Review application by the responsible authority for noise and pollution.

The recommendation contained in this representation is consistent with the Licensing Policy Statement for 2011-2014 which was agreed by Council in December 2010 following full public consultation.

Having examined the review application submitted by the Council's Noise and the history of compliance in respect of the Licensing Act 2003, Environmental Protection Act, and Health Act 2005 associated with the premises known as Mythopolis, 277 City road London, EC1V 1LA it would appear that the following Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

**Licensing Policy 10**

*The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.*

**Licensing Policy 13**

*The Licensing Authority seeks to encourage the highest standards of management in licensed premises ...*

**Licensing Policy 35**

*The Licensing Authority will use the full range of enforcement action to ensure that the licensing objectives are promoted. The type of enforcement action taken may include the use of statutory powers in serious cases.....*

**Licensing Policy 36**

*The Licensing Authority will take into account compliance with enforcement action when determining applications for licences and reviews.*

**The Licensing Authority agrees with the concerns of the Council's Noise Team, and that the Committee may consider that the revocation of the premises licence might be an appropriate measure in this case.**

The Licensing Authority has though been made aware that the licence holder has now instructed an acoustic consultant and with this in mind and also that all the issues relating to the premises occur as a result of it operating as a late night entertainment venue, that by amending the licence back to a restaurant licence that the Council Licensing Policy, the Licensing Objectives, and the protection of the amenity of the local residents could also be promoted.

The Licensing Authority is though concerned that the current designated premises supervisor Mr Makis and licence holder has a history of non compliance and believes that he should be removed and he could appoint a more experienced restaurant manager to act as the designated supervisor.


In addition if the premises were operated as a restaurant with reduced hours and then the licence could still promote the Council's licensing Policy, this is reflected in the additional conditions suggested in the recommendations.

Therefore it is recommended that the Licensing Committee adopts the following recommendations.

1. Remove the exemption for the deregulation of live music from the licence, so that any conditions relating to the provision of live music would be enforce.
2. Remove the designated premises supervisor Mr Makis.

3. The sale of alcohol shall be ancillary to a table meal.
4. No vertical drinking shall be permitted.
5. Amended the permitted hours for the supply of alcohol to
  - a. 10am to 23:00 Mondays to Saturdays
  - b. 12noon to 10.30pm Sundays
6. The licensee shall take all practical steps to prevent alcohol from being consumed on the premises 30 minutes after the permitted hour for the sale of alcohol.
7. Amended the permitted hours for late night refreshment to:
  - a. 23:30 Mondays to Saturdays

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8 November 2012



09 November 2012

Dear Sirs,

1. I am writing to make representations in respect of the application to review the premises licence of Mythopolis of 277 City Road, London, EC1V 1LA (the "Bar").
2. I have been living in premises (the "premises") in the vicinity of the Bar since March 2012. When I initially moved into the premises, I did not think much about the noise and thought that they may have been one off parties in the Bar. However, over time I realised that this was a recurring problem.
3. The sounds that I hear in my premises include live music, people talking, cheering and footsteps. The noise often commences post 11:00pm on a weekend and continues beyond 3:00am. On one of the occasions when visited by the Noise Patrol team, the music was continuing beyond 3:30am.
4. The noise is also an issue during the week where live music is played on some evenings again at an unacceptable noise level and at unreasonable times. This is particularly frustrating due to the fact that I must wake up early in the morning to go to work and I find it difficult to function due to the lack of sleep.
5. During the first few months, I would often spend weekends away from London and as such was not aware of the extremity of the noise. With more weekends spent in London, this was no longer tolerable and I decided that action was needed.
6. I initially contacted the Council via email in June 2012 complaining about the extent of the noise and I was advised to contact the Noise Patrol team to visit my premises.
7. Following this, there was a period of quiet which I believed to be attributable to the summer/Olympics period. However, I later became aware that this was due to the licensee being away from the UK and the nuisance recommenced later on in the summer.
8. The noise patrol team have visited me on several occasions to witness the level of noise from the Bar and have agreed with my complaints about the level of the noise.

9. The noise levels and the timing of such noise is unacceptable for a bar surrounded by residential flats.
10. I should be grateful if the Committee would consider revoking the Bar's licence or to amend the terms of the licence to limit the volume of the noise and the times at which the Bar operates to 11:00pm at the latest in line with the "night hours" as specified by the Noise Act 1996.
11. Further, in light of the Bar being in breach of the abatement notice previously served, a fine should be imposed on the licensee.

