

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	9 May 2013	BS	Finsbury Park

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: ORLEANS, 259 SEVEN SISTERS ROAD, LONDON, N4 2DQ

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.

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, midday until 03:30 the day following Monday to Sunday.
- ii) The performance of dance, the performance of live music, the playing of recorded music Monday to Sunday midday until 03:30 the day following Monday to Sunday.
- iii) The provision of late night refreshment, on Monday to Sunday from 23:00 until 03:30 the day following Monday to Sunday.

3.2 Papers are attached as follows:-

Appendix 1: application form, current premises licence

Appendix 2: suggested conditions and map of premise location.

3.3 There are no additional representations to this application.

3.4 The relevant Noise history at the premises is contained in the Licensing Authority review application and responsible Authority representations.

3.5 The Council's Noise Team have requested six conditions be placed on the licence in order to prevent public nuisance. These are listed under Appendix 3. The licence holder has appointed an acoustic consultant and undertaken works at the premises. The Council Noise team are due to visit the premises on the evening of the 30th April 2013 and should maximum noise levels be agreed the Noise would request that these levels are specified on the licence.

4. The relevant licensing Planning Implications

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

5 Conclusion and reasons for recommendations

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

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

30/4/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@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 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Orleans 259-261 Seven Sisters Road	
Post town London	Post code (if known) N4 2DD

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

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

139048

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

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Anne Brothers 3 rd Floor 222 Upper Street London N1 1XR
Telephone number (if any) 020 7527 3047
E-mail address (optional) anne.brothers@islington.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

To prevent public nuisance from the playing of amplified music.

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

Please see attached sheet detailing visits carried out and actions taken in respect of Orleans.

To summarise the timings of the calls to the service and actions taken there are some gaps in the reporting of noise nuisance from residents, this is due to the nearest residential dwelling affected by the noise having transient occupation with tenancy agreements of up to 12 months.

Residents I have dealt with leave after their 12 month tenancy and it can take some time before new residents find the appropriate service to deal with noise nuisance.

Visits were carried out in connection with alleged trading after hours and noise nuisance in late 2010 and early 2011.

Prosecution proceedings in relation to noise nuisance were being considered in early 2011 but after April 2011 no further complaints were received and the matter was dropped.

Noise was reported again in late 2011 but the calls ceased after a short period of time.

The premise was monitored at various stages as they were found to be trading beyond their permitted hours without TENs on more than one occasion. Reports of visits are included in the attached sheet.

Calls to the Noise Patrol Service recommenced in February 2013.

All correspondence in connection with this premises are attached in date order.

In order to prevent further public nuisance, Noise Team seeks to modify the premises licence to include the following noise conditions:

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, to include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise from the premises. The scheme shall be submitted for approval by the Council and the approved scheme fully implemented to the satisfaction of the Council within a 6 week time limit.
2. The licensee shall limit sound levels so as not to exceed maximum levels to be agreed with the Council's Noise team prior to the premises being used for regulated entertainment.
3. A noise limiting device shall be installed and the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council are not exceeded.
4. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
5. When regulated entertainment is provided by way of music and dancing and continues past midnight, an SIA registered door supervisor shall be employed at the premises to patrol outside to supervise customers outside who may wish to smoke.
6. A dispersal policy shall be implemented at the premises in agreement with the Noise Team

Please tick ✓ yes

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

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature Anne Burnes
Date 11 March 2013
Capacity Principal Technical Officer - Nisse Haison

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



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

Anthony Raphael, Licensee/DPS
Orleans
259-261 Seven Sisters Road
London
N4 2DD
FIRST CLASS POST

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

Our ref: abr/10089
Your ref:

Date: 23 December, 2010

This matter is being dealt with by:
Anne Brothers

Dear Mr Raphael

SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990. ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON, N4 2DD. NOISE NUISANCE FROM AMPLIFIED MUSIC.

This letter does not form part of the enclosed Notice

Please find enclosed a Notice served on you today under the above legislation with regard to noise nuisance from amplified music being played out at Orleans. The Notice is self explanatory.

I would draw your attention to letters sent to you on 8 and 16 December to which we have had no response from you. I enclose copies of those letters for your ease of reference.

We must urge you to contact an acoustic consultant to source and install a sound limiter at your premises and contact us back in order for us to visit and agree maximum music levels with you in order to reduce the likelihood of further complaints.

I must inform you that if we witness further noise nuisance from amplified music from your premises we are likely to commence legal proceedings against you for contravention of the Notice. Any contravention is a criminal matter for which you could be fined up to £20,000 per offence on commercial premises. In addition, the Noise Team may seek a review of your premises licence should further nuisance be witnessed on grounds of public nuisance. Either of the above courses of enforcement action could have serious consequences for your business.

Yours sincerely

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



LONDON BOROUGH OF ISLINGTON

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

TO: MR ANTHONY RAPHAEL
LICENSEE
ORLEANS
259-261 SEVEN SISTERS ROAD
LONDON N4 2DD

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 Islington Council being satisfied of the existence of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as **Orleans, 259-261 Seven Sisters Road, London N4 2DD**

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: 23 DECEMBER 2010

(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,
Noise Patrol.

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

** Currently £5000, subject to alteration by Order

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to the Magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act, or
 - (iii) any determination made under section 67 of the 1974 Act;
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises.

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

SUSPENSION OF NOTICES

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



ISLINGTON

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

Anthony Raphael
Licensee and DPS
Orleans
259-261 Seven Sisters Road
London
N4 2DD

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

Our ref: abr/10089
Your ref:

Date: 8 December, 2010

This matter is being dealt with by:
Anne Brothers

Dear Mr Raphael

NOISE NUISANCE FROM AMPLIFIED MUSIC, ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4, ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.

It has been reported to me that Noise Patrol officers visited a local resident in the early hours of this morning at 01:04. The officers report that noise from amplified music at Orleans constituted a noise nuisance in the resident's bedroom. The heavy bass of the music was clearly audible above the background traffic noise in the area at that time. In addition, vibrations from the music could be felt underfoot in the resident's bedroom.

The officers have reported that the noise nuisance from the music at Orleans was sufficient to prevent a person getting to sleep.

I note there are no conditions on the premises licence for Orleans in relation to maximum levels of sound. This is unusual and we would like to offer a visit to your premises one night in order to assist you and come to an agreement on maximum music noise levels at the premises that would be less likely to be the cause of complaint with regard to noise nuisance to the Council. It is usual for us to work with licenses in order to determine maximum music levels once a noise nuisance is established.

Please contact me at the above office if you would like us to assist you in this way. In the meantime we must advise you to moderate music at the premises until we can come to an agreement. If you agree to us assisting in the setting of maximum music levels you will need to invest in a sound limiter at the premises that can be set so that the pre-set levels will not be exceeded in future after any assessment. A sound limiter is common in premises providing entertainments.

If you do not know anyone who can source and install a limiter for you, please contact one of the organisations listed below who will give you their listings of accredited consultants. Please select a consultant who is experienced in licensing noise issues i.e. the control of music noise.

Institute of Acoustics
77A St Peter's Street
St Albans



CHARTER MARK

Herts
AL1 3BN
Tel: 01727 848 195
Fax: 01727 850553
www.ioa.org.uk
email : 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
Email: maikl@anc
www.association-of-noise-consultants.co.uk

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. This is likely to require the service of a legal notice, under the above legislation. 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 sincerely



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

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

Anthony Raphael, Licensee and DPS
Orleans
259-261 Seven Sisters Road
London
N4 2DD
FIRST CLASS POST

T 020 7527 3229
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/10089
Your ref:

Date: 16 December, 2010

This matter is being dealt with by:
Anne Brothers

Dear Mr Raphael

NOISE NUISANCE FROM AMPLIFIED MUSIC, ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003

I regret to inform you that further to my previous letter dated 8 December (copy enclosed for your ease of reference) a further noise nuisance from amplified music from your premises was heard from a residential property nearby at 00:25 on 11 December.

Please write to me within **7 days** of the date of this letter to inform us of details of how you intend to control music noise from the premises in future.

I must inform you an abatement notice will be served on you under the above legislation in relation to noise nuisance from amplified music if we do not hear from you within 7 days of the date of this letter.

Service of an abatement notice could have serious consequences for your business as any contravention of such a notice is a criminal offence for which you could be fined up to £20,000 per offence.

Yours sincerely



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





ISLINGTON

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

Mr Anthony Raphael
Licensee and DPS
Orleans
259-261 Seven Sisters Road
London
N4 2DD

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/1010089
Your ref:

Date: 2 February, 2011

Dear Mr Raphael

NOISE NUISANCE FROM AMPLIFIED MUSIC, CONTRAVENTION OF SECTION 80 NOISE ABATEMENT NOTICE DATED 23/12/10 IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003. ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4 2DD.

