



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	Tuesday 25 March 2014	B3	Highbury East

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: FESTAC, 146 HOLLOWAY ROAD, LONDON, N7 8DD

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. 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.
- 1.2 The grounds for review are related to the licensing objective:
 - i) 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 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely that the Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.

2.3 The options available in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence by altering, omitting or adding a condition
- 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) to leave the licence in its existing state;
- g) in relation to steps a) and b) to provide that the modification or exclusion only has effect for a limited period not exceeding three months.

3. Relevant representations

Licensing Authority	Yes
Police	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes - Two
Other bodies	Yes - property management company for affected properties

4. Background and Licensing History

4.1 The premises are currently licensed to permit the sale of alcohol for consumption on and off the premises and for regulated entertainment from 08:00 until midnight on Sunday to Wednesday, 08:00 until 02:00 on Thursday, and 08:00 until 04:00 on Friday and Saturday, and the provision of late night refreshment until midnight on Sunday to Wednesday, 08:00 until 01:00 on Thursday, and 08:00 until 02:00 on Friday and Saturday.

4.2 Papers are attached as follows:-

- Appendix 1: Application form from Noise Team; and additional supplied material.
- Appendix 2: Current premises licence;
- Appendix 3: Representations;
- Appendix 4: suggested conditions and map of premise location.

- 4.3 On 7 March 2013 the current licence holder took control of the premises by way of a transfer application. The premises licence has been subject to two previous reviews by the Police for crime and disorder in 2008 and 2009.
- 4.4 The current premises licence authorisations and licence conditions were approved by way of a successful variation application in May 2012. In support of this application the premises licence holder provided an eight page operating schedule in support of the application. This operating schedule was placed on the licence by the Licensing Sub Committee in addition to the other 25 conditions imposed in Annex 3 of the premises licence.
- 4.5 Mr Akinyele Afe, current premises licence holder, was in regular correspondence with the Police and the Licensing Officer after taking over the management of the premises as he wanted to relax some of the premises licence conditions. As a result of these discussions he became the premises licence holder.
- 4.6 Licensing engaged in discussion with Mr Afe in respect of the terms on which he would be able to submit a minor variation to his licence to relax some conditions with the agreement of Noise Team and Police.
- 4.7 It was agreed that the minor variation application could only be submitted when Mr Afe resolved the issues as set out in a letter from the Council's Noise Officer on the 6 September 2013. As the matters have still not been resolved, no minor variation has been submitted.
- 4.8 On the 1 November 2013 officers witnessed a large group of young patrons leaving the premises around midnight. The premises licence is conditioned so as to not authorise the admittance of patrons under the age of 25, this licence condition was clearly breached on this occasion. These patrons then loitered in the vicinity of the venue on Holloway Road causing considerable public nuisance. Two members of this group proceeded to have a fight within a nearby off licence. Mr Afe was positioned outside the premises whilst this incident took place and had been present at the venue during the earlier event.
- 4.9 On 12 January 2014 the Police reported an incident at the premises where a customer had been stabbed. Licensing requested a copy of the CCTV images from this evening and also from the 29th December 2013 as an allegation of the premises trading after hours had been received.
- 4.10 On 14 January 2014 Licensing wrote to the licence holder to request the CCTV that covered both of these occasions. This letter was hand delivered to the premises by licensing officers from both the Council and Police. When delivering the letter, the premises, which was open and trading, was found to have no working CCTV system, as required under the premises licence.
- 4.11 On 14 January 2014 officers served a section 19 closure notice requiring the licence holder to fix the CCTV system within 7 days or be served with a closure order. The licence holder complied with the closure notice and the CCTV system was repaired.
- 4.12 On 18 February 2014 the licence holder, Mr Akinyele Afe, attended the Council Offices for a PACE interview in respect of the evenings of the 29 December 2013 and the 14 January 2014. During the interview he admitted being open on both occasions without working CCTV. He further admitted that neither he nor his security called the Police after the stabbing at the club and that he personally mopped up the crime scene as his customers were walking through the blood when trying to leave the premises.
- 4.13 On 14 March 2014 the council offered Mr Afe a simple caution in relation to the licence offences on the 29 December and 14 January in relation to the non-working CCTV at the premises.

