



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	6 <sup>th</sup> November 2012	B4	St. Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**

**RE: THE WIG & GOWN PUBLIC HOUSE, 99 HOLLOWAY ROAD, LONDON, N7 8LT.**

**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 recommendations of the Council's noise team are as follows:
  - i) The removal of regulated entertainment from the premises licence;
  - ii) Reduction in the authorised hours for the sale of alcohol as below:
    - Mondays to Saturdays from 10:00 until 23:00; and
    - Sundays from 12:00 until 22:30; and
  - iii) Implementation of specified hours for drinking up. These are to be stipulated on the premises licence.

**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 and off supplies, Mondays to Thursdays from 10:00 until 00:00, Fridays & Saturdays from 10:00 until 01:30 the following day and Sundays from 10:00 until 00:30 the following day;
- ii) The performance of live music, Mondays to Sundays 18:00 to 23:00;
- iii) The playing of recorded music, Mondays to Thursdays from 10:00 until 00:00, Fridays & Saturdays from 10:00 until 01:30 the following day and Sundays from 12:00 until 00:30 the following day; and
- iv) The provision of late night refreshment, Mondays to Thursdays from 23:00 until 00:30 the following day, Fridays & Saturdays from 23:00 until 02:00 the following day and Sundays from 23:00 until 01:00 the following day.

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 2 letters of representation, 1 of which is from a person who has requested anonymity. The other has been submitted by the responsible authority for Health & Safety.

3.4 Relevant licensing history at the premises:

- 24<sup>th</sup> November 2005, premises licence granted by way of conversion and variation of magistrates licence;
- 23<sup>rd</sup> March 2011, a designated premises supervisor (DPS) variation application is submitted, new DPS is Toni Elliott;
- 14<sup>th</sup> June 2011, after a history of noise issues at the premises a Section 80 noise abatement notice is served on the current licensee, Enterprise Inns Plc (Freeholder of premises), and Toni Elliott;
- 31<sup>st</sup> August 2011, transfer of premises licence application submitted, Tojo Pub Company Ltd is the new licensee. Toni Elliott, current DPS, is named as a director of this company; and
- 6<sup>th</sup> September 2012, premises licence review application is submitted by the Council's noise team.

**4. Planning Implications**

4.1 Planning use as a public house authorised for the following hours only:

- Mondays to Saturdays from 08:00 until 00:00; and
- Sundays & Bank Holidays from 09:00 until 00:00.

**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

26-10-12  
Date

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

Tel: 020 7527 3841

Fax: 020 7527 3430

E-mail: dan.whitton@islington.gov.uk

**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 of the Licensing Act 2003 for the premises described in Part 1 below

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

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

The Wig and Gown Public House, 97-99 Holloway Road,

**Post town** London

**Post code (if known)** N7 8LT

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

Tojo Pub Company Limited, 97-99 Holloway Road, London N7 8LT

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

LN/4999-301811

**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> <b>Anne Brothers (on behalf of)</b> <b>The Noise Patrol Team, Public Protection Division, 222 Upper Street, London N1 1XR</b>
<b>Telephone number (if any)</b> <b>020 7527 3047</b>
<b>E-mail address (optional)</b> <b>anne.brothers@islington.gov.uk</b>

**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 on grounds of continuing noise nuisance arising from the use of the Wig and Gown Public House.

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 is a noise condition on the premises licence as follows:

"The licensee shall install a sound limiting device on the premises. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The sound limitation device installed at the premises shall not be altered from any setting fixed by the Council, and that the Council may inspect the efficiency and setting of the sound limitation device at any reasonable time. All amplified music 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 DJ's utilising their own 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."

Ms Toni Elliott took over the premises as Designated Premises Supervisor in March 2011. She was promptly informed of existing noise issues at the premises at that time. The licensees at that time were Enterprise Inns. They were fully informed of the noise problems in existence at the premises at that time. I attach a letter sent to Enterprise Inns dated 5 January 2011 to demonstrate this. This letter referred to previous correspondence sent.

A Section 80 noise abatement notice was served under the provisions of the Environmental Protection Act 1990 on 14/6/11 on the licensees, Enterprise Inns and Ms Toni Elliot as DPS due to continuing noise witnessed from the premises.

The premises licence transferred to the Tojo Pub Company in August 2011. Ms Elliot is a director of that company appointed on 25/3/2011. I attach a copy of the company search to demonstrate this.

A prosecution is currently pending in relation to a contravention of the Section 80 Notice and the unauthorised use of the premises on 1 July 2012. We have attempted to interview Ms Elliot under caution in relation to offences both by letter and by invitation to the office for a recorded interview under the provisions of the Police and Criminal Evidence Act 1984 (PACE) but all correspondence has been ignored. It is therefore considered necessary to apply for a review of the premises licence in order to curtail/moderate the permitted licensable activities there.

I attach a series of documents to support the application for a review of the premises licence as follows:

Letter to Enterprise Inns dated 5 January 2011 - i)

List of out of hours visits 2011 - ii)

List of out of hours visits 2012 - iii)

Noise warning letter dated 7 April 2011 - iv)

"Minded To" Letter dated 3 June 11 - v)

Section 80, Environmental Protection Act 1990 noise abatement notice served on Enterprise Inns on 14 June 2011 - vi)



Section 80, Environmental Protection Act 1990 noise abatement notice served 14 June 2011 on Ms Toni Elliott. - vii)

LETTER TO ENTERPRISE INNS PLC - DATED 15 JULY 2011 - viii)

Company Search for Tojo Pub Company - ix)

PACE letter dated 22 June 2012 - x)

PACE reminder letter dated 2 August 2012 - xi)

PACE invitation letter sent 10/8/12 - xii)

#### Recommendations

The premises licence for the Wig and Gown has provision for regulated entertainment for the performance of live music and the playing of recorded music. In order to reduce the likelihood of further nuisance from loud amplified music we seek to have these provisions removed.

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

Monday to Thursday 10:00 to 00:30 the following day

Friday and Saturday 10:00 to 02:00 the following day

Sunday 12:00 to 01:00 the following day.

We seek to reduce the hours for bar sales to:

Monday to Saturday 10:00 to 23:00

Sunday 12:00 to 22:30

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

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**

N/A

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 Broome            
**Date**           6 September 2010            
**Capacity**           Principal Technical Officer, Noise Liaison          

Contact name (where not previously given) and postal address for correspondence associated with this application ( <b>please read guidance note 5</b> ) 3 <sup>rd</sup> Floor, 222 Upper Street,	
<b>Post town</b> London	<b>Post Code</b> N1 1XR
<b>Telephone number (if any)</b> 020 7527 3047	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> anne.broome@islington.gov.uk	

**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.

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/4999-310811		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
WIG & GOWN 99 HOLLOWAY ROAD			
<b>Post town</b>	London	<b>Post code</b>	N7 8LT
<b>Telephone number</b>	020-7607-9031		

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The performance of live music</li> <li>The playing of recorded music</li> </ul> </li> <li>The provision of late night refreshment</li> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																																																						
<ul style="list-style-type: none"> <li>The provision of regulated entertainment for the performance of live music: <table border="0"> <tr><td>Monday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Tuesday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Wednesday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Thursday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Friday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Saturday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Sunday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> </table> </li> <li>The provision of regulated entertainment for the playing of recorded music: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>01:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>01:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>12:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> </ul>	Monday	18:00	to	23:00		Tuesday	18:00	to	23:00		Wednesday	18:00	to	23:00		Thursday	18:00	to	23:00		Friday	18:00	to	23:00		Saturday	18:00	to	23:00		Sunday	18:00	to	23:00		Monday	10:00	to	00:00		Tuesday	10:00	to	00:00		Wednesday	10:00	to	00:00		Thursday	10:00	to	00:00		Friday	10:00	to	01:30	the following day	Saturday	10:00	to	01:30	the following day	Sunday	12:00	to	00:30	the following day
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- The provision of late night refreshment:

Monday	23:00	to	00:30	the following day
Tuesday	23:00	to	00:30	the following day
Wednesday	23:00	to	00:30	the following day
Thursday	23:00	to	00:30	the following day
Friday	23:00	to	02:00	the following day
Saturday	23:00	to	02:00	the following day
Sunday	23:00	to	01:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00	
Tuesday	10:00	to	00:00	
Wednesday	10:00	to	00:00	
Thursday	10:00	to	00:00	
Friday	10:00	to	01:30	the following day
Saturday	10:00	to	01:30	the following day
Sunday	12:00	to	00:30	the following day

Except on:

New Year's Eve until the time authorised on the following day

Non standard timings:

Allow for regulated entertainment, late night refreshment and the sale of alcohol one additional hour past standard closing times on the following days: Fridays, Saturdays and Sundays proceeding a Bank Holiday, Bank Holiday Mondays, Christmas Eve and Boxing Day.