Further to my visit to your premises in the early hours of Sunday 30 January, this is to confirm the Council's position with regard to the contravention of the noise abatement notice that was served on 23 December.

I visited a local resident in the early hours and music noise from Orleans could be clearly heard in a bedroom of the flat I visited. It would have been very difficult for a person of normal sensitivity to get to sleep in the bedroom and I noted that the music noise could be heard alongside the traffic noise outside and that the music noise dominated during any lulls in the traffic noise outside. The noise heard emanating from Orleans was a contravention of the S.80 Notice served.

My colleague and I visited your premises and spoke to you outside. I requested you reduce the volume of music being played out at the premises as the volume we had heard was a contravention of the Section 80 abatement notice served. You claimed not to have received the Section 80 abatement notice or either of the warning letters I had previously sent you. I have to inform you again, the notice was correctly served, it was sent by first class post to the only given address on the premises licence; that is the address of the premises. The letters were also sent to the premises address. You gave me another address in South Tottenham and stated that you had requested all Council correspondence be sent to that address. I have checked the file since and found recent warning letters about trading beyond your permitted hours and noise nuisance from the Licensing Officer, Niall Forde addressed to you at the premises address however. I understand these letters were given to you personally at this office when you came in to apply for some TENs but they were still addressed to the premises address. If you want us to know about the other address formally, I would suggest you request the premises licence be amended to include the other address. I am copying this letter to the South Tottenham address for your convenience however.



CHARTER MARK

At the time of my visit you stated it was unreasonable of us to approach you and ask you to reduce the volume of sound being played out without prior warning. I reiterated that warning letters had been sent in December prior to the abatement notice being served. You were not prepared to listen to us however and I returned to the office to print off the correspondence dated 8 and 16 December along with the noise abatement notice dated 23 December.

We revisited the premises at 03:05 and spoke to you again in the street outside. I handed you copies of the correspondence detailed above and you said you recognised me at the time of the second visit. I informed you that I did not believe the music volume had been reduced as requested and you claimed you had reduced the volume. I have to disagree with you on that point as the volume of sound heard from our approach by the side exit was as loud as during our previous visit earlier that night. You stated that we should have some noise monitoring equipment to measure the sound somewhere. You again argued vociferously it was unreasonable of us to visit you at the premises and request a reduction in the volume of music being played out.

We informed you that it is not necessary to use noise measuring equipment in order to judge a statutory noise nuisance under the powers of the Environmental Protection Act 1990. You refused to reduce the volume of the music being played out inside at the time of our second visit. You again stated that we should warn you prior to any visits and that you were refusing to take our visits seriously because of this. I urged you to seriously consider the content of the letters and the notice sent to you in December. I also advised you to seek legal advice as to your position.

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. This will require enforcement action due to contravention of the abatement notice served on 23/12/10 under the above legislation. 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 the Council may apply for a warrant to enter your premises to remove all noise making equipment in the event of continuing noise nuisance being witnessed.

We must also warn that 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.

I would refer you to advice given in the letter dated 8 December in connection with the installation of a noise limiting device and agreeing on maximum music volume at the premises with the Council so as to reduce the likelihood of being the subject of complaints in relation to further noise nuisance.

Please contact me back in writing within 7 days of the date of this letter to inform me of your intentions with regard to these matters. We have to warn that in the event of not hearing from you and further noise nuisance being witnessed from Orleans we may move to enforcement action without further warning.

Yours sincerely

Anne Brothers

Anne Brothers

Principal Technical Officer

cc. Anthony Raphael, 109B Fairview Road, South Tottenham, London, N15 6T

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer



ISLINGTON

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

Mr A Raphael
Orleans
259-261 Seven Sisters Road
London
N4 2DD
BY HAND.

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/1010089
Your ref:

Date: 10 February, 2011

Dear Mr Raphael

NOISE NUISANCE FROM AMPLIFIED MUSIC, CONTRAVENTION OF SECTION 80 NOISE ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003. POLICE AND CRIMINAL EVIDENCE ACT 1984. ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4 2DD.

A Section 80 noise abatement notice dated 23 December 2010 was served on you under the provisions of the Environmental Protection Act 1990. The Section 80 abatement notice required that you to take all reasonable steps to ensure that no amplified music from Orleans is played at levels likely to cause a nuisance to occupiers of nearby premises. Failure to comply with the terms of an abatement notice is a criminal offence with fines of up to £20,000 for each occasion the notice is breached.

After my visit to your premises in the early hours of Saturday 30 January I wrote to you again on 2 February detailing my findings of the visit that night. You contacted me by telephone last Friday and I advised you that sound levels should be significantly reduced in order not to cause further nuisance. You stated you already have a limiter on your sound equipment and your engineer was visiting later that day to reduce levels so that anyone playing out music could not exceed the levels that you considered to be reasonable according to the settings on the limiter. You also stated that you felt there had been some structural movement at the premises in the vicinity of the fire exit to Stroud Green Road which may allow the egress of sound. You said you would e mail me with details of how you intend control the volume at the premises in future but to date I have not heard any further from you.

I have to inform you that Noise Patrol visited a local resident at 00:18 on 9 February and report that bassy music noise from Orleans could be clearly heard in a bedroom of a residential flat nearby. The Noise Patrol officer further described the noise as causing vibrations to the floors throughout the flat.

As we have now witnessed two potential breaches of the Section 80 noise abatement notice served on December 23 2010 we are now considering whether to commence prosecuting



CHARTER MARK

proceedings against you. In order to make a decision on this I need you to provide me with answers to the following questions. Please note the following caution:

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.

1. Why was loud music being played in apparent contravention of the noise abatement notice?
2. Please inform us of the reasonable step that had been taken prior to these two incidents to prevent amplified music from causing a nuisance to occupiers of nearby premises?
3. Are there any mitigating circumstances that you would like us to take into account?

We seek your written response within the next 14 days of the date of this letter. If we do not hear from you by that date we are likely to commence legal proceedings against you without further warning.

In addition, should further incidents be witnessed by Council officers we are likely to apply for a review of your premises licence. The Council may also apply for a warrant to enter your premises to remove all noise making equipment.

I look forward to receiving your response.

Yours sincerely

Anne Brothers

Anne Brothers
Principal Technical Officer

cc. Anthony Raphael, [REDACTED]

RECORDED DELIVERY)

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer



ISLINGTON

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

Mr A Raphael
Licensee
Orleans
259-261 Seven Sisters Road
London
N4 2DD

T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
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This matter is being dealt with by:
Anne Brothers

Our ref: abr/111235394
Your ref:

Date: 14 November, 2011

Dear Mr Raphael

NOISE NUISANCE FROM AMPLIFIED MUSIC. CONTRAVENTIONS OF SECTION 80 ABATEMENT NOTICE. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003

A Section 80 noise abatement notice dated 23 December 2010 was served on you under the provisions of the Environmental Protection Act 1990. The Section 80 abatement notice required that you to take all reasonable steps to ensure that no amplified music from Orleans is played at levels likely to cause a nuisance to occupiers of nearby premises. Failure to comply with the terms of an abatement notice is a criminal offence with fines of up to £20,000 for each occasion the notice is breached.

I have to write to you again in respect of recent noise nuisance that has been witnessed from Orleans on the following dates:

17/10/11, 01:10: A noise nuisance was witnessed by authorised officers. The noise reported consisted of booming bass causing a bedroom floor nearby to vibrate. The noise heard was judged to be a Statutory Nuisance as defined by S.79(g) of the Environmental Protection Act 1990. Officers approached the premises on the night and were informed by a door supervisor that you were not available that night. The door supervisor was requested to reduce the level of bass being played out which I understand he did.

30/10/11, 02:10: Intrusive noise was witnessed from amplified music at Orleans from a nearby resident's home. Noise Patrol officers again visited the premises and spoke to a man who told them he was a manager. They again requested the levels of bass being played out be reduced in order to abate the noise nuisance.

As we have now witnessed two further potential breaches of the Section 80 noise abatement notice served on December 23 2010 we are now considering whether to commence prosecuting proceedings against you. In order to make a decision on this I need you to provide me with answers to the following questions. Please note the following caution:

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.

1. Why was loud music being played in apparent contravention of the noise abatement notice?

2. Please inform us of any reasonable steps that had been taken prior to these two incidents to prevent amplified music from causing a nuisance to occupiers of nearby premises?