Yours faithfully,

[REDACTED]



**As per current licence**

As outlined in Appendix 2

**Suggested conditions recommended by Council Noise Team.**

1. .The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
2. All amplified sound played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded.
3. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
4. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.
5. Remove of the exemption for the deregulation of live music from the licence so that any conditions relating to the provision of live music shall be enforced at all times.

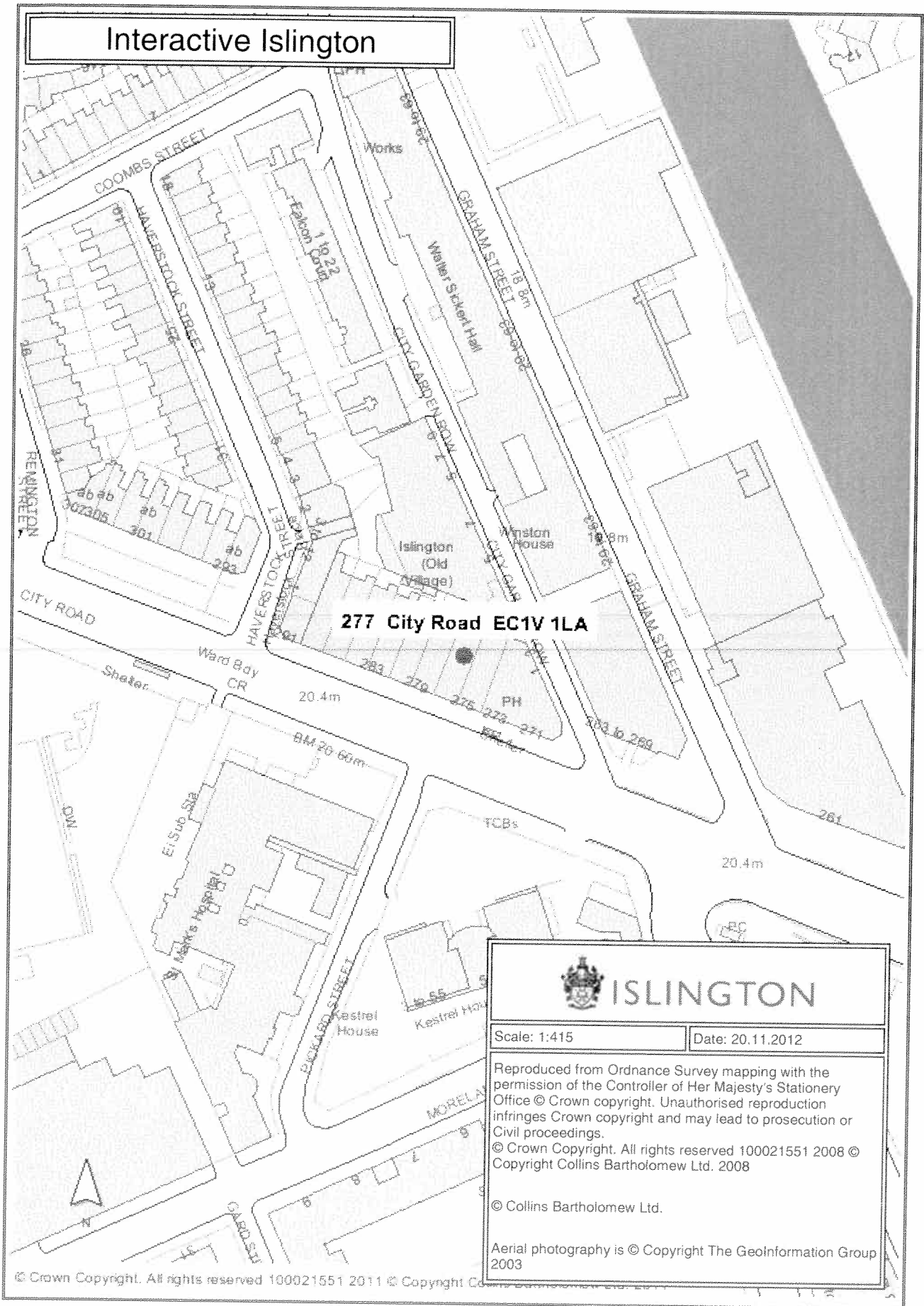
**Suggested conditions recommended by the licensing authority.**

6. The sale of alcohol shall be ancillary to a table meal.
7. No vertical drinking shall be permitted on the premises.

**Suggested conditions recommended by the responsible authority for Health and Safety**

8. The premises shall not be used under the licence until the requirements specified in the schedule dated 22 June 2011 have been completed and approved in writing by the responsible authority for Health and Public safety.

# Interactive Islington



**ISLINGTON**

Scale: 1:415      Date: 20.11.2012

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