**The opening hours of the premises:**

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	02:00	the following day
Saturday	10:00	to	02:00	the following day
Sunday	12:00	to	01:00	the following day

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

On and off supplies

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Tojo Pub Company Ltd.  
97-99 Holloway Road  
London  
N7 8LT  
020 7607 3860

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

7578177

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Toni Elliott

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

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)

*Janine Gibbons*  
\_\_\_\_\_  
Service Manager - Commercial

*6/9/11*  
\_\_\_\_\_  
Date of Issue

## 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. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:

Children and Young Persons Act 1933  
Cinematograph (Safety) Regulations 1955  
Sporting Events (Control of Alcohol Etc) Act 1985
3. The maximum number of persons to be accommodated on the premises at any one time should not exceed 100.
4. CCTV system shall be installed and maintained inside and outside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises. 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.
5. There will be no unaccompanied children under 18 on the premises at any time and no under 18 year olds on the premises after 9pm.

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

1. The licensee shall install a sound-limiting device on the premises. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The sound limitation device installed at the premises shall not be altered from any setting fixed by the Council, and that the Council may inspect the efficiency and setting of the sound limitation device at any reasonable time. All amplified music 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.



2. Signage inside the premises shall be displayed asking patrons to leave in a considerate manner and to remind patrons to use the toilet facilities prior to leaving the premises.
3. The phone number of a responsible manager shall be advertised at the entrance and they shall be contactable during the hours of operation and one hour after the closing time.

#### **Annex 4 – Plans**

Reference Number: 900548 - Dated: 21 May 2005

## Premises Licence Summary Licensing Act 2003

<b>Premises licence number</b>	LN/4999-310811		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
WIG & GOWN 99 HOLLOWAY ROAD			
<b>Post town</b>	London	<b>Post code</b>	N7 8LT
<b>Telephone number</b>	020-7607-9031		

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: The performance of live music The playing of recorded music</li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																																																						
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment for the performance of live music: <table style="width: 100%; border: none;"> <tr><td>Monday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Tuesday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Wednesday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Thursday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Friday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Saturday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> <tr><td>Sunday</td><td>18:00</td><td>to</td><td>23:00</td><td></td></tr> </table> </li> <li>• The provision of regulated entertainment for the playing of recorded music: <table style="width: 100%; border: none;"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>01:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>01:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>12:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> </table> </li> </ul>	Monday	18:00	to	23:00		Tuesday	18:00	to	23:00		Wednesday	18:00	to	23:00		Thursday	18:00	to	23:00		Friday	18:00	to	23:00		Saturday	18:00	to	23:00		Sunday	18:00	to	23:00		Monday	10:00	to	00:00		Tuesday	10:00	to	00:00		Wednesday	10:00	to	00:00		Thursday	10:00	to	00:00		Friday	10:00	to	01:30	the following day	Saturday	10:00	to	01:30	the following day	Sunday	12:00	to	00:30	the following day
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- The provision of late night refreshment:

Monday	23:00	to	00:30	the following day
Tuesday	23:00	to	00:30	the following day
Wednesday	23:00	to	00:30	the following day
Thursday	23:00	to	00:30	the following day
Friday	23:00	to	02:00	the following day
Saturday	23:00	to	02:00	the following day
Sunday	23:00	to	01:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	00:00	
Tuesday	10:00	to	00:00	
Wednesday	10:00	to	00:00	
Thursday	10:00	to	00:00	
Friday	10:00	to	01:30	the following day
Saturday	10:00	to	01:30	the following day
Sunday	12:00	to	00:30	the following day

Except on:

New Year's Eve until the time authorised on the following day

Non standard timings:

Allow for regulated entertainment, late night refreshment and the sale of alcohol one additional hour past standard closing times on the following days: Fridays, Saturdays and Sundays proceeding a Bank Holiday, Bank Holiday Mondays, Christmas Eve and Boxing Day.

**The opening hours of the premises:**

Monday	10:00	to	00:30	the following day
Tuesday	10:00	to	00:30	the following day
Wednesday	10:00	to	00:30	the following day
Thursday	10:00	to	00:30	the following day
Friday	10:00	to	02:00	the following day
Saturday	10:00	to	02:00	the following day
Sunday	12:00	to	01:00	the following day

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

On and off supplies

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Tojo Pub Company Ltd.  
97-99 Holloway Road  
London  
N7 8LT  
020 7607 3860

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

7578177

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

Toni Elliott

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

There will be no unaccompanied children under 18 on the premises at any time and no under 18 year olds on the premises after 9pm.

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)

APPENDIX 3.



ISLINGTON ①

Tojo Pub Company Limited  
The Wig and Gown  
99 Holloway Road  
London  
N7 8LT

Building Control Service  
Planning and Development  
222 Upper Street  
London  
N1 1XR

T 020 7527 5986  
F 020 7527 5998  
E [geoff.weaver@islington.gov.uk](mailto:geoff.weaver@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref : GW  
Your ref:

Date: 1 October 2012

Dear Sirs

**Licensing Act 2003  
Representation from Responsible Authority for Health and Public Safety  
The Wig and Gown 99 Holloway Road N7 8LT**

With reference to the recent application for the review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 27 September 2012 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver  
Senior Building Surveyor (Licensing Health and Safety)

**Islington Licensing Authority  
Licensing Act 2003**

**Representation form from Responsible Authority for Health and Public Safety**

<b>Name</b>	Geoff Weaver
<b>Job title</b>	Senior Building Surveyor (Licensing Health and Safety)
<b>Postal address</b>	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
<b>email</b>	geoff.weaver@islington.gov.uk
<b>Contact telephone number</b>	020 7527 5986
<b>Name and address of the premises concerning the representation</b>	The Wig and Gown 99 Holloway Road N7 8LT
<b>Public Safety</b>	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
<b>Suggested conditions that could be added to the licence to remedy the public safety representation</b>	The premises shall not be used under the licence until the requirements specified in the schedule dated 1 October 2012 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk) This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 1 October 2012 for  
The Wig and Gown 99 Holloway Road N7 8LT**

- (1) Remove the green stick on sign attached to the emergency lighting luminaires that fixed to the ceiling adjacent to the entrance/exit door.
- (2) Graphic symbol exit signs in compliance with the Health and Safety (Safety Signs and Signals) Regulations should be provided adjacent to the entrance/exit.
- (3) The mechanical ventilation extract fans and grilles in the toilets should be cleaned, overhauled and put into full working order.
- (4) The storage and rubbish in the emergency exit corridor should be removed.
- (5) All the exit doors from and within the premises should be free from fastenings or secured with simple fastenings that can be easily and immediately operated without having to use two hands, keys, cards, codes or similar means.
- (6) The self-closer on the kitchen door should be adjusted so the door shut onto the door stops.
- (7) Fire extinguishers exit passageway adjacent to the kitchen and bar should be sited behind the bar or another staff location.

Fire extinguishers should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire extinguishers indicating the type of fire fighting appliance and the class of fire covered.

- (8) The lighting in the emergency exit corridor should be operated by an automatic switching system or kept on when the premises are occupied.
- (9) Existing emergency lighting luminaires within the premises and the emergency exit corridor should be cleaned, inspected and tested to ensure that each luminaire is wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
- (10) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.

Emergency lighting  
Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.



# ISLINGTON

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

Enterprise Inns PLC  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

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/103732  
Your ref:

Date: 5 January, 2011

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

Dear Sir

**NOISE NUISANCE FROM AMPLIFIED MUSIC, ALLEGED NOISE NUISANCE FROM CUSTOMERS OUTSIDE WIG AND GOWN P.H., 97-99 HOLLOWAY ROAD, LONDON N7 8LT. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.**

Further to my letters dated 20/9 and 5/10/10 this is to inform you that a further noise nuisance from amplified music has been witnessed from the Wig and Gown.

Noise Patrol officers visited on the evening of 10 December and witnessed noise from amplified music being played out at the Wig and Gown from a nearby residential property. The music levels were noted as being sufficiently loud enough to materially interfere with normal household activity in the residential dwelling.

Officers visited the premises and noted 3 people inside dancing to music being played out. They examined the DJ's PA system and found it was not plugged into the sockets associated with the limiter; an extension power socket was in use taking power from a socket in the seating area. They spoke to the duty manager, Julie and got them to disconnect and re-connect the PA into the correct sockets in the DJ area. The officers then got the DJ to increase the volume until the limiter cut out. The DJ then adjusted the volume to the level where the warning light was flickering on amber. The officers then returned to the resident's flat and could no longer hear the music. They also noted that the music was hardly audible on the pavement outside after the PA system had been correctly connected to the limiter.

From the officer notes, it is clear a cut out limiter has been installed at the premises. It was clear to the visiting officer that the limiter had been overridden however in that the designated power points were not in use and an extension lead had been used in order to avoid the designated power points. In addition, the requested calibration certificate has not been received. The agreed sound levels are quoted in the enclosed letter dated 20/9.