3. Are there any mitigating circumstances that you would like us to take into account?

We seek your written response within the next 14 days of the date of this letter. If we do not hear from you by that date we are likely to commence legal proceedings against you for contravening the Section 80 abatement notice without further warning.

Current levels of fines are up to £20,000 per offence for noise nuisance from commercial premises. In addition the Court can also impose a prison sentence of up to 6 months. The Council may also apply for a warrant to enter your premises to remove all noise making equipment.

I look forward to receiving your response.

Yours sincerely

Anne Brothers

Anne Brothers

Principal Technical Officer

cc. Anthony Raphael, [REDACTED]

RECORDED DELIVERY)

Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer



ISLINGTON

Anthony Raphael
109B Fairview Road
London N15 6TS

This matter is being dealt with by:
Anne Brothers

Noise Patrol Team
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London N1 1XR

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E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/201305196

Your ref:

Date: 4 March 2013

Dear Mr Raphael

SECTION 80 NOISE ABATEMENT NOTICE IN RELATION TO NOISE NUISANCE FROM AMPLIFIED MUSIC. RECURRING NOISE NUISANCE FROM AMPLIFIED MUSIC. PROPOSED REVIEW OF PREMISES LICENCE, ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4 2DD. LICENSING ACT 2003

I have to inform you that since my visit to Orleans in the early hours of 24 February we are aware of continuing calls to the Noise Patrol Service and Noise Patrol Officers have witnessed further noise nuisance from amplified music at Orleans on three further occasions. In the light of this I have been instructed to inform you that Noise Team now intends to make an application to review the premises licence for Orleans on grounds of public nuisance. The application will be made this week and the papers will be forwarded to you once the application is completed as required by the Licensing Act 2003.

In the meantime I am aware that you have another TEN this coming Saturday night/Sunday morning. I strongly recommend you consider cancelling the event and further I must urge you that in order to reduce the likelihood of you being prosecuted for noise nuisance and contraventions of the Section 80 that you restrict the volume of music at the premises to ambient background levels of sound so as not to cause further noise nuisance.

I have to warn you that in the event of further noise nuisance being witnessed from the premises we may make an application to the magistrates for a warrant in order to seize all noise making equipment from Orleans without further warning.

Yours sincerely,

Anne Brothers
Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager
Anthony Raphael via e mail: anthonyraphael1@aol.com
Niall Forde, Licensing.

Noise Patrol reports/actions taken in respect of noise at Orleans.

<u>Date/Time</u>	<u>Report/Action taken</u>	<u>Outcome/officer code</u>
21/11/10	<p>Proactive visit at request of Licensing and due to noise complaints being received..</p> <p>Orleans, Seven Sisters Road 04:05</p> <p>VLM clearly audible outside, pavement was vibrating underfoot outside on Seven Sisters Road and Stroud Green Road. Called ATF who attended approx 10 minutes later. Told the sergeant we are in receipt of noise complaints from local residents who alleged that noise is frequent after 04:00 when the volume increases. Their theory is the licensee is aware NP closes for calls at that time and he thinks he is safe. Suggested to sergeant that he should tell licensee that we were there and we had contacted them tonight.</p> <p>Sergeant went to door and licensee (name not noted) was alerted to our presence outside by a man on the door (badge not seen). Did not note licensee's name but recognised him. Sergeant told him that ATF were alerted by Council Officers who were present.</p> <p>Doorman told Sergeant there were about 100 people inside at this time. Waited for a further 10 minutes or so and the music went off. While we were outside a woman came out to speak to us. She explained it was a Finsbury Park reunion and asked if they could continue only with the bar closed. The Sergeant told her the premises should be closed and quiet by 03:50 according to the licence and that we were there due to noise complaints received from local residents. At that point I spoke to her and apologised to her but stated the licensee knew he should be closed by 03:50 but he had the option of applying for TENs to extend hours and that he had not done this for their party so she should take the matter up with the licensee.</p> <p>I did not speak to the licensee during the visit. Told the Police I may have another premises to close and asked them if they could accompany me. They left the premises telling them they would be back in half an hour and they wanted the premises closed and quiet by the time they got back.</p>	ABR
5/12/10	<p>Proactive visit at request of Licensing and due to noise complaints being received.</p> <p>Orleans, Seven Sisters Road, 04:05</p> <p>Visited area at the above time. Could hear music from the premises directly outside but not as loud as last time (when the pavement was vibrating underfoot). As the music noise was not so loud, I decided not to call the resident and risk waking her up for no reason.</p> <p>Called ATF and informed them the premises was still open and should be closed by 03:50. They told me they were on their way.</p> <p>While we were waiting outside, an incident involving a</p>	ABR

	<p>group of young men and the staff of the takeaway over the road unfolded in front of us. There was an exchange between the lads and the staff of the shop outside on the pavement. The staff came outside and remonstrated with the lads. One staff was being held back by his colleagues, one lad ended up on the ground and I saw a chair from inside outside and being brandished by a member of the takeaway staff! The ATF arrived and parked up in the middle of the road briefly and the PC's all piled out and chased the lads around the corner with the van in hot pursuit.</p> <p>When all this happened, the door to Orleans was closed (it had previously been opened). The PC's all came back with some of the youths all in handcuffs and put them in the van.</p> <p>The sergeant (PS 90) and a PC then came over to the club and began hammering on the door to Seven Sisters Road, the sergeant was also kicking the door to get inside. They also went around to the exit on Stroud Green Road. The shutter was down and the sergeant was kicking the shutter. The sergeant told me a CAD number had been created at the time of my call and that I should call in to get it and the details of their report as it would be entered on there. Told him I would check with Don Stewart.</p> <p>Eventually after about 10 minutes of the sergeant hammering on and kicking the doors someone came up to the Seven Sisters Road door and opened it and the sergeant and the PC went downstairs into the club. Music still playing - quite loud from the open doorway. They came back upstairs and the sergeant told me there were about 30 people inside, he did not see any sales of alcohol but they all had drinks and (REDACTED)</p> <p>As we drove away we could see that more people were coming outside and it looked like the night was over for them.</p>	
8/12/10. 01:04	From complainants bedroom heavy bass of music audible, vibration could be felt under foot and when hand on wall. Bass was clearly audible above background traffic noise and would prevent or interfere with the sleep of an average person.	Noise Witnessed. Potential SN (ALO)
8/12/10	Noise warning letter sent (copy attached).	ABR
11/12/10 00:25	<p>From bedroom, substantial amount of noise and vibration to floor. Nuisance. Would be difficult to sleep in bedroom. Did not approach source as complainant wants anonymity.</p> <p>Sitting room/diner – music would interfere with waking activities. Could not rest/relax or comfortably watch TV in this room. Music – persistent pounding.</p> <p>Complainant says this room was originally a bedroom but they changed its use because of the noise.</p> <p>Can hear mostly beat but other elements audible.</p>	Noise nuisance witnessed (AMI)
16/12/10	Noise warning letter sent (copy attached).	ABR

9/2/11 00:18	Bass audible in bedroom on first floor along with vibration under foot. Vibration under foot could be felt throughout flat. Went to second floor bedroom and vibration under foot but bass lower although still slightly audible. Complainant said it had gone down in volume since he called. Info to ABR.	Noise Witnessed. Potential SN (ALO)
23/12/10	No response from licensee to letters sent, therefore Section 80 noise abatement notice served (copy attached)	ABR
30/1/11 01:12 and 03:05	<p>Visited resident bedroom we could hear bassy rhythm of music being played out. Could not make out the vocals however. Heard the occasional drum roll punctuating music. Noted that it would be very difficult to get to sleep in the room with the music noise going on. The music could clearly be heard alongside traffic noise outside and dominated during any lulls in the traffic. Resident claimed they often crank up the volume further from 04:30 onwards and it wakes residents. The lines in to NP have closed then. Noise heard amounted to a contravention of S.80 notice served.</p> <p>Residents said they often stay away from home due to the music and was not there last weekend. Flatmate, told her it was bad last weekend when she wasn't there. Asked her why doesn't other resident call NP?</p> <p>Went to premises and spoke to licensee, Mr Anthony Raphael after waiting in the street for about 10 minutes after asking doorman, he was slow to come upstairs to speak to us. TEN on tonight. 2 men were working on the door, one was helpful, the other less so. They did not have any SIA registration visible.</p> <p>Told Mr Raphael we had witnessed a contravention of the S.80 and the music volume needs to be reduced. He stated he had not received any letters or the S.80 from us. I told him they had all been sent to the club's address as that was the only given address on the licence. I told him the notice had been correctly served before Christmas. He insisted he had not received any correspondence from us and he had told everyone in the Council that all correspondence should be sent to another address which he gave me as a Tottenham address He also gave me his telephone number.</p> <p>I asked him to reduce the volume as we had heard the music at nuisance levels in a bedroom of a neighbouring residential property. He said it was unreasonable of us to approach him on the night and tell him to turn it down straight away without any previous visits or letters. We tried to explain to him that it was reasonable for us to approach him but he was not prepared to listen to us. He insisted we should contact him first before we could get him to reduce the volume if he was the cause of any noise nuisance. He insisted he had not received any correspondence from us about noise nuisance and he could not take this visit seriously as he had not heard from us previously. He said he had been there for nearly 20 years and he had never been informed of any</p>	ABR