5 Planning Implications

5.1 No outstanding planning issues.

6 Conclusion and reasons for recommendations

6.1 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 as it feels 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

14-3-14
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Service

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WK/201435587



ISLINGTON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Anne Brothers**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Festac, 148 Holloway Road,

Post town London

Post code (if known) N7 8DD

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

Mr Akinyele Afe

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

LN/7783-070313

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 on behalf of the Noise Team, 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)

Noise Team is making this application for a review of the premises licence for Festac at 148 Holloway Road on grounds of public nuisance arising from the use of the premises.

This is contrary to the licensing objective of the prevention of public nuisance and with reference to Licensing Policy 10 in the Licensing Policy document for 2013-2017

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

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

- The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels in all areas of use approved by and in conjunction with the Councils Noise Team
- The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. In the event of notification that noise nuisance has been witnessed by an authorised officer, the Licensee shall immediately reduce sound levels being played out and recalibrate the sound system. They shall provide a copy of a calibration certificate from an accredited acoustic consultant to the Noise Team within 14 days of any notification.

The above noise conditions were placed on the premises licence as a result of a variation application by previous licensees in February 2012. A calibration certificate was produced previously in 2010 and was checked again in 2012 as a result of the variation application but they only related to the upper mezzanine floor at the premises. I attach a copy of the previous calibration certificates in the bundle. These calibrations were carried out when the premises was under the control of different licensees but they were still applicable to the premises when the current licensee took over.

I first visited the premises on 19 May 2013. The visit was proactive and was made due to a lot of sound escape from the premises that I noticed while visiting another premises in the near vicinity. I measured sound levels at the premises that night and discussed previous calibrations that had been carried out that only related to the ground and mezzanine floors.

I attach a sheet that details visits that have been carried out to the premises since May 2013. Comprehensive notes of visits carried out by Noise Patrol are included along with all visits carried out by me.

The licensee has ignored advice to appoint an acoustic consultant at the premises, this was discussed in an e mail sent to the licensee on 30 July and had been discussed previously. There was a need to set appropriate levels of sound in the basement and ensure the ground floor was adequately limited in order to control sound output to the sound levels specified in the calibration certificate dated 2010. At an early stage the license agreed to limit the sound output on the ground and mezzanine floors to ambient background levels of sound and our efforts have been concentrated in the main on the output from the basement.

A Section 80 noise abatement notice served under the provisions of the Environmental Protection Act was served on 6/8/13. Contraventions of the Notice have been witnessed by me in December last year and January 2014.

I attach letters and e mails that have been sent to the Licensee and other relevant parties as follows:

30/7/13 E mail to licensee detailing noise conditions and advising the licensee to appoint an acoustic consultant to assist with the setting of sound levels at the premises.

6/8/13 Section 80, Environmental Protection Act 1990 noise abatement notice served

in relation to noise nuisance from amplified music with covering letter and e mail.

16/8/13 Advisory letter sent after sound assessment carried out detailing sound levels for the basement floor. Again advising the licensee to appoint an accredited acoustic consultant to advise on suitable sound insulation.

16/8/13 E mail to sound engineer advising on the requirements for the calibration certificate.

6/9/13 Letter to licensee regarding continuing noise issues after visit in the early hours of 25/8 with covering e mail.

18/9/13 E mail to sound engineer and calibration certificate for the basement received.

19/12/13 E mail to the licensee after night time visit the previous weekend.

14/1/14 E mail to acoustic contractor who visited Festac on 14 January with advice.

15/1/14 E mail to licensee further to telephone conversation with advice.

16/1/14 E mail to licensee with further advice

I also enclose two calibration certificates discussed above that were carried out by the previous licensees at the premises.

I also attach an e mail from the owner of the residential block adjacent reporting noise nuisance from Festac dated 26/11/13.