In addition, further complaints alleging noise nuisance from the premises have recently been received in connection with alleged loud noise from amplified music on the evenings of 6/10, 3/11, 14/12 and in the early hours of December 24.

We look forward to receiving a copy of the calibration certificate for the limiter in place. In addition, please confirm if the limiter in place also controls the house system and juke box at the



CUSTOMER SERVICE EXCELLENCE



premises or if it is just installed to control music being played out by DJ's and live music. Please clarify this.

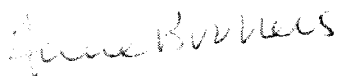
The licence requirement is as follows:

"The licensee shall install a sound-limiting device on the premises. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The sound limitation device installed at the premises shall not be altered from any setting fixed by the Council, and that the Council may inspect the efficiency and setting of the sound limitation device at any reasonable time. All amplified music 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 above condition requires an additional limiter to control other amplified music at the premises in addition to the cut-out limiter for DJ's and live bands using their own amplification equipment.

We must warn that if we witness noise amounting to a noise nuisance from amplified music at the premises again, we may serve an abatement notice under section 80 of the Environmental Protection Act 1990 without further warning. You must ensure that any limiters installed are correctly used at the premises.

Yours faithfully



**Anne Brothers**  
**Principal Technical Officer**  
cc. Thomas N O'Brien, DPS,  
Louise Norris, Noise Patrol Manager  
Licensing

**Out of Hours visits/calls 2011**

12/3/11, 00:08

On arrival parked outside the public house and could hear bass music from my car outside. The doors were open and this was the outbreak point. We attempted to speak to the C but did not answer the phone or door.

Went into the pub and spoke to the bar maid and they went and spoke to the DJ who turned the music down and then they closed the door. She was taking last orders and said they were closing. The DPS and LLady is a Julie Young. She was not there as was at her other pub apparently. The barmaid was not a DPS and to my knowledge was the only member of staff there. As it quietened down left the prem.



26/3/11 23:45

Notes from proactive shift pasted below:

Wig and Gown, Holloway Road 23:45

Complaint received via Team 1. (Ref No. 348539. Timed at 22:59.) Complainant details: XXX

"Music from the Wig and Gown pub"

Called back at 23:15. Visited at the above time.

Could hear faint rumbling bass in the living room only. Not so noticeable in the bedroom at the time of the visit. XXXXXX said it was louder earlier. Music noise was not a nuisance as a one-off at these levels but decided to visit and measure sound levels as it should not be audible.

As we were about to leave, a very noisy group of people were gathered on the doorstep to the flats above. They had a very loud conversation with a lot of raised voices, screaming/laughing etc. We waited until they had gone back inside the premises before leaving. XXXXXXXX told us he has problems sometimes with customers outside when coming and going, also mentioned a woman living upstairs from him who has similar problems.

Sound measurements taken from the monitoring point as follows:

Ref	Lin	"A"	125 Hz	63 Hz
1	93.1	89.7	87.0	81.4
2	91.4	88.0	85.6	80.1
3	90.8	85.1	86.7	82.2
4	92.3	87.3	87.1	83.5
6	84.2	78.9	78.8	78.6
7	83.0	77.2	78.1	78.2
<b>Agreed levels</b>	<b>79.4</b>	<b>74</b>	<b>76</b>	<b>65</b>

Spoke to person in charge, Toni Elliot. Tel: 07737 401 115.

She told me she had only taken over this week and had been told there was a limiter on site and it was included in the inventory. No limiter seen anywhere.

Took her details and agreed to discuss next week. She said she works for Enterprise Inns and she is the new licensee.

Reduced the sound levels to what are more in line with the agreed levels. Toni adjusted the volume control behind the bar and agreed not to increase the levels until matters are sorted out.

She said she had previously been warned about the complaints from the resident above by people at the pub. Told her we set maximum levels some time ago and some sound had been heard tonight, the levels were measured and found to be in excess of the agreed maximums therefore a call to us was justified.

Also discussed noise from customers outside that we had heard before we visited. Recommended she keep an eye on people outside. She told me she doesn't allow them to take drinks outside after 23:00.

Check licence for any conditions and clarify matters next week with Toni.

To send noise issues/warning letter. They need to install a new limiter and get it properly calibrated.

Do land search to establish ownership. Need to get a more lasting remedy here. Noise issues have been on-going for a considerable period of time and recur every time the premises changes hands which is frequent.

.....

17/4/11 22:10

Visited the complainant's property at 22:10 to do assessment. However, upon arrival the noise had reduced and could not be heard from within the C property. The C did explain that ABR has been dealing with this case and he wanted to know what outcomes of the recent investigations carried out by ABR. I did manage to look at the notes Anne completed recently re the noise levels and her work she has completed with the landlord Toni Elliott and I explained to the C that ABR is dealing with the situation and will be in contact with him to discuss further.

.....

1/5/11 21:35

From street could hear "That's the way I Like it". Annoying in sitting room. If regular could be a SN.

However this appears to be a breach of licence conditions. In complainant's sitting room recognised 70s disco music c

Went into pub. Could see the limiter device above the bar lighting up red. The DJ was not plugged into the sockets connected to the limiter. Spoke to licensee Ms Toni Elliott 07985303465 and explained about the limiter. She was already aware of it and when I asked her if the use of the limiter was a condition of her licence she said that she thought it was. Took her over to the sound limited plug sockets and told her that the DJ should be plugged

into these. Pointed out to her that the lights of the limiter were repeatedly turning red which means that at these sound levels the sound limiter would have activated the plugs' cut-out device.

I told her I would return after my next visit to check that she got the DJ to draw power from the correct sockets. However, we were busy and not in a position to return before closing time.

.....  
29/4/11, 23:35

In his bedroom (FFFR) continuous base beat audible but no high frequency audible. Spoke to licensee MS Toni Elliot who showed us the SLO (Sentry type cut out device) which controls the juke box. She said she could control the volume but not the frequency controls, so she agreed to reduce the volume. Told her NP would contact her to ensure limiter was set so as to control bass music . The track that was playing at time Althia and Donna Upturn Ranking.

.....  
20/5/11, 22:30

Answerphone, left message.

.....  
21/5/11, 00:40

From bedroom bass pulse can be felt as a vibration in floor. Could keep awake a person of average sensitivity. Intrusive. Nuisance if recurrent. Went into pub and spoke to licensee Ms Toni Elliott 07985303465. I could see the limiter light turning to red. As we were talking the DJ came in to see us and said he was new and had only just noticed that he should be plugged into the sentry socket. He changed to the correct socket and then found he had a problem in that the conversation in the pub was loud enough to trip the sockets even with no music playing. He then said he would take the bass out - this sounded a good idea to me since it was the bass that was getting into the complainant's flat. He lowered the bass and I phoned the complainant who said the music level was now OK.

Told Ms Elliott she might need to change to a compressor limiter to avoid the problem of if tripping from other noises - also the bass setting was very important. She was upset because she had just had the limiter calibrated. Said I would refer to ABR to give advice/assistance on this.

.....  
1/6/11, 22:50

In living room can feel pulse from music in floor. Similar effect in bedroom after 23:00hrs - slightly more pronounced. Interferes with enjoyment of premises - resting, relaxing, watching TV or getting to sleep.

Spoke to licensee and told her bass was too loud. She said that the bass on the juke box had been reduced but she still had control over the overall volume. Asked her to turn it down, which she did.

She told me she would be getting a compressor limiter.  
.....

8/6/11, 21:22

From living room bass slightly audible above TV volume and slight vibration underfoot. Bass seemed louder in bedroom. Spoke to a female at the bar who said their limiter had been re calibrated etc Advised her to contact ABR re solutions as ongoing problem Bass seemed to be from juke box. She said engineers had lowered the bass inside the juke box to the minimum. She lowered more from behind bar.

.....

24/9/11, 00:30

No noise

.....

**Out of Hours visits/calls 2012**

NP Call 13/2. Logged at 22:41

Called complainant 23:07 and left message on the answerphone

.....

Details of NP visit on 17/2 pasted below.

tctc 22.11, visited 22.38, no music audible on street o/s Wig & Gown, listened in comp's living room, TV off, no other internal sound, AM from external source faintly audible, bassy beat discernible. Went into adjacent bedroom, where comp's partner was in bed, same scenario. Returned to living room 22.46, asked comp to put TV on at his normal listening volume with no compensation for other noise. When he did so, same music was not noticeable unless concentrating on listening for it. Noise varied between bassy beat and inaudibility until we left at 23.00. No nuisance, but comp was adamant that incident showed that DPS was not abiding to terms of S80 served by AB, to properly operate sound limiter. Went straight into Wig & Gown, LAM with strong bass playing, soul type music - e.g. "Lets Get it On". I was satisfied that this was the source of the music that had been audible in comp's flat. Spoke to DPS Toni Elliott, who said that the SLD was operating but didn't seem to be regulating the bass so she would turn the bass down, very sorry etc. Asked TE to show me the SLD in operation. Red light continually showing on SLD indicator above the bar. I asked TE what she took that to mean; she replied that the SLD should be cutting the music. Looked with her at the SLD itself - operating, going regularly to red but not cutting off the power. Asked TE when SLD was last serviced, she said c. 4 months ago. She asked me if she should turn the music off. I said that reduction in bass would suffice. She reduced level of bass and overall volume, such that I was satisfied that music would no longer be audible in comp's flat. TE said that she would be closing the pub c. 23.30 (only a handful of rowdy type customers in at the time).