	<p>complaints before. He said the residential development was recent and he was there first etc. I told him I would see if I could retrieve a copy of the notice and correspondence and we may re-visit later on. He flatly refused to co-operate with us and said again and again that it was unreasonable of us to visit and get him to reduce the volume without prior warning. As we walked away, the more helpful doorman told me that he had got the music volume reduced.</p> <p>Called resident and let her know the outcome of the visit and the refusal to lower volume. Told resident to call back if the music got louder from her room upstairs on 2F.</p> <p>Revisited at 03:05.</p> <p>Music noise did not seem any lower on approach when listening outside from the side fire exit door to Seven Sisters Road. Spoke to Mr Raphael again (after he kept us waiting for some time outside again).</p> <p>I handed him copies of all the letters I sent him last December which consisted of 2 warning letters and a S.80 with a covering letter. He seemed a bit more conciliatory and less argumentative this time. He said he recognised me. I again asked him to reduce the volume of music being played out as it did not seem any lower than the last time we had visited and that music volume was witnessed as a noise nuisance. He claimed he had reduced the volume since the previous visit. I told him that from the side fire exit it did not seem as if he had reduced the volume at all.</p> <p>He disputed our opinion on this and said we should have some monitoring equipment with us to measure the sound.</p> <p>At this point NP Officer PBA informed Mr Raphael that we don't need a meter for this and that it was reasonable for us to approach and ask him to reduce the volume as we had witnessed a noise nuisance and that EPA allowed us to do this. He refused to reduce the volume any further than what he claimed he had already done. We left it at that. I told him he should look at the bundle of letters and the notice that I had just given him and I asked him to contact me next week. He said he could not take this visit seriously again at some stage during the conversation and I urged him to take it seriously. I advised him to get legal advice.</p> <p>In addition, I checked the address that NFO (LO) has sent recent warning letters to and it is to the club address given on the licence. I would also say that the address given on the TEN application for tonight was the South Tottenham address. I checked the file when I went back to the office to print off the December correspondence. Further warning to be sent to both given addresses.</p>	
2/2/11	Letter sent in relation to the contravention of the Section 80 notice that was witnessed on 30 January.	ABR

	The licensee was again requested to contact us in writing within 7 days of the letter to inform us regarding how he intended to control noise at the premises so as not to cause a noise nuisance to neighbours. (copy attached)	
4/2/11	I received a telephone call was received from Mr Raphael. He stated said he thought there may be some structural movement that needs investigating and he thought that may resolve the problem of the transmission of sound. He said he had contacted his sound engineer to detect any leakages. He Told me he has a sound limiter and he has set maximum sound levels for music that any DJ's performing at the club could not exceed. He stated his sound technician was visiting to adjust sound levels down later that day. I told him the maximum levels were too loud and he needed to reduce sound levels in order to not cause a noise nuisance and avoid enforcement action as described in letter sent this week. He was asked to confirm his intentions in writing. He said he would send an e mail. No e mail or letter from Mr Raphael informing of how he intended to control sound levels was received.	ABR
9/2/11 00:08	Bass audible in bedroom on first floor along with vibration under foot. Vibration under foot could be felt throughout flat. Went to second floor bedroom and vibration under foot but bass lower although still slightly audible. Complainant said it had gone down in volume since he called.	Noise witnessed. Potential SN (ALO)
10/2/11	Noise warning letter with caution/questions sent. (copy attached) No response received to this letter.	ABR
10/2/11	On 10/2/11 Mr Raphael was telephoned to offer a sound setting exercise at Orleans in order to come to an agreement on maximum music levels for the premises that would be less likely to cause a noise nuisance to neighbours and be the subject of complaints regarding noise nuisance to the Council. Mr Raphael stated it was not convenient for us to visit on the offered dates which were either Monday 14 or Tuesday 15 February. He was also offered Wednesday 16 February but Mr Raphael stated he had other commitments that night. To date Mr Raphael has not contacted us back in response to letters sent or to arrange a date for us to visit in order to agree on maximum music levels for the premises	ABR
9/4/11 04:00	Proactive visit. Visited at the above time and could hear some music noise by the fire exit on Stroud Green Road – not as loud as I have previously noted in the past. Noticed the front	ABR

	<p>door open as we passed by on approach. Went to the door and spoke to (badged) DS. Asked for Mr Raphael and he came out to speak to me quite promptly this time. He told me the premises was closed and the DJ was still there just playing the music for himself. Told him music should have ceased at 03:30 and that he should turn it off now. Left it at that.</p>	
April 2011	<p>Two further calls from residents were received up to April 2011, no noise nuisance was witnessed in response to the first call. The second call was anonymous and there was no time to visit during the shift as anonymous complaints are given a lower priority.</p>	NPX
17/10/11 01:10	<p>From complainant's bedroom witnessed loud booming bass, pulsing and vibrating the floor. SNR. Would be difficult to sleep in this room. Located source (complainant thought it was her residential next door neighbour) to Orleans Nite Club, 259-261 Seven Sisters Road. Music had same style of bass line as I had heard in complainant's flat. Approached source. Licencee not on premises. One of the door supervisors volunteered to turn it down. I told him that in particular he needed to turn the bass down. This was done. Phoned complainant who confirmed that the noise level had reduced.</p>	Noise Witnessed. Potential SN (AMI)
30/10/11 02:10	<p>From C's bedroom bass audible, no vibration under foot but still intrusive. Spoke to a male who said he was a manager and requested the bass be lowered. Reminded them they have a S80 to comply with.</p>	Noise Witnessed. Potential SN (ALO)
14/11/11	<p>Letter with caution sent. Informing Mr Raphael that if we do not hear from him within 14 days we may commence legal action without warning that may include seizure of noise making equipment. etc etc. cc'd to Mr Raphael at his Tottenham address via recorded delivery. (Copy attached) No response to this letter was received.</p>	ABR
13/12/11 23:45	<p>Some low level beat of music audible at a very low level by wall. Not a nuisance at time of visit. No vibration underfoot which is normally the case.</p>	Investigation. No action req (ALO)
9/9/12 04:00 – 04:30	<p>Visited at the above (earlier time). TEN application made for tonight but was subject to counter notice from Licensing as his quota of TENs for this year has been used-up. People outside smoking – one of his 70's nights? Approached and asked DS for Mr Raphael. Mr R was standing just inside the door and he came out to speak to me. I told him he probably thought he had a TEN but he doesn't as he has used up his full allowance for this year and as a consequence he would have to close. I told him we would stay outside to watch and the music had to stop and he would have to ask all his customers</p>	ABR

	<p>to leave. He agreed to close and went back inside. We hung around for a while as we had to visit somewhere else in the vicinity. On return we saw one of the DS's and a customer looking for use around the corner, they returned to the club when we became visible to them. We went back into the car and parked up closer to the premises. Saw some women coming out with their bags and coats. Considered the premises was closing and was sufficiently disrupted for that night.</p>	
<p>22/9/12 04:30</p>	<p>Could hear music noise from the fire exit doors in Stroud Green Road. Entrance doors to Seven Sisters Road were locked closed, notice on the door saying private party on 22 Sept. Called Police via 101 number. CAD reference number 2192(23092012) Eventually the doors were opened to let some people out and I stopped them closing it again. I got the DS to call Mr Raphael upstairs. He denied there was any music and told me there was a group of people there from Birmingham and he didn't think he could get rid of them and just put them out on the street. I told him to put them out and close the premises. Walked away and cancelled the call to the Police at approx 04:55. When we drove away we noticed people coming out. N.B. The door to Seven Sisters Road was bolted on the inside – big "L" shaped bolt seen. Told Mr Raphael in the presence of the DS's (X2) that the door must never be locked or bolted while there are customers at the premises.</p>	
<p>24/2/13</p>	<p>First visited at 02:10 after witnessing noise from premises from a nearby resident's home. The residents were reporting noise nuisance primarily from another premises earlier on but they mentioned noise from this place as an issue as well. They alleged the premises was regularly open at weekends until beyond 04:30 but their understanding was that as they were licensed there was nothing they could do about it. They have been resident since last August but had not contacted us previously but the music noise from another premises was so bad recently they had to contact us. The discussions and discovery of the Orleans issue for them was incidental to the main report about noise nuisance from another premises. Had to visit another premises first during 02:10 visit to get music volume reduced to confirm that further noise affecting the residents was coming from Orleans. Confirmed this was the case and visited Orleans at 02:10. Spoke to Mr Raphael outside and asked him to significantly reduce the volume of music as I had witnessed noise amounting to a nuisance from Orleans. While waiting outside for him we were able to easily</p>	<p>Contravention of Notice witnessed (ABR)</p>