.....

Notes of proactive visit pasted below:

Wig and Gown, Holloway Road, 22:30 25/2/12

Visited in order to test sound levels. Saw DPS, Toni Elliott on site. Pub had just closed, only one customer there. Juke box switched off. She agreed to switch it back on to measure maximum music noise levels achievable but when she tried it wouldn't work. She tried the plug in a different power point and it worked then so the designated power point (connected to the limiter) has a blown fuse(?).

Pointless testing max level through the other power point as it will definitely exceed. Big football match tomorrow; asked her if she could get power point fixed by then and she told me she would ask her Dad to have a look at it. She told me she had been expecting a visit to test levels since recent NP visit. She told me she had disconnected speaker towards the front and reduced bass on another. The only speaker that really works is at the rear of the pub.

Discussed that call only recently received after a long spell without complaint. Suggested that limiter may need recalibrating but will verify this by a visit by arrangement to test maximum levels. Asked her to be mindful of sound levels in the meantime.

.....  
Notes of proactive vst 24/3/12pasted below:

N.B. JUKE BOX NOT PLUGGED INTO SOCKET THAT PREVIOUSLY FAILED BUT MEASURED ANYWAY:

Wig and Gown, Holloway Road, 21:30

Visited and measured sound as follows:

Ref    Linear "A"    125 Hz 63 Hz

1       83.7    75.1    68.6    68.4

2       78.9    72.4    65.4    66.0

Agreed levels. 79.4    74       76       65

Noted DJ just packing up. First measurement could have been affected by him clattering around. Told him to stop for the second measurement.

Only one speaker to rear of the pub played out recorded music from the juke box. Limiter was reacting.

Measurements well within licence maximums.

Spoke to DPS Toni Elliott. Discussed very low levels of recorded music played out via Juke box. Asked her to ensure that DJ's plugged in as well. Presume DJ was there for entertainment of fans after home game today. Only a handful of customers in there when we visited.

Not heard any more from XXXXXXXXXXXXXXXX, resident above.

To log measurements on file and feedback information to the resident.  
.....

Call to Np 8/4/12 @21:07 re: Loud music - Notice served.

PBA notes timed at 21:56 TELM. Noise stopped.  
.....

NP Visit 16/6/12

Breach of notice spoke wig and gown base lowered.

From within the comp prem sitting/bedroom I could hear audible bass music that was consistent with garage music. I observed the music for 15 min (22:40-2255), and in that time I did consider the music to be a breach of the section 80 served June 2011. I visited the Wig & Gown and I spoke Danielle the barmaid and she advised that the PLH was not available. I advised that the music was too loud and she asked the DJ to turn the bass down and he did. The sound limiter device was on.

On the inside door to the pub there was a sign advising that it was a private party.

The comp called again on the 17th 02:52 and I called him back at 03:13 and advised that there were a number of calls before him and that I would call back. He agreed. When I called back at 03:45 he advised it had stopped. I advised the comp that I will notify ABR of my witnessed breach of the notice.

Breach of notice spoke wig and gown base lowered

.....

17/6/12

---

Recall to NP logged at 02:47

Called at 03:13 and advised that I will call him back as on other calls. The comp stated that the noise still happening and that after my first visit that they did lower the bass but it started again about half an hour later.

Called 03.45 noise had stopped

.....

Notes from proactive shift 1/7/12 pasted below:

Wig and Gown, Holloway Road 2:45

Call received from Controller. Ref: 614827. Timed at 02:18. Details to follow.

Called XXXXXXXX back at approx. 02:35. Asked him how long it had been going on and he told me all night. Asked him why he had left it so long to call in and reiterated previous advice given to call in straight away. He didn't really answer that but said he thought it was finishing now as the volume had been reduced.

Visited at the above time, a handful of customers were still there finishing off their drinks. The DJ was playing out music as we entered. Saw Toni Elliott, DPS (and licensee) standing by the DJ as I entered. Told her to switch the music off which they did immediately. Spoke to Toni and had a look at her copy of the licence and she should have been long closed.

Administered caution at 02:48:

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

AB: What happened here tonight?

TE: A birthday party.

AB: What time did you stop serving drinks?

TE: About 02:15.

AB: Was the music going through the limiter?

TE: Yes.



AB: I could tell the music I heard being played when I entered was louder than the permitted levels.

TE: Nothing to say.

I then asked her to get the people left inside to leave and clear the pub which she did immediately. Most people left quickly and quietly apart from one customer who tried to challenge me. I was talking to the DJ though and the customer went away quickly.

I had a look at the sound set-up and the DJ showed me extension cables plugged into a double socket at skirting level on the wall around the corner from the juke box. I queried this with Toni and she claimed those plugs were for the limiter as well as the single socket directly above the juke box that she has previously told me is the limiter-connected power point there.

House speakers not in use. The DJ had a couple of large speakers that he was using.

The DJ told me they saw the resident upstairs come home at about 22:30 so they reduced the level then. He was very pleasant and said he sympathised with the resident and also Toni who was trying to run her business.

I got the DJ to plug in the system and his computer again and get him to play out some music and we all looked at the limiter indicator. It went straight to red and stayed there for approx. 30 seconds. I then told him to switch off again and explained to Toni that although the limiter was responding to the sound it wasn't cutting out. Should have cut out by then.

I left the DJ to pack up and spoke to Toni again informally. She was visibly upset and annoyed. She said the resident had got his way and she was moving on. She said the owners were not renewing her tenancy/lease and they have put the place up for sale.

She told me that they had not informed her of noise problems there when she took it on even though she asked them. She is very angry as she has now received the papers through from the FOI request she made recently and has information that they knew of the problem as early as 2006 according to the papers sent through (via Janice Gibbons). She said she intended to take legal action against the owners – Enterprise?

Told her that if she goes somewhere else in Islington to contact me and I will be able to advise on any noise issues we know of before she signs any future lease for a new place.

I asked her for the till receipt for the last sale and she obliged – timed at 01:09. She said the clock on the till was wrong and it should be 02:09. She doesn't know how to change the clock on it and it will cost her money to get someone out to change the time for her.

Discussed letter with questions under caution sent to her. She said she has been away at Legoland with her children until Thursday and asked for some more time to respond. Asked if she could e mail me with responses. Told her OK. Told her to say in the reply when she will be leaving.

Told her we have to consider enforcement action options for the contravention of the S.80 witnessed and explained the process. She told me she would accept a simple caution. She

said there is a christening there on Sunday. Told her not to cause further noise nuisance then or again at the premises. She gave me the till receipt.

Premises quiet when we left, all customers gone.

Licence contravention. To discuss possible simple caution for S.80 offence witnessed with LNO.

Noted for sale board up outside as we left "AG and G – All Enquiries. 020 7836 7826"

---

iv)



# ISLINGTON

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

Enterprise Inns PLC  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

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)

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

Our ref: abr/1021344  
Your ref:  
Date: 7 April 2011

Dear Sir

**NOISE NUISANCE FROM AMPLIFIED MUSIC AND CUSTOMER NOISE OUTSIDE. WIG AND GOWN P.H. 97-99 HOLLOWAY ROAD, LONDON N7 8LT. ENVIRONMENTAL PROTECTION ACT 1990. MINDED TO SERVE S.80 ABATEMENT NOTICE. LICENSING ACT 2003.**

I visited a local resident on Saturday 26 March at 23:45 in connection with a call to Noise Patrol that night. While at the residents home I could hear bassy music from the Wig and Gown.

I decided to visit the premises to measure sound levels but had to delay the visit as a group of very noisy customers from the premises were congregated on the doorstep of the resident's home. The customers were all talking very loudly and their conversation was interspersed with shouting and screaming.

There are noise conditions on the premises licence for the Wig and Gown as follows:

- The licensee shall install a sound-limiting device on the premises. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The sound limitation device installed at the premises shall not be altered from any setting fixed by the Council, and that the Council may inspect the efficiency and setting of the sound limitation device at any reasonable time. All amplified music 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.
- Signage inside the premises shall be displayed asking patrons to leave in a considerate manner and to remind patrons to use the toilet facilities prior to leaving the premises.

In order to satisfy the first condition, council officers visited the premises in 2008 and conducted a sound assessment in the company of the then DPS and his acoustic consultant. Maximum



CUSTOMER SERVICE EXCELLENCE

music levels were agreed at that time that would not cause a noise nuisance to neighbouring residential properties.

I measured sound levels being played out on Saturday night as follows:

Ref	Lin	"A"	125 Hz	63 Hz
1	93.1	89.7	87.0	81.4
2	91.4	88.0	85.6	80.1
3	90.8	85.1	86.7	82.2
4	92.3	87.3	87.1	83.5
6	84.2	78.9	78.8	78.6
7	83.0	77.2	78.1	78.2
<b>Agreed levels</b>	<b>79.4</b>	<b>74</b>	<b>76</b>	<b>65</b>

You will note that readings reference s 6 and 7 are lower than the first 4 measurements. This is because your new DPS Toni Elliott reduced the volume using the volume control behind the bar.

A sound limiter was installed initially but was removed by a departing DPS. Another sound limiter was installed a while back but it would appear that it has also been removed. Ms Elliott told me that a limiter was included on the inventory she received when she took over as DPS but we could not find a limiter on-site at all.

In order to reduce the likelihood of further noise complaints and in order to comply with the noise condition, you should install another sound limiter at the premises and appoint an accredited acoustic consultant or sound engineer to set it so the above agreed maximum sound levels (in bold font in the table above) will not be exceeded. This should be carried out without delay.

You may recall we had correspondence last year about a missing limiter and I received a letter from you informing me that all matters raised in a letter I had sent you were the responsibility of the licensee. I replied informing you that your company is listed as the licensee and I requested your area manager contact me to discuss. I have not had any further response from you or the requested call from your area manager. We seek a lasting solution to this matter and I have to request your area manager contact me to discuss this matter urgently. I attach copies of some of this correspondence for your ease of reference.

With regard to noise from customers outside, I recommended to Ms Elliott that she does not allow customers to take drinks outside after 23:00. She told me she already does that. Therefore I would recommend that staff regularly check customers outside and supervise them as necessary in order to reduce noise from customers outside the premises that was significantly loud and intimidating as I was waiting to leave the resident's home as the customers had gathered on the residential doorstep.

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. We are now minded to serve a legal notice, under the above legislation requiring you to take all reasonable steps to ensure that music played at the premises is kept to such levels that will not cause a noise nuisance to your neighbours. 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, 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 faithfully

*Anne Brothers*

**Anne Brothers**  
**Principal Technical Officer**  
cc. Toni Elliott,  
Louise Norris, Noise Patrol manager  
Licensing



ISLINGTON ✓)

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

Enterprise Inns PLC  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

T 020 7527 3047  
F 020 7527 3059  
E anne.brothers@islington.gov.uk  
W www.islington.gov.uk

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

Our ref: abr/1021344

Your ref:

Date: 3 June, 2011

Dear Sir

**NOISE NUISANCE FROM AMPLIFIED MUSIC AND CUSTOMER NOISE OUTSIDE. WIG AND GOWN P.H. 97-99 HOLLOWAY ROAD, LONDON N7 8LT. ENVIRONMENTAL PROTECTION ACT 1990. MINDED TO SERVE S.80 ABATEMENT NOTICE. LICENSING ACT 2003.**

I refer you to the letter sent on April 7.

On 25 May I received a telephone call from Richard Norton in connection with ongoing noise issues. Mr Norton explained he was going to visit the premises to discuss matters with your DPS Toni Elliott. I had a discussion with Mr Norton regarding noise issues at the premises and the following noise condition on the premises licence:

- "The licensee shall install a sound-limiting device on the premises. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The sound limitation device installed at the premises shall not be altered from any setting fixed by the Council, and that the Council may inspect the efficiency and setting of the sound limitation device at any reasonable time. All amplified music 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."

I suggested to Mr Norton that in order to amend the licence to change the requirement for a cut-out device to be substituted with a compressor limiter would require an application for a minor variation to the premises licence. This advice was given with a view to replacing the cut-out limiter with a compressor limiter which would not cut-out in the event of any raised voices in the bar.

I have to inform you the above condition requires that a compressor limiter is installed in addition to a cut-out limiter. At present the cut-out is to be used for your visiting DJ's and performers and the compressor is required for any house systems you have such as any juke box and any other in-house sound system.

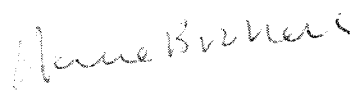
We have witnessed noise nuisance as a result of visiting DJ's not plugging into the limiter. I have to inform you that a compressor limiter will only be effective for visiting DJ's and the like if you provide the decks and sound system for them to play their music out from as part of a house owned system and you ban the use of any outside independently owned equipment being brought into the premises. Any live music you may wish to provide at the premises must be with the agreement that acoustic drums and any other acoustic instruments (such as brass, hand drums or any other acoustic instruments) would also be banned. If you are not prepared to provide your own permanent DJ set-up, the only alternative would be to provide additional sound insulation to the premises so as to allow for an increase in sound levels so that raised voices would be less likely to trip the cut-out on the limiter.

There is still a likelihood of recurring noise nuisance until this situation is resolved. Therefore we must now request you inform us in writing by **Monday 13 June** about your intentions with regard to the future control of noise nuisance at the premises. We must warn that failure to respond within the above time limit will be likely to result in service of an abatement notice served on you as licensees and on Ms Elliott as DPS. The notice would state that we are satisfied of the likely recurrence of noise nuisance arising from amplified sound at the premises.

We look forward to your co-operation in this matter but we must warn that in the event of further 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. We are likely to serve a legal notice, under the above legislation requiring you to take all reasonable steps to ensure that music played at the premises is kept to such levels that will not cause a noise nuisance to your neighbours. 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, 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 and failure to comply with noise conditions.

I take this opportunity to remind you that in addition to the above you could be prosecuted for licence contraventions if levels are found to be in excess of the agreed maximums again. There is also a risk that you could be prosecuted for failing to comply with the noise condition. Current levels of fines for contraventions of premises licence conditions are currently up to £20,000 per offence.

Yours faithfully



**Anne Brothers**  
**Principal Technical Officer**  
cc. Toni Elliott,  
Louise Norris, Noise Patrol Manager  
Licensing



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

Enterprise Inns PLC  
3 Monkspath Hall Road  
Solihull  
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B90 4SJ

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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)

FIRST CLASS POST

Our ref: abr/1021344

Your ref:

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

Date: 14 June, 2011

Dear Sir

**SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF NOISE  
NUISANCE FROM AMPLIFIED MUSIC. WIG AND GOWN P.H. 99 HOLLOWAY ROAD,  
LONDON N7 8LT.**

**This letter does not form part of the attached Notice.**

Please find enclosed a Section 80 Notice served on you as licensees for the Wig and Gown P.H. at 99 Holloway Road, London N7.

I also enclose a copy of a letter sent to you on 3 June in relation to these matters.

The Notice is self explanatory. I take this opportunity to refer you to the notes attached to the notice.

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

Yours faithfully

**Anne Brothers**  
**Principal Technical Officer**  
cc. Louise Norris, Noise Patrol Manager  
Licensing  
Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT



## ENVIRONMENTAL PROTECTION ACT 1990, Section 80

## ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

**TO: ENTERPRISE INNS PLC  
3 MONKPATH HALL ROAD  
SOLIHULL  
WEST MIDLANDS  
B90 4SJ**

An identical copy of this Notice has also been served on:

Ms Toni Elliott, DPS, Wig and Gown P.H., 99 Holloway Road,  
London N7 8LT.

Ms Toni Elliott,

**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 music at premises known as **The Wig and Gown Public House, 99 Holloway Road, London N7 8LT**

**HEREBY REQUIRE YOU** as the persons 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 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 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: 14 June 2011**

*(Address to which all communications should be sent)*

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

*(Signature)*



*(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.

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\*\* Currently £5000, 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.



# ISLINGTON

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

Ms Toni Elliott  
(RESIDENTIAL ADDRESS)

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)

FIRST CLASS POST

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

Our ref: abr/1021344  
Your ref:

Date: 14 June, 2011

Dear Ms Elliott

**SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF NOISE  
NUISANCE FROM AMPLIFIED MUSIC. WIG AND GOWN P.H. 99 HOLLOWAY ROAD,  
LONDON N7 8LT.**

**This letter does not form part of the attached Notice.**

Please find enclosed a Section 80 Notice served on you as licensees for the Wig and Gown P.H. at 99 Holloway Road, London N7.

I also enclose a copy of a letter sent to you on 3 June in relation to these matters.

The Notice is self explanatory. I take this opportunity to refer you to the notes attached to 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 Manager  
Licensing  
Enterprise Inns PLC, 3 Monkspath Hall Road, Solihull, West Midlands, B90, 4SJ  
Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

## ENVIRONMENTAL PROTECTION ACT 1990, Section 80

## ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

TO: MS TONI ELLIOTT

An identical copy of this Notice has also been served on:

Enterprise Inns PLC, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.