	<p>recognise the music being played out - repetitive bassy track - from what we had heard from the resident's home. Reminded Mr Raphael that a S.80 had been served and I had witnessed a contravention of the notice tonight. Told him he risked enforcement action if he continued to contravene the notice.</p> <p>Discussed the need to come to an agreement regarding maximum music volume inside so as not to cause a nuisance and that he needed a limiter. He told me a limiter could not be used as some types of music that he played would be badly affected by a limiter on the system. Told him I didn't agree with him and he told me he controls the sound via a control behind the bar and he has to adjust it according to different types of music played at the premises. He reduced the volume for me and I telephoned the resident to check the sound was now alright for them. Told it was OK now.</p> <p>Asked Mr Raphael not to increase the volume.</p>	
24/2/13 03:45	<p>Revisited at about 03:45 after dealing with another premises nearby at 03:10. Had heard music noise from the resident's home again and told them I would visit to close them as no TEN listed for tonight that would permit later trading. The door to the premises was locked and as we approached there were 3 people outside who were knocking on the door to get in. I knocked on the door to no response although I could clearly hear the music outside. I knocked again on the metal door very loudly with a knocker I keep on my key ring. I told the people outside that the premise was closing and I was not knocking on the door to get in for a drink. Police were visible in the background but I told Mr Raphael that they were helping me with another premises and were not there due to him. Told him he should be closed by now and he told me he was still in the process of closing the premises. Told him to get rid of his customers and to close now.</p> <p>Licence contravention. Contravention of S.80. Warning letter to be sent informing licensee of possible enforcement options should noise nuisance continue to be witnessed. Will also recommend him to appoint an AC and install a limiter in order to come to an agreement with us re: maximum music volume so as not to cause further noise nuisance.</p>	<p>Contravention of Notice witnessed (ABR)</p>
27/2/13 00:15	<p>Vst 0015hrs from bedroom heavy bass reggae/ska music clearly audible along with a male voice on mic. Music was very intrusive in the bedroom and would prevent and/or interfere with sleep. I spoke to the doorman and a male on the door who went inside the club and the music was lowered. I was told the man I know as the owner/manager was not at the premises. I confirmed with the complainant that the noise was no longer intrusive and left. CM02</p>	<p>Contravention of Notice witnessed (ALO)</p>

27/2/13	<p>E mail sent to licensee from Louise Norris, Noise Patrol Manager (pasted below) -----Original Message----- From: Norris, Louise Sent: 27 February 2013 14:03 To: 'ant' [REDACTED] Cc: Brothers, Anne; Imoke, Christopher; Forde, Niall Subject: Noise from Orleans Importance: High Dear Mr Raphael, I understand that Noise Patrol officers witnessed loud music coming from Orleans last night in potential breach of the noise abatement notice. We will be writing to you shortly regarding this incident but in the interim you need to be aware that if further incidents of excessive noise are witnessed we may apply to a magistrate for a warrant to enter the premises and seize noise making equipment. I therefore strongly advise that you exercise more control over the volume of the music. Regards Louise Norris Noise Patrol Manager</p>	LNO
1/3/13 00:15	<p>Vst 0115 some bass at an intrusive level audible in bedroom. Slight bass under foot. Spoke to Mr Raphael and he lowered the bass. He wasn't happy and I told him he needs to. Work with licensing re sound levels. CM02</p>	<p>Contravention of Notice witnessed (ALO)</p>
4/3/13 02:05	<p>fcb 0118, scb 0202. Deep bass like a pulsing continuous drone causing a slight vibration to the floor. Nuisance. Disturbing. Would be difficult for a person of average sensitivity to sleep in this room. Listened from 2 bedrooms on first floor and found the same effect in both. 3 clubs nearby: checked Coco – this was shut and locked, listened with ear to door and could not hear any music; Silver Bullet appeared to be in the process of closing and was not playing any music. I could hear music with a similar characteristic by the Orleans fire escape door on Stroud Green Road. I went into Orleans and had a long discussion with owner Anthony Raphael who said he was confused as to how it could be HIS music causing the problem and mentioned that there were 2 other clubs in the area. I told him I had checked and it was not the other 2. He said he had had an engineer visit to set the levels and had switched off the amp that powers the bass speaker. I told him that despite this, I could still hear a very significant bass content in the music. I asked him to lower the bass and then returned to the complainants' flat and could no longer hear the music. I phoned Mr Raphael (07958686740), who had asked for feedback, and told him the levels were now OK. Low rumbling sound in complainants bedrooms from music. Checked all 3 local night clubs and verified Orleans as the source. Lengthy discussion with owner, Anthony Raphael who initially denied it could be him.</p>	<p>Contravention of Notice witnessed (AMI)</p>

	<p>In my opinion the noise I heard was a nuisance and in breach of the S.80 notice. Left site at 02:55.</p>	
<p>4/3/13</p>	<p>Letter posted and e mailed to licensee. Copy letter attached that gives notice of review application. From: Brothers, Anne Sent: 04 March 2013 15:56 To: [REDACTED] Cc: Norris, Louise; Forde, Niall Subject: Noise at Orleans Importance: High Dear Mr Raphael Further to the e mail sent last week by my manager, Louise Norris (pasted below) please find attached a letter in connection with noise nuisance currently being witnessed at Orleans. I strongly urge you to take note of the contents of the letter and act accordingly. Anne Brothers Principal Technical Officer Noise Patrol Public Protection</p>	
<p>6/3/13</p>	<p>E mail received from acoustic consultant: -----Original Message----- From: Shaun Murkett [REDACTED] Sent: 06 March 2013 18:25 To: Brothers, Anne Subject: Orleans I have started the noise survey and made recommendations . He has instructed contractors to start on works as of today . I am to visit on Friday and inspect and will keep you posted of progress . Any queries please let me know Sent from my iPhone. Shaun Murkett Acoustic Consultants Ltd 07956 367598</p>	

Noise Patrol reports/actions taken in respect of noise at Orleans.

<u>Date/Time</u>	<u>Report/Action taken</u>	<u>Outcome/officer code</u>
21/11/10	<p>Proactive visit at request of Licensing and due to noise complaints being received..</p> <p>Orleans, Seven Sisters Road 04:05</p> <p>VLM clearly audible outside, pavement was vibrating underfoot outside on Seven Sisters Road and Stroud Green Road. Called ATF who attended approx 10 minutes later. Told the sergeant we are in receipt of noise complaints from local residents who alleged that noise is frequent after 04:00 when the volume increases. Their theory is the licensee is aware NP closes for calls at that time and he thinks he is safe. Suggested to sergeant that he should tell licensee that we were there and we had contacted them tonight.</p> <p>Sergeant went to door and licensee (name not noted) was alerted to our presence outside by a man on the door (badge not seen). Did not note licensee's name but recognised him. Sergeant told him that ATF were alerted by Council Officers who were present.</p> <p>Doorman told Sergeant there were about 100 people inside at this time. Waited for a further 10 minutes or so and the music went off. While we were outside a woman came out to speak to us. She explained it was a Finsbury Park reunion and asked if they could continue only with the bar closed. The Sergeant told her the premises should be closed and quiet by 03:50 according to the licence and that we were there due to noise complaints received from local residents. At that point I spoke to her and apologised to her but stated the licensee knew he should be closed by 03:50 but he had the option of applying for TENs to extend hours and that he had not done this for their party so she should take the matter up with the licensee.</p> <p>I did not speak to the licensee during the visit. Told the Police I may have another premises to close and asked them if they could accompany me. They left the premises telling them they would be back in half an hour and they wanted the premises closed and quiet by the time they got back.</p>	ABR
5/12/10	<p>Proactive visit at request of Licensing and due to noise complaints being received.</p> <p>Orleans, Seven Sisters Road, 04:05</p> <p>Visited area at the above time. Could hear music from the premises directly outside but not as loud as last time (when the pavement was vibrating underfoot). As the music noise was not so loud, I decided not to call the resident and risk waking her up for no reason.</p> <p>Called ATF and informed them the premises was still open and should be closed by 03:50. They told me they were on their way.</p> <p>While we were waiting outside, an incident involving a</p>	ABR

	<p>group of young men and the staff of the takeaway over the road unfolded in front of us. There was an exchange between the lads and the staff of the shop outside on the pavement. The staff came outside and remonstrated with the lads. One staff was being held back by his colleagues, one lad ended up on the ground and I saw a chair from inside outside and being brandished by a member of the takeaway staff! The ATF arrived and parked up in the middle of the road briefly and the PC's all piled out and chased the lads around the corner with the van in hot pursuit.</p> <p>When all this happened, the door to Orleans was closed (it had previously been opened). The PC's all came back with some of the youths all in handcuffs and put them in the van.</p> <p>The sergeant (PS 90) and a PC then came over to the club and began hammering on the door to Seven Sisters Road, the sergeant was also kicking the door to get inside. They also went around to the exit on Stroud Green Road. The shutter was down and the sergeant was kicking the shutter. The sergeant told me a CAD number had been created at the time of my call and that I should call in to get it and the details of their report as it would be entered on there. Told him I would check with Don Stewart.</p> <p>Eventually after about 10 minutes of the sergeant hammering on and kicking the doors someone came up to the Seven Sisters Road door and opened it and the sergeant and the PC went downstairs into the club. Music still playing - quite loud from the open doorway. They came back upstairs and the sergeant told me there were about 30 people inside, he did not see any sales of alcohol but they all had drinks and (REDACTED)</p> <p>As we drove away we could see that more people were coming outside and it looked like the night was over for them.</p>	
8/12/10. 01:04	From complainants bedroom heavy bass of music audible, vibration could be felt under foot and when hand on wall. Bass was clearly audible above background traffic noise and would prevent or interfere with the sleep of an average person.	Noise Witnessed. Potential SN (ALO)
8/12/10	Noise warning letter sent (copy attached).	ABR
11/12/10 00:25	<p>From bedroom, substantial amount of noise and vibration to floor. Nuisance. Would be difficult to sleep in bedroom. Did not approach source as complainant wants anonymity.</p> <p>Sitting room/diner – music would interfere with waking activities. Could not rest/relax or comfortably watch TV in this room. Music – persistent pounding.</p> <p>Complainant says this room was originally a bedroom but they changed its use because of the noise.</p> <p>Can hear mostly beat but other elements audible.</p>	Noise nuisance witnessed (AMI)
16/12/10	Noise warning letter sent (copy attached).	ABR

9/2/11 00:18	Bass audible in bedroom on first floor along with vibration under foot. Vibration under foot could be felt throughout flat. Went to second floor bedroom and vibration under foot but bass lower although still slightly audible. Complainant said it had gone down in volume since he called. Info to ABR.	Noise Witnessed. Potential SN (ALO)
23/12/10	No response from licensee to letters sent, therefore Section 80 noise abatement notice served (copy attached)	ABR
30/1/11 01:12 and 03:05	<p>Visited resident bedroom we could hear bassy rhythm of music being played out. Could not make out the vocals however. Heard the occasional drum roll punctuating music. Noted that it would be very difficult to get to sleep in the room with the music noise going on. The music could clearly be heard alongside traffic noise outside and dominated during any lulls in the traffic. Resident claimed they often crank up the volume further from 04:30 onwards and it wakes residents. The lines in to NP have closed then. Noise heard amounted to a contravention of S.80 notice served.</p> <p>Residents said they often stay away from home due to the music and was not there last weekend. Flatmate, told her it was bad last weekend when she wasn't there. Asked her why doesn't other resident call NP?</p> <p>Went to premises and spoke to licensee, Mr Anthony Raphael after waiting in the street for about 10 minutes after asking doorman, he was slow to come upstairs to speak to us. TEN on tonight. 2 men were working on the door, one was helpful, the other less so. They did not have any SIA registration visible.</p> <p>Told Mr Raphael we had witnessed a contravention of the S.80 and the music volume needs to be reduced. He stated he had not received any letters or the S.80 from us. I told him they had all been sent to the club's address as that was the only given address on the licence. I told him the notice had been correctly served before Christmas. He insisted he had not received any correspondence from us and he had told everyone in the Council that all correspondence should be sent to another address which he gave me as a Tottenham address He also gave me his telephone number.</p> <p>I asked him to reduce the volume as we had heard the music at nuisance levels in a bedroom of a neighbouring residential property. He said it was unreasonable of us to approach him on the night and tell him to turn it down straight away without any previous visits or letters. We tried to explain to him that it was reasonable for us to approach him but he was not prepared to listen to us. He insisted we should contact him first before we could get him to reduce the volume if he was the cause of any noise nuisance. He insisted he had not received any correspondence from us about noise nuisance and he could not take this visit seriously as he had not heard from us previously. He said he had been there for nearly 20 years and he had never been informed of any</p>	ABR

	<p>complaints before. He said the residential development was recent and he was there first etc. I told him I would see if I could retrieve a copy of the notice and correspondence and we may re-visit later on. He flatly refused to co-operate with us and said again and again that it was unreasonable of us to visit and get him to reduce the volume without prior warning. As we walked away, the more helpful doorman told me that he had got the music volume reduced.</p> <p>Called resident and let her know the outcome of the visit and the refusal to lower volume. Told resident to call back if the music got louder from her room upstairs on 2F.</p> <p>Revisited at 03:05.</p> <p>Music noise did not seem any lower on approach when listening outside from the side fire exit door to Seven Sisters Road. Spoke to Mr Raphael again (after he kept us waiting for some time outside again).</p> <p>I handed him copies of all the letters I sent him last December which consisted of 2 warning letters and a S.80 with a covering letter. He seemed a bit more conciliatory and less argumentative this time. He said he recognised me. I again asked him to reduce the volume of music being played out as it did not seem any lower than the last time we had visited and that music volume was witnessed as a noise nuisance. He claimed he had reduced the volume since the previous visit. I told him that from the side fire exit it did not seem as if he had reduced the volume at all.</p> <p>He disputed our opinion on this and said we should have some monitoring equipment with us to measure the sound.</p> <p>At this point NP Officer PBA informed Mr Raphael that we don't need a meter for this and that it was reasonable for us to approach and ask him to reduce the volume as we had witnessed a noise nuisance and that EPA allowed us to do this. He refused to reduce the volume any further than what he claimed he had already done. We left it at that. I told him he should look at the bundle of letters and the notice that I had just given him and I asked him to contact me next week. He said he could not take this visit seriously again at some stage during the conversation and I urged him to take it seriously. I advised him to get legal advice.</p> <p>In addition, I checked the address that NFO (LO) has sent recent warning letters to and it is to the club address given on the licence. I would also say that the address given on the TEN application for tonight was the South Tottenham address. I checked the file when I went back to the office to print off the December correspondence. Further warning to be sent to both given addresses.</p>	
2/2/11	Letter sent in relation to the contravention of the Section 80 notice that was witnessed on 30 January.	ABR

	The licensee was again requested to contact us in writing within 7 days of the letter to inform us regarding how he intended to control noise at the premises so as not to cause a noise nuisance to neighbours. (copy attached)	
4/2/11	I received a telephone call was received from Mr Raphael. He stated said he thought there may be some structural movement that needs investigating and he thought that may resolve the problem of the transmission of sound. He said he had contacted his sound engineer to detect any leakages. He Told me he has a sound limiter and he has set maximum sound levels for music that any DJ's performing at the club could not exceed. He stated his sound technician was visiting to adjust sound levels down later that day. I told him the maximum levels were too loud and he needed to reduce sound levels in order to not cause a noise nuisance and avoid enforcement action as described in letter sent this week. He was asked to confirm his intentions in writing. He said he would send an e mail. No e mail or letter from Mr Raphael informing of how he intended to control sound levels was received.	ABR
9/2/11 00:08	Bass audible in bedroom on first floor along with vibration under foot. Vibration under foot could be felt throughout flat. Went to second floor bedroom and vibration under foot but bass lower although still slightly audible. Complainant said it had gone down in volume since he called.	Noise witnessed. Potential SN (ALO)
10/2/11	Noise warning letter with caution/questions sent. (copy attached) No response received to this letter.	ABR
10/2/11	On 10/2/11 Mr Raphael was telephoned to offer a sound setting exercise at Orleans in order to come to an agreement on maximum music levels for the premises that would be less likely to cause a noise nuisance to neighbours and be the subject of complaints regarding noise nuisance to the Council. Mr Raphael stated it was not convenient for us to visit on the offered dates which were either Monday 14 or Tuesday 15 February. He was also offered Wednesday 16 February but Mr Raphael stated he had other commitments that night. To date Mr Raphael has not contacted us back in response to letters sent or to arrange a date for us to visit in order to agree on maximum music levels for the premises	ABR
9/4/11 04:00	Proactive visit. Visited at the above time and could hear some music noise by the fire exit on Stroud Green Road – not as loud as I have previously noted in the past. Noticed the front	ABR