Ms Toni Elliott, DPS, Wig and Gown P.H., 99 Holloway Road, London N7 8LT

**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 music at premises known as **The Wig and Gown Public House, 99 Holloway Road, London N7 8LT**

**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 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 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: 14 JUNE 2011

*(Address to which all communications should be sent)*

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

*(Signature)**(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.

vii)  
- copy



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

Ms Toni Elliott  
DPS  
Wig and Gown P.H.  
99 Holloway Road  
London, N7 8LT  
FIRST CLASS POST

T 020 7527 3047  
F 020 7527 3059  
E anne.brothers@islington.gov.uk  
W www.islington.gov.uk

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

Our ref: abr/1021344

Your ref:

Date: 14 June, 2011

Dear Ms Elliott

**SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF NOISE  
NUISANCE FROM AMPLIFIED MUSIC. WIG AND GOWN P.H. 99 HOLLOWAY ROAD,  
LONDON N7 8LT.**

**This letter does not form part of the attached Notice.**

Please find enclosed a Section 80 Notice served on you as licensees for the Wig and Gown P.H. at 99 Holloway Road, London N7.

I also enclose a copy of a letter sent to you on 3 June in relation to these matters.

The Notice is self explanatory. I take this opportunity to refer you to the notes attached to 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 Manager

Licensing

Enterprise Inns PLC, 3 Monkspath Hall Road, Solihull, West Midlands, B90, 4SJ

Ms Toni Elliott,



## ENVIRONMENTAL PROTECTION ACT 1990, Section 80

## ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

TO: MS TONI ELLIOTT  
DPS  
WIG AND GOWN P.H.  
99 HOLLOWAY ROAD.  
LONDON N7 8LT

An identical copy of this Notice has also been served on:

Enterprise Inns PLC, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.

Ms Toni Elliott,

**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 music at premises known as **The Wig and Gown Public House, 99 Holloway Road, London N7 8LT**

**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 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 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

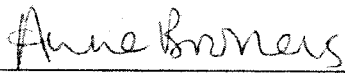
**IF** without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale \*\*, together 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: 14 June 2011

(Address to which all communications should be sent)

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

(Signature) 

(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
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    - (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
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- (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.



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

Enterprise Inns PLC  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

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)

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

Our ref: abr/1021344

Your ref:

Date: 15 July, 2011

Dear Sir

**MINOR ELECTRICAL INSTALLATION WORKS CERTIFICATE DATED 4 JULY, SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990 IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC. WIG AND GOWN P.H. 99 HOLLOWAY ROAD, LONDON N7 8LT.**

I am in receipt of a minor electrical installation works certificate dated 4 July in respect of the installation of a noise limiter at the Wig and Gown.

Unfortunately this does not constitute a calibration certificate and I am returning the certificate to you for your electrical safety records.

The installation of a noise limiter will be useful in controlling the volume of amplified music at the premises but it needs to be calibrated by an acoustic consultant. A calibration certificate could then be produced that certifies the sound levels will not go above a specified level.

We assessed the sound levels at Wig and Gown some time ago after some works of sound insulation had taken place. The maximum sound levels that we considered would be less likely to cause a noise nuisance to nearby residents were as follows:

79.4 db Leq [1 min]  
74 db LAeq [1 min]  
65 db Leq [1 min] in the 63 Hz 1/1 Octave band.  
76 db Leq [1 min] in the 125 Hz 1/1 Octave band.

Measured from the end of the bar [1.5m above the floor] opposite the Juke Box [2m distant].

In addition we must urge that all equipment shall be routed through the sound limiter which should be placed in a locked box, to avoid tampering. Access to the limiter should be restricted to the licensee and/or a designated manager.

We would also recommend the limiter be tested annually by an Acoustic Consultant to ensure it is attenuating the volumes at the above levels.

Please appoint an acoustic consultant from one of the organisations listed below to calibrate the limiter so that music sound levels will not exceed the above stated levels.

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)

In order to demonstrate "best practicable means" for the control of sound at the premises it is best to retain a copy of the certificate at the premises for inspection at any reasonable time by authorised officers from the Council. In addition, please send a copy marked for my attention to the office above for our file.

The calibration certificate should contain the following information:

Date of calibration.  
Make and model of the limiter installed.  
Make and model of amplifier/sound distribution system.  
Serial number of the limiter.  
Location of the limiter and floor plan showing location of speakers.  
Specified maximum sound levels with one minute Leqs (specified above)  
Details of the measurement point. (specified above)  
Details of the sound level meter used during recalibration.  
Calibration details for the sound level meter used.  
Name and contact details of acoustician.

Yours faithfully



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Licensing

Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

Ms Toni Elliott,

Our Ref: GM/je/900548/51146

Your Ref: abr/102344

12<sup>th</sup> July 2011

Anne Brothers  
Islington Council  
Noise Patrol  
Public Protection Division  
222 Upper Street  
London  
N1 1XR



Dear Anne Brothers

**Re: Wig and Gown, Certificate of Noise Limiter Installation**

With reference to my letter sent on 27<sup>th</sup> June 2011 please find enclosed a copy of the Noise Limiter Certificate as promised.

I have been informed that the issues raised in the report have now been acted upon and all points have been rectified.

Yours sincerely  
**Enterprise Inns Plc**



**Jemma Evans**  
**Business Services Co-ordinator**

Ms T Elliot  
Wig & Gown P.H  
99 Holloway Road  
London  
N7 8LT



Certificate Number **MW-201107-0075**  
**Minor Electrical Installation Works Certificate**

To be used only for minor electrical work which does not include the provision of a new circuit

**PART 1: DETAILS OF THE MINOR WORKS**

Client Enterprise Inns PLC	Description of the minor works fit noise limiter into existing pub ring main (Wig and Gown Holloway Road).
Location/Address of the minor works Enterprise Inns 3 Monkspath Hall Road Solihull B90 3SJ	Agreed limitations, if applicable 1 no lifting of floorboards.
Date minor works completed 04 July 2011	
Associated PIR no (if applicable) n/a	Observation no (if app) -

**PART 2: INSTALLATION DETAILS**

System type and earthing arrangements	TN-S	N/A	TN-C-S	YES	TT	N/A	TN-C	N/A	IT	N/A
Method of fault protection	ADS (Automatic Disconnection of Supply)			Board location	OFFICE					
Board designation	DB1 cir 4									
Associated RCD (if any)	BS(EN)	61008	Operating current	80 mA	Operating time at In	38 ms	Operating time at 5In	11 ms		
Circuit designation	PUB ring main									
Protective device for the modified circuit	BS(EN)	60898	Type	B	Rating	32 A	RCD Operating current	30 mA		
Wiring type of the modified circuit	Wiring Type	A	Ref method	102	Max Dis time	0.4 s	Live conductor csa	2.5 mm <sup>2</sup>	cpc conductor csa	1.5 mm <sup>2</sup>

**PART 3: ESSENTIAL TESTS (INSPECTION AND TESTING OF THE MODIFIED CIRCUIT AND RELATED PARTS)**

Earth continuity satisfactory	PASS	<i>Circuit resistance, either R1+R2 or R2 to be recorded</i>	R1+R2	0.40	Test instrument serial nos	Continuity	07270347
Insulation resistance Line/Line*	>299 MΩ		R2	N/A	Insulation resistance		07270347
Line/neutral	>299 MΩ	Protective bonding satisfactory	PASS		Earth fault loop impedance		13119471
Line/earth	>299 MΩ	Polarity satisfactory	PASS		RCD		07270347
Neutral/earth	>299 MΩ	RCD operating time at In	38 ms	<i>for the circuit</i>	<i>*In a multiphase circuit, the lowest value is recorded</i>		
Maximum permissible Zs	1.44 Ω	RCD operating time at 5In	11 ms	<i>for the circuit</i>			
Measured Zs	0.47 Ω						

**PART 4: DECLARATION**

I/we CERTIFY that the said works do not impair the safety of the existing installation, that the said works have been designed, constructed, inspected and tested in accordance with BS 7671:2008 (IEE Wiring Regulations), amended to 2008, and that the said works, to the best of my/our knowledge and belief, at the time of my/our inspection, complied with BS 7671 except as detailed on Page 2 'Observations'

Name	Terence Hanks	Address	Whitegates Business Centre Alexander Lane Shenfield CM15 8QF	Signature	
For and on behalf of	Tagg Uk Ltd	Position	Qualified engineer	Date	04 July 2011

Unique report number 6035082d-2885-4a44-a748-e9f907784179

PIRform version No: - www.pirform.co.uk



Certificate Number MW-201107-0075

**OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN**

Referring to the attached schedules of inspection and test results, and subject to the agreed limitations:

There are no items adversely affecting electrical safety

or

The following observations and recommendations are made

Item No:	Location:	Code:
-	-	-

**COMMENTS ON THE EXISTING INSTALLATION**

General condition of the installation:  
consistent to its age and nature of use

Guidance for recipient on 'Codes'

- 1. Requires urgent attention
- 2. Requires improvement
- 3. Requires further investigation
- 4. Does not comply to BS7671

Please see the Guidance for recipients on the Recommendation Codes at the back of this report.