	<p>door open as we passed by on approach. Went to the door and spoke to (badged) DS. Asked for Mr Raphael and he came out to speak to me quite promptly this time. He told me the premises was closed and the DJ was still there just playing the music for himself. Told him music should have ceased at 03:30 and that he should turn it off now. Left it at that.</p>	
April 2011	<p>Two further calls from residents were received up to April 2011, no noise nuisance was witnessed in response to the first call. The second call was anonymous and there was no time to visit during the shift as anonymous complaints are given a lower priority.</p>	NPX
17/10/11 01:10	<p>From complainant's bedroom witnessed loud booming bass, pulsing and vibrating the floor. SNR. Would be difficult to sleep in this room. Located source (complainant thought it was her residential next door neighbour) to Orleans Nite Club, 259-261 Seven Sisters Road. Music had same style of bass line as I had heard in complainant's flat. Approached source. Licencee not on premises. One of the door supervisors volunteered to turn it down. I told him that in particular he needed to turn the bass down. This was done. Phoned complainant who confirmed that the noise level had reduced.</p>	Noise Witnessed. Potential SN (AMI)
30/10/11 02:10	<p>From C's bedroom bass audible, no vibration under foot but still intrusive. Spoke to a male who said he was a manager and requested the bass be lowered. Reminded them they have a S80 to comply with.</p>	Noise Witnessed. Potential SN (ALO)
14/11/11	<p>Letter with caution sent. Informing Mr Raphael that if we do not hear from him within 14 days we may commence legal action without warning that may include seizure of noise making equipment. etc etc. cc'd to Mr Raphael at his Tottenham address via recorded delivery. (Copy attached) No response to this letter was received.</p>	ABR
13/12/11 23:45	<p>Some low level beat of music audible at a very low level by wall. Not a nuisance at time of visit. No vibration underfoot which is normally the case.</p>	Investigation. No action req (ALO)
9/9/12 04:00 – 04:30	<p>Visited at the above (earlier time). TEN application made for tonight but was subject to counter notice from Licensing as his quota of TENS for this year has been used-up. People outside smoking – one of his 70's nights? Approached and asked DS for Mr Raphael. Mr R was standing just inside the door and he came out to speak to me. I told him he probably thought he had a TEN but he doesn't as he has used up his full allowance for this year and as a consequence he would have to close. I told him we would stay outside to watch and the music had to stop and he would have to ask all his customers</p>	ABR

	<p>to leave. He agreed to close and went back inside. We hung around for a while as we had to visit somewhere else in the vicinity. On return we saw one of the DS's and a customer looking for use around the corner, they returned to the club when we became visible to them. We went back into the car and parked up closer to the premises. Saw some women coming out with their bags and coats. Considered the premises was closing and was sufficiently disrupted for that night.</p>	
22/9/12 04:30	<p>Could hear music noise from the fire exit doors in Stroud Green Road. Entrance doors to Seven Sisters Road were locked closed, notice on the door saying private party on 22 Sept. Called Police via 101 number. CAD reference number 2192(23092012) Eventually the doors were opened to let some people out and I stopped them closing it again. I got the DS to call Mr Raphael upstairs. He denied there was any music and told me there was a group of people there from Birmingham and he didn't think he could get rid of them and just put them out on the street. I told him to put them out and close the premises. Walked away and cancelled the call to the Police at approx 04:55. When we drove away we noticed people coming out. N.B. The door to Seven Sisters Road was bolted on the inside – big "L" shaped bolt seen. Told Mr Raphael in the presence of the DS's (X2) that the door must never be locked or bolted while there are customers at the premises.</p>	
24/2/13	<p>First visited at 02:10 after witnessing noise from premises from a nearby resident's home. The residents were reporting noise nuisance primarily from another premises earlier on but they mentioned noise from this place as an issue as well. They alleged the premises was regularly open at weekends until beyond 04:30 but their understanding was that as they were licensed there was nothing they could do about it. They have been resident since last August but had not contacted us previously but the music noise from another premises was so bad recently they had to contact us. The discussions and discovery of the Orleans issue for them was incidental to the main report about noise nuisance from another premises. Had to visit another premises first during 02:10 visit to get music volume reduced to confirm that further noise affecting the residents was coming from Orleans. Confirmed this was the case and visited Orleans at 02:10. Spoke to Mr Raphael outside and asked him to significantly reduce the volume of music as I had witnessed noise amounting to a nuisance from Orleans. While waiting outside for him we were able to easily</p>	<p>Contravention of Notice witnessed (ABR)</p>

	<p>recognise the music being played out - repetitive bassy track - from what we had heard from the resident's home. Reminded Mr Raphael that a S.80 had been served and I had witnessed a contravention of the notice tonight. Told him he risked enforcement action if he continued to contravene the notice.</p> <p>Discussed the need to come to an agreement regarding maximum music volume inside so as not to cause a nuisance and that he needed a limiter. He told me a limiter could not be used as some types of music that he played would be badly affected by a limiter on the system. Told him I didn't agree with him and he told me he controls the sound via a control behind the bar and he has to adjust it according to different types of music played at the premises. He reduced the volume for me and I telephoned the resident to check the sound was now alright for them. Told it was OK now.</p> <p>Asked Mr Raphael not to increase the volume.</p>	
24/2/13 03:45	<p>Revisited at about 03:45 after dealing with another premises nearby at 03:10. Had heard music noise from the resident's home again and told them I would visit to close them as no TEN listed for tonight that would permit later trading. The door to the premises was locked and as we approached there were 3 people outside who were knocking on the door to get in. I knocked on the door to no response although I could clearly hear the music outside. I knocked again on the metal door very loudly with a knocker I keep on my key ring. I told the people outside that the premise was closing and I was not knocking on the door to get in for a drink. Police were visible in the background but I told Mr Raphael that they were helping me with another premises and were not there due to him. Told him he should be closed by now and he told me he was still in the process of closing the premises. Told him to get rid of his customers and to close now.</p> <p>Licence contravention. Contravention of S.80. Warning letter to be sent informing licensee of possible enforcement options should noise nuisance continue to be witnessed. Will also recommend him to appoint an AC and install a limiter in order to come to an agreement with us re: maximum music volume so as not to cause further noise nuisance.</p>	<p>Contravention of Notice witnessed (ABR)</p>
27/2/13 00:15	<p>Vst 0015hrs from bedroom heavy bass reggae/ska music clearly audible along with a male voice on mic. Music was very intrusive in the bedroom and would prevent and/or interfere with sleep. I spoke to the doorman and a male on the door who went inside the club and the music was lowered. I was told the man I know as the owner/manager was not at the premises. I confirmed with the complainant that the noise was no longer intrusive and left. CM02</p>	<p>Contravention of Notice witnessed (ALO)</p>

27/2/13	<p>E mail sent to licensee from Louise Norris, Noise Patrol Manager (pasted below)</p> <p>-----Original Message-----</p> <p>From: Norris, Louise</p> <p>Sent: 27 February 2013 14:03</p> <p>To: [REDACTED]</p> <p>Cc: Brothers, Anne; Imoke, Christopher; Forde, Niall</p> <p>Subject: Noise from Orleans</p> <p>Importance: High</p> <p>Dear Mr Raphael,</p> <p>I understand that Noise Patrol officers witnessed loud music coming from Orleans last night in potential breach of the noise abatement notice. We will be writing to you shortly regarding this incident but in the interim you need to be aware that if further incidents of excessive noise are witnessed we may apply to a magistrate for a warrant to enter the premises and seize noise making equipment.</p> <p>I therefore strongly advise that you exercise more control over the volume of the music.</p> <p>Regards</p> <p>Louise Norris Noise Patrol Manager</p>	LNO
1/3/13 00:15	<p>Vst 0115 some bass at an intrusive level audible in bedroom. Slight bass under foot. Spoke to Mr Raphael and he lowered the bass. He wasn't happy and I told him he needs to. Work with licensing re sound levels. CM02</p>	Contravention of Notice witnessed (ALO)
4/3/13 02:05	<p>fcb 0118, scb 0202. Deep bass like a pulsing continuous drone causing a slight vibration to the floor. Nuisance. Disturbing. Would be difficult for a person of average sensitivity to sleep in this room. Listened from 2 bedrooms on first floor and found the same effect in both. 3 clubs nearby: checked Coco – this was shut and locked, listened with ear to door and could not hear any music; Silver Bullet appeared to be in the process of closing and was not playing any music. I could hear music with a similar characteristic by the Orleans fire escape door on Stroud Green Road. I went into Orleans and had a long discussion with owner Anthony Raphael who said he was confused as to how it could be HIS music causing the problem and mentioned that there were 2 other clubs in the area. I told him I had checked and it was not the other 2. He said he had had an engineer visit to set the levels and had switched off the amp that powers the bass speaker. I told him that despite this, I could still hear a very significant bass content in the music. I asked him to lower the bass and then returned to the complainants' flat and could no longer hear the music. I phoned Mr Raphael (07958686740), who had asked for feedback, and told him the levels were now OK. Low rumbling sound in complainants bedrooms from music. Checked all 3 local night clubs and verified Orleans as the source. Lengthy discussion with owner, Anthony Raphael who initially denied it could be him.</p>	Contravention of Notice witnessed (AMI)

	In my opinion the noise I heard was a nuisance and in breach of the S.80 notice. Left site at 02:55.	
4/3/13	<p>Letter posted and e mailed to licensee. Copy letter attached that gives notice of review application.</p> <p>From: Brothers, Anne Sent: 04 March 2013 15:56 To: [REDACTED] Cc: Norris, Louise; Forde, Niall Subject: Noise at Orleans Importance: High</p> <p>Dear Mr Raphael</p> <p>Further to the e mail sent last week by my manager, Louise Norris (pasted below) please find attached a letter in connection with noise nuisance currently being witnessed at Orleans.</p> <p>I strongly urge you to take note of the contents of the letter and act accordingly.</p> <p>Anne Brothers Principal Technical Officer Noise Patrol Public Protection</p>	
6/3/13	<p>E mail received from acoustic consultant:</p> <p>-----Original Message-----</p> <p>From: Shaun Murkett [mailto:[REDACTED]] Sent: 06 March 2013 18:25 To: Brothers, Anne Subject: Orleans</p> <p>I have started the noise survey and made recommendations . He has instructed contractors to start on works as of today . I am to visit on Friday and inspect and will keep you posted of progress . Any queries please let me know</p> <p>Sent from my iPhone. Shaun Murkett Acoustic Consultants Ltd 07956 367598</p>	

Forde, Niall

From: Brothers, Anne
Sent: 30 April 2013 11:07
To: Forde, Niall
Subject: Orleans review

Dear Niall

At time of writing, I am informed the licensee has undertaken some works of sound insulation using guidance from an accredited acoustic consultant. An acoustic survey has not been received yet so we do not know about the extent of any works carried out.

We are due to visit the premises tonight in order to agree on maximum sound levels to be permitted. We are aware however that the licensee has refused to accept conditions proposed for a TEN in the near future and we are concerned the licensee may be having second thoughts with regard to coming to an agreement on maximum music levels to be permitted at the premises.

Therefore the suggested conditions recommended by the Noise Team remain as follows:
Suggested conditions recommended by Council's Noise Team

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, to include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise from the premises. The scheme shall be submitted for approval by the Council and the approved scheme fully implemented to the satisfaction of the Council within a 6 week time limit.
2. The licensee shall limit sound levels so as not to exceed maximum levels to be agreed with the Council's Noise team prior to the premises being used for regulated entertainment.
3. A noise limiting device shall be installed and the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council are not exceeded.
4. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
5. When regulated entertainment is provided by way of music and dancing and continues past midnight, an SIA registered door supervisor shall be employed at the premises to patrol outside to supervise customers outside who may wish to smoke.
6. A dispersal policy shall be implemented at the premises in agreement with the Noise Team.

In addition we request that Committee consider specifying agreed sound levels on the premises licence as follows:

1. The entertainment noise control system is to be calibrated and maintained at settings that restrict all amplified sound played at the premises at or below the levels when measured at specified monitoring point as follows:

Basement Floor
Measurements taken at XXXXXXXXXXXXXXXXXXXX
XX dB (linear) Leq (1 min) and
XX dB (A) Leq (1 min) and
XXdB at the 63 Hz Octave Band (1 min) and
XX dB at the 125 Hz Octave Band (1 min).

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Islington Council

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

www.islington.gov.uk <blocked::blocked::http://www.islington.gov.uk/>

How to get here:

<http://www.islington.gov.uk.uk/contact/visitingoffices/222upperst.asp>

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Premises Licence Summary Licensing Act 2003

Premises licence number 139048

Premises details

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

ORLEANS
259-261 SEVEN SISTERS ROAD

Post town London Post code N4 2DD

Telephone number 07958 686 740

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Basement Only

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

The times the licence authorises the carrying out of licensable activities

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

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day



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

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day

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

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day

- The provision of entertainment facilities for making music:

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day

- The provision of entertainment facilities for dancing:

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day

- The provision of late night refreshment:

Monday	2300	to	03:30	the following day
Tuesday	2300	to	03:30	the following day
Wednesday	2300	to	03:30	the following day
Thursday	2300	to	03:30	the following day
Friday	2300	to	03:30	the following day
Saturday	2300	to	03:30	the following day
Sunday	2300	to	03:30	the following day

• The sale by retail of alcohol:

Monday	12:00	to	03:30	the following day
Tuesday	12:00	to	03:30	the following day
Wednesday	12:00	to	03:30	the following day
Thursday	12:00	to	03:30	the following day
Friday	12:00	to	03:30	the following day
Saturday	12:00	to	03:30	the following day
Sunday	12:00	to	03:30	the following day

The opening hours of the premises:

Monday	12:00	to	03:50	the following day
Tuesday	12:00	to	03:50	the following day
Wednesday	12:00	to	03:50	the following day
Thursday	12:00	to	03:50	the following day
Friday	12:00	to	03:50	the following day
Saturday	12:00	to	03:50	the following day
Sunday	12:00	to	03:50	the following day

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

On supplies only

Name, (registered) address of holder of premises licence

Mr Anthony Raphael
259-261 Seven Sisters Road
London
N4 2DD

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

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

Mr Anthony Raphael

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

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 2 of annex 2 of this licence. No one under the age of 18 years +shall be admitted to the premises, except for private functions and with the strict co – operation of their parents, and under strict supervision.

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 3031/3803
Email: licensing@islington.gov.uk

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h) the taking of alcohol from the premises by a person residing there; or
 - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:
 - a) He is the child of the holder of the premises licence.

- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

3. 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.
4. 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
5. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
 - ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
 - ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.
 - ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
6. When the premises are occupied, the kitchen door shall be held open on the automatic release mechanism and the kitchen extract ventilation shall be in operation.
7. The licensee shall provide SIA approved Door Supervisors to patrol outside the premises to minimise the impact of patrons arriving and/or departing.
8. Twenty minutes after the club has closed, staff shall collect and dispose of any litter attributable to the club and its patrons.
9. The maximum number of persons accommodated at any one time in the premises shall not exceed:
 - Basement - 100.
10. The licence shall be subject to the Council's standard conditions for Places of Entertainment
11. The licence shall be subject to the Council's technical standards for Places of Entertainment

12. Customers shall be searched by metal detector on entry.
13. There shall be constant monitoring at the premises by CCTV television.
14. No one under the age of 18 years +shall be admitted to the premises, except for private functions and with the strict co – operation of their parents, and under strict supervision.
15. All alcohol and soft drinks to be sold/supplied in polycarbonate glassware.
16. No glass bottles to be passed over the bar without first being decanted.
17. Metropolitan Police Risk Assessment Form 696 & 696A to be completed with 14 days notice of any event in accordance with CO14 Clubs & Vice Guidelines.

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

None

Annex 4 – Plans

Reference Number: 1996(0-)01 - May 2001

As per current licence

As outlined in Appendix 2 on the current premises licence.

Suggested conditions recommended by Council's Noise Team

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, to include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise from the premises. The scheme shall be submitted for approval by the Council and the approved scheme fully implemented to the satisfaction of the Council within a 6 week time limit.
2. The licensee shall limit sound levels so as not to exceed maximum levels to be agreed with the Council's Noise team prior to the premises being used for regulated entertainment.
3. A noise limiting device shall be installed and the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council are not exceeded.
4. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
5. When regulated entertainment is provided by way of music and dancing and continues past midnight, an SIA registered door supervisor shall be employed at the premises to patrol outside to supervise customers outside who may wish to smoke.
6. A dispersal policy shall be implemented at the premises in agreement with the Noise Team.