Unique report number 6035082d-2885-4a44-a748-e9f907784179

PIRform version No: - www.pirform.co.uk



## MINOR ELECTRICAL INSTALLATION WORKS CERTIFICATE - GUIDANCE FOR RECIPIENTS

The Minor Works Certificate is intended to be used for additions and alterations to an installation that do not extend to the provision of a new circuit. Examples include the addition of socket-outlets or lighting points to an existing circuit, the relocation of a light switch etc. This certificate may also be used for the replacement of equipment such as accessories or luminaires (light fittings), but not for the replacement of distribution boards, consumer units or similar items. Appropriate inspection and testing, however, should always be carried out irrespective of the extent of the work undertaken.

This Certificate has been issued to confirm that the electrical installation work to which it relates has been designed, constructed, inspected and tested in accordance with British Standard 7671 (the IEE Wiring Regulations).

You should have received an original Certificate and the contractor should have retained a duplicate Certificate. If you were the person ordering the work, but not the user of the installation, you should pass this Certificate, or a full copy of it including the schedules, immediately to the owner. A separate Certificate should have been received for each existing circuit on which minor works have been carried out. This Certificate is not appropriate if you requested the contractor to undertake more extensive installation work, for which you should have received an Electrical Installation certificate.

The Certificate should be retained in a safe place and be shown to any person inspecting or undertaking further work on the electrical installation in the future. If you later vacate the property, this Certificate will demonstrate to the new owner that the electrical installation complied with the requirements of BS7671 at the time the Certificate was issued.

(X)

## COMPANY DETAILS

**Name & Registered Office:**

TOJO PUB COMPANY LIMITED  
c/o GW COX & CO  
1ST FLOOR  
143 CONNAUGHT AVENUE  
FRINTON-ON-SEA  
ESSEX  
ENGLAND  
CO13 9AB

**Company No.:** 07578177**Date of Incorporation:** 25/03/2011  
**Country of Origin:** United Kingdom**Status:** Active**Company Type:** Private Limited Company**Nature Of Business (SIC):**

56302 - Public houses and bars

**Accounting Reference Date:** 31/03**Last Accounts Made Up To:** (NO ACCOUNTS FILED)**Next Accounts Due:** 25/12/2012**Last Return Made Up To:** 25/03/2012**Next Return Due:** 22/04/2013**Mortgage: Number of Charges:** ( 0 outstanding / 0 satisfied / 0 part satisfied )**Last members list:** 25/03/2012**Previous Names**

No previous name information has been recorded over the last 20 years.

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COMPANY APPOINTMENTS

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**Registered No.:** 07578177  
**Name:** TOJO PUB COMPANY LIMITED

**Address:** c/o GW COX & CO  
1ST FLOOR 143 CONNAUGHT AVENUE  
FRINTON-ON-SEA  
ESSEX  
ENGLAND  
CO13 9AB

---

Company Appointments: 1 / Resignations: 0

**Exclude** Resignations

To view details of other appointments held, click on the appropriate underlined name.

ELLIOTT, TONI MS

ISLINGTON  
LONDON  
ENGLAND

DIRECTOR  
**Appointed:** 25/03/2011  
**Nationality:** BRITISH  
**Occupation:** CATERER

**Country/State of Residence:** ENGLAND  
**Date of Birth:** 02/07/1983  
**Appointments:** 1

---



ISLINGTON

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

Tojo Pub Company Limited  
% GW Cox & Co  
First Floor  
143 Connaught Avenue  
Frinton on Sea  
Essex CO13 9AB

T 020 7527 3047  
F 020 7527 3059  
E anne.brothers@islington.gov.uk  
W www.islington.gov.uk

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

Our ref: abr/000102726  
Your ref:  
Date: 22 June, 2012

Dear Sir

**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990, WIG AND GOWN P.H. 97-99 HOLLOWAY ROAD, LONDON N7 8LT. INVESTIGATION REGARDING POTENTIAL BREACH OF NOTICE, SATURDAY 16 JUNE 2012. POLICE AND CRIMINAL EVIDENCE ACT 1984.**

On Saturday 16 June Noise Patrol officers visited a resident nearby and witnessed noise amounting to a statutory nuisance emanating from the Wig and Gown.

The officer reports they could clearly hear bassy music being played out in the bar in both the bedroom and the living room of the resident from 22:40 to 22:55. This could amount to a contravention of the section 80 Notice served under the powers of the Environmental Protection Act 1990 served on 14 June 2011.

In addition the resident called the Noise Patrol service again in the early hours of 17 June at 02:52 and alleged the music noise was still going on despite the earlier request from the Noise Patrol Officer to reduce the volume earlier.

In order to progress our enquiries in relation to this matter, we need to request that you respond to some questions laid out below. Please have regard to the caution when answering the questions.

**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.**

The Section 80 noise abatement notice requires the licensee to take all reasonable steps to ensure that no amplified music from within Wig and Gown is played at levels likely to cause a nuisance to occupiers of nearby premises.

1. Noise nuisance was witnessed between 22:40 and 22:55. What steps had been taken that night to control noise at the premises?
2. The Noise Patrol Officer reports that he spoke to a barmaid called Danielle and the premises licence holder and DPS were not available at that time. What instructions are given to bar staff managing the premises in the absence of the DPS and/or licence holder in order to prevent noise nuisance?

3. A DJ was performing a set at the time of the visit. What instructions are given to DJ's and performers in relation to the control of the volume of sound?
4. A recent night time visit was carried out to check the efficiency of the noise limiter and it was found to be just within the maximum agreed music volume permitted at the premises. The Noise Patrol Officer reports the limiter was switched on during the visit carried out on Saturday 16 June. Can you explain how the levels played out at the premises on the night of 16 June could have caused a noise nuisance to the resident nearby if the limiter was in use?
5. Was the Licensee or DPS present at the premises at any time during the night of 16/17 June?

I enclose a pre-paid envelope for your reply. Please respond to this letter within 7 days.

Yours faithfully



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Licensing

Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

Ms Toni Elliott,

Tojo Pub Company Limited, wig and Gown P.H. 99 Holloway Road, London N7 8LT

Tojo Pub Company Limited  
% GW Cox & Co  
First Floor  
143 Connaught Avenue  
Frinton on Sea  
Essex CO13 9AB

Noise Patrol  
Public Protection Division  
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/000102726  
Your ref:

Date: 2 August 2012

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

Dear Sir

**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990, WIG AND GOWN P.H. 97-99 HOLLOWAY ROAD, LONDON N7 8LT. INVESTIGATION REGARDING POTENTIAL BREACH OF NOTICE, SATURDAY 16 JUNE 2012. POLICE AND CRIMINAL EVIDENCE ACT 1984.**

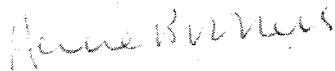
I refer to my previous letter dated 22 June. I enclose a copy for your ease of reference.

I visited the premises at 02:45 on Sunday 1 July and I spoke to Toni Elliott at the time of the visit which was in response to another call from a local resident in connection with noise nuisance. Ms Elliott asked for some more time to respond to the letter as she had been away and had only just returned. I told her it would be alright to e mail me with her responses when she asked me.

To date I have not had any response to the letter.

**Please respond within 7 days of the date of this letter. If I do not hear from you I will have no alternative but to refer the matter to the Legal Division for prosecution proceedings to be commenced.**

Yours faithfully



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Licensing

Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

Ms Toni Elliott,

Tojo Pub Company Limited, wig and Gown P.H. 99 Holloway Road, London N7 8LT



ISLINGTON

xii)

Tojo Pub Company Limited  
c/o GW Cox & Co  
First Floor  
143 Connaught Avenue  
Frinton on Sea  
Essex CO13 9AB

Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047  
F 020 7527 3059  
E anne.brothers@islington.gov.uk  
W www.islington.gov.uk

Our ref: abr/000102726  
Your ref:

Date: 10 August 2012

This matter is being dealt with by:

**Anne Brothers**

[An identical copy of this letter has been sent to Toni Elliot]

Dear Sir or Madam

**Police and Criminal Evidence Act (PACE) 1984**

**Environmental Protection Act 1990**

**Licensing Act 2003, Section 136**

**RE: WIG AND GOWN P.H. 97-99 HOLLOWAY ROAD, LONDON N7 8LT**

I wrote to you with regard to a contravention of a noise abatement notice on 22 June and 2 August. I enclose copies of those letters for your ease of reference. I have had no response to the letters sent. The council is now considering legal action following visits to your licensed premises on 16 June and 1 July 2012.

The facts surrounding the alleged offences are briefly described on the attached document. These alleged offences have been carefully considered and I believe there is sufficient evidence to take these matters to a court of law.

As part of ongoing investigations and evidence gathering I am inviting you to attend an audio-taped interview under the Police and Criminal Evidence (PACE) Act 1984 at 11:00 on **22 August 2012** at the council offices, 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 by **Friday 17 August**.

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 17 August**.



CUSTOMER SERVICE EXCELLENCE

If we do not hear from you by **Friday 17 August** I will assume that you do not wish to take advantage of this opportunity. A decision on what action to take will be made on the available evidence.

If you have any questions about this letter, please contact me

Yours faithfully



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Licensing

Ms Toni Elliott, DPS, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

Ms Toni Elliott,

Tojo Pub Company Limited, Wig and Gown P.H. 99 Holloway Road, London N7 8LT

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

Our ref: abr/000102726

Date of offences: 16 June and 1 July 2012

Place of offences: Wig and Gown P.H. 97-99 Holloway Road, London N7 8LT

Brief circumstances of the offences:

1. On 16 June at 22:40 – 22:45 Noise Patrol reported they could clearly hear bassy music being played out at the Wig and Gown P.H. in the bedroom and living room of a nearby residential premises. This is a contravention of the Section 80 noise abatement notice served under the powers of the Environmental Protection Act 1990 that requires that all reasonable steps should be taken to ensure that no amplified music from the premises is played at levels likely to cause nuisance to the occupiers of nearby premises.
2. On 1 July at 02:45 the premises was visited again by Noise Patrol in response to a call from a local resident in connection with further unwanted noise. Officers spoke to the DPS Toni Elliott at the time of the visit. The DJ was still playing out music at the time the officers entered the premises. which was still in use with customers still inside drinking-up. There was no Temporary Event Notice applicable to cover the trading outside the hours permitted on the premises licence that specifies that recorded music should end at 01:30 and a closing time of 02:00. This is contrary to Section 136 of the Licensing Act 2003.





30<sup>th</sup> September 2012

To whom it may concern,

**Background**

I have lived at the above address since October 2005. There are 6 privately owned flats above The Wig and Gown public house ('the Wig and Gown'), of which my flat is one.

Since the first day I moved into my property some seven years ago, I have had on going issues with The Wig and Gown which have affected my quality of living and ability to enjoy my own home whether on my own or entertaining. Within that time period there have been some five landlords who have consistently propagated the situation. The issues I and the other local residents have suffered from include, by way of example only:

- **Noise**

This has been one of the biggest problems. The ceilings at the pub are poorly insulated so that when they override their amplified music limiter . I have been forced to call out Islington's late night noise patrol team on numerous occasions in an attempt to have some quality of life. In general, each time the officers come around they ask the licence holders to reduce the noise, which they momentarily do, then when they leave they return to the excessive noise level.

The pub has two doors for entry, one external and one internal to enter the pub from the street. The external door is never closed so as when the internal door is opened the music pours straight out, which effectively causes short blasts of very loud music every time someone walks out to leave or has a cigarette.

- **Nuisance**

Myself and other neighbours have opened our front door leading to the street to find customers from the Wig and Gown urinating on our front door. One such incident was where a mother was bringing her baby in her pram down the stairs and was about to open the door to exit only to find a customer exposed and urinating on the door.

Customers are outside all night smoking and drinking sometimes past 2am. My living room and bedroom are street facing so I am not more than a few feet from where they congregate. They often shout and conducted themselves loudly. This makes it almost impossible to have an uninterrupted sleep.

- Some of the issues could be elevated by effective policing by a door supervisor. Currently there is one door supervisor on at certain football matches. I would strongly suggest that having mandatory door staff while football matches are on would assist greatly in reducing the antisocial behaviour. I would also suggest that if they had a door supervisor on during the evening then the Door supervisor would be able to control the customers who was being a nuisance outside.
- I would suggest as most of the issues have arisen due to the pub playing excessive amplified music that their music licence be called into question and removed. So as to remove the ability for them to offend.
- Implementation of the recommendations of the noise expert (commissioned by Islington council) or a further report to be commissioned with an obligation to implement the same.

I would like this to stand as my objection to the current licence as it stands and, if it is not possible for me to attend the hearing, for this to stand in my place as my objection.

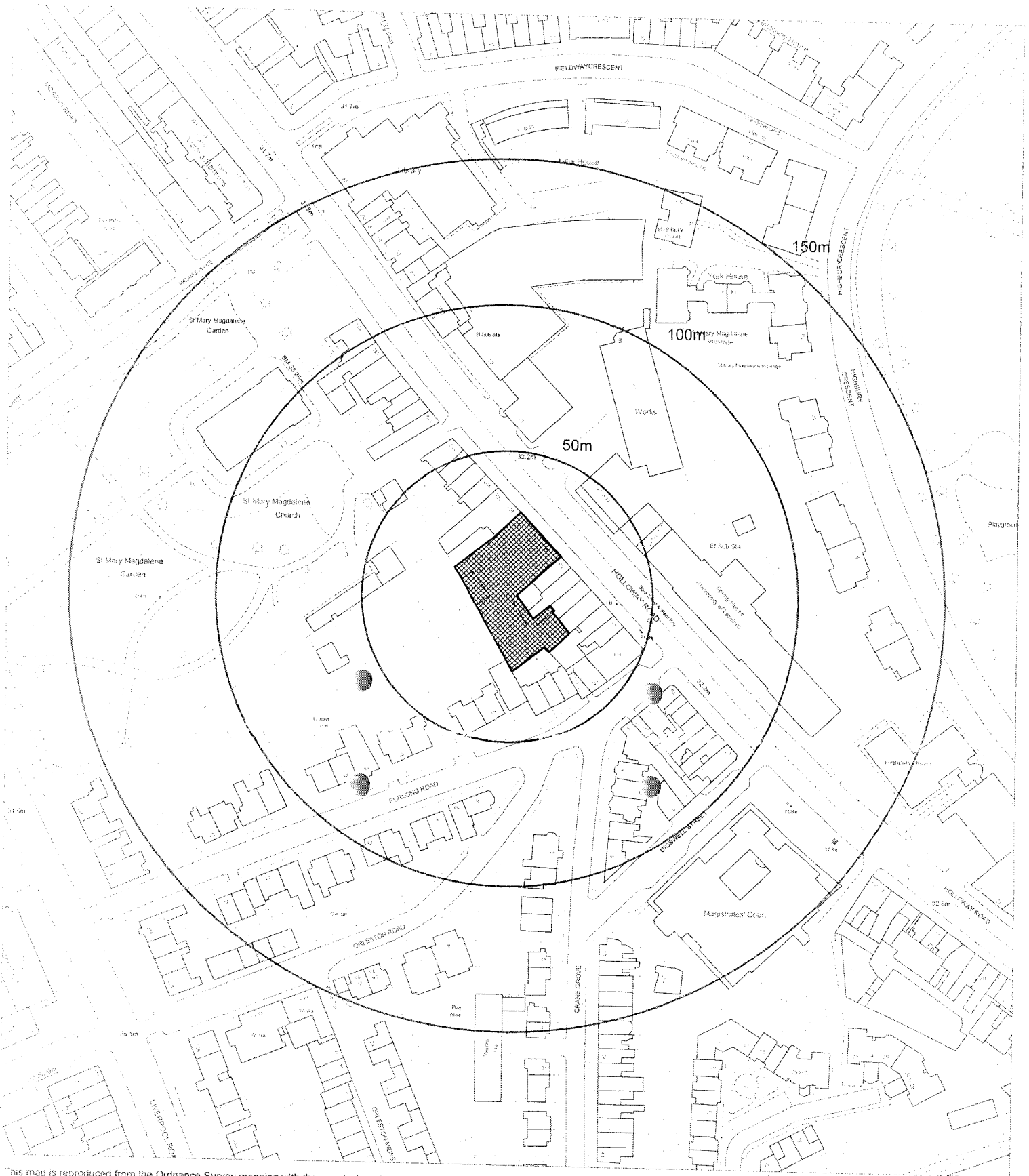
Thank you for your time and assistance in this matter.

Yours sincerely



**Suggested conditions recommended by Health and Safety Officer**

1. The premises shall not be used under the licence until the requirements specified in the schedule dated 1 October 2012 have been completed and approved in writing by the responsible authority for health and public safety.



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 London Borough of Islington LA 036452 2005

Scale 1:1250

Licensing

Site of premises for Licensing .....



Objectors .....



Other licensed premises.....



**202**



**ISLINGTON**

PO Box 3333, 222 Upper Street, London N1 1YA Tel. 020-7527-2774

**Wig & Gown**  
 99 Holloway Road  
 London N7 8LT

Date 26-07-05

Plan No 11315 LICENSE.TAB