To conclude in December we had reached a stalemate with this licensee. He told me that as he has offered the residents next door hotel accommodation for the nights when he has events, they should stop complaining about the noise. He has informed me that he does not have sufficient funds to install sound insulation at the premises and if he cannot have events, he asks how is he to raise sufficient funds to undertake the works. I have explained to him that we expect our licensees to be able to run their premises without causing a noise nuisance. In addition, he has questioned our ability to judge a noise nuisance, he has stated that as we are not residents next door we are not in a position to judge whether noise is a nuisance or not.

I was instructed by my manager that in the event of further noise nuisance being witnessed from the premises after December 13, we will make an application for a warrant in order to seize noise making equipment. Noise nuisance was witnessed again on January 12.

On January 11 the Licensee has informed me he has a sound engineer who will visit the premises and he told me that works of sound insulation will be carried out within days.

I attach a copy of the notes of the visit on a separate summary sheet of all out of hours visits and advisory e mails sent to the License in relation to noise issues in 2013.

Noise Team requests that Licensing Committee consider the following conditions be placed on the premises licence for Festac:

- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which shall include the installation of a noise limiting device, to prevent persons in the neighbourhood from being

unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.

- A noise limiting device or devices will be installed to control the output of sound to sound levels approved by the Noise Team in all zones at the premises as follows:

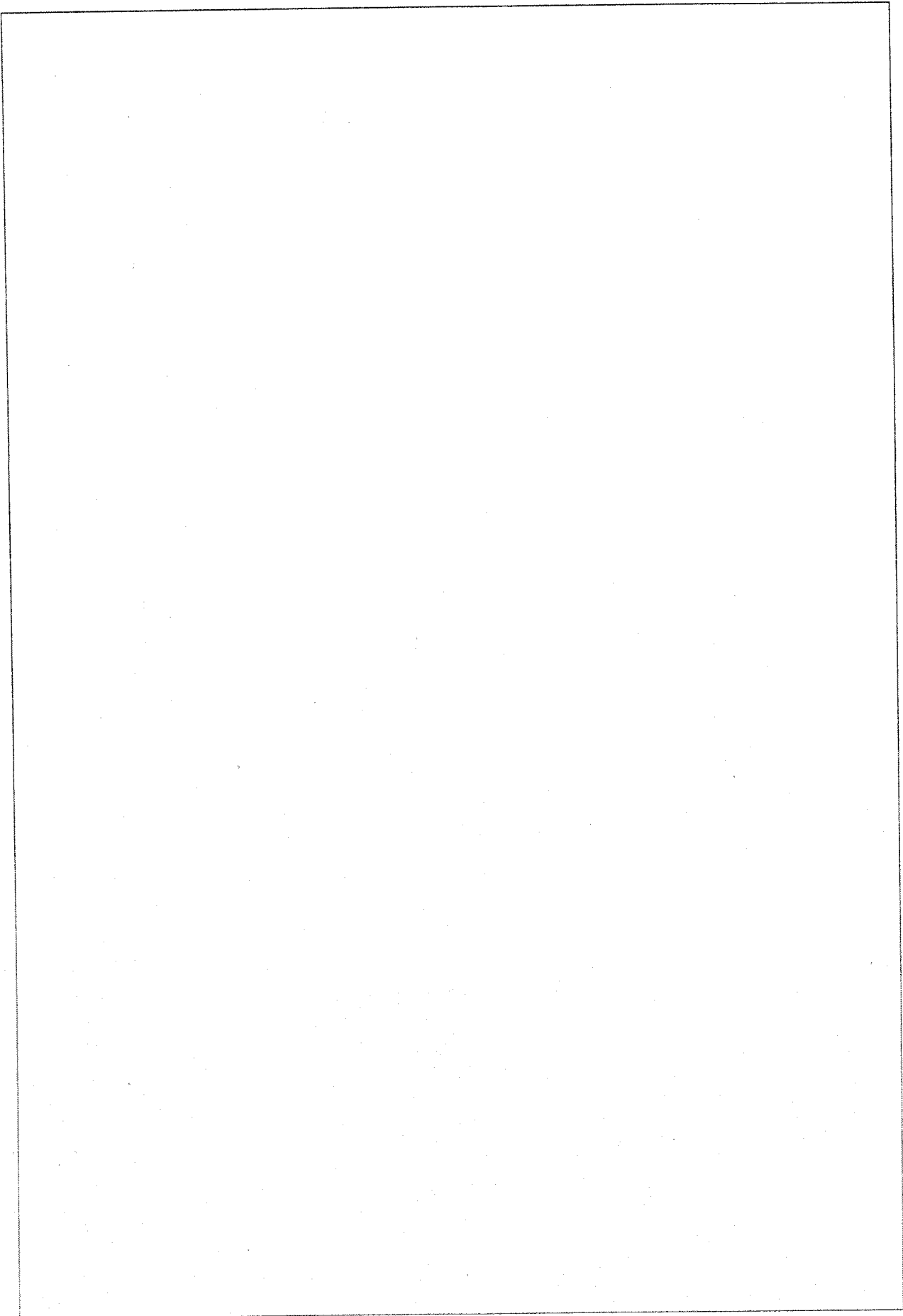
Mezzanine Floor

Ground Floor

Basement floor

Agreed sound levels will be specified on the premises licence.

- The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council are not exceeded.
- The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
- The operating hours of the premises shall be reduced to restaurant hours i.e. 12 midnight Monday to Saturday and 22:30 on Sundays until all works in accordance with noise conditions above are fully complied with and the licensee notified in writing accordingly.



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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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 Bormers
Date 16 January 2014
Capacity Nurse Liaison Officer

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.

2013	Actions taken/outcome.																																													
19/5 03:10	<p><u>Festac, Holloway Road, 03:10</u> Heard some outbreak of sound while visiting neighbouring premises tonight, therefore decided to visit. Granted immediate access and measured sound levels as follows:</p> <table border="1" data-bbox="327 414 1412 548"> <thead> <tr> <th>Ref BF</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>114.6</td> <td>108.9</td> <td>110.0</td> <td>107.7</td> </tr> <tr> <td>7</td> <td>115.7</td> <td>107.9</td> <td>112.3</td> <td>110.7</td> </tr> <tr> <td>Agreed levels</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table> <table border="1" data-bbox="327 582 1412 750"> <thead> <tr> <th>Ref GF</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>103.6</td> <td>86.6</td> <td>99.9</td> <td>100.9</td> </tr> <tr> <td>10</td> <td>100.5</td> <td>85.5</td> <td>97.1</td> <td>97.2</td> </tr> <tr> <td>11</td> <td>109.1</td> <td>90.0</td> <td>102.4</td> <td>107.3</td> </tr> <tr> <td>Agreed levels</td> <td>90(C)</td> <td>85</td> <td>81</td> <td>85</td> </tr> </tbody> </table> <p>Sound levels are significantly in excess of those implied by an agreement that only related to the upper mezzanine floor. No consideration of the BF and GF during previous assessment carried out by their AC and accepted by us. Was told no sound on the mezzanine floor tonight therefore did not measure there. Measurement points were: BF. Switched on as I walked through towards the bar, settled near the bar approx 4 metres from a speaker facing the speaker. Lots of people all around as I measured. GF. In the centre of the room facing a speaker, again approx 4 metres away from the speaker. No-one near me when I measured. Spoke to Akin, running premises tonight. Sound levels in BF excessively loud, DJ was screaming into the mic at some stages to the music played out elevating noise levels further. BF very busy with customers, GF less so. Main activity was in BF. Quite a few people milling around outside smoking. Asked Akin to switch off music on the GF, told him to gradually reduce levels of sound in the BF and reminded him they are responsible for the conduct of their customers outside at closing time which he told me was 04:00. Suggested to him that he should start winding it down in order to calm people down before they left the premises tonight. Am I correct in my recall that this premises was granted the licence on the understanding the customers were all to be more mature? Lots of younger customers present. Need to gather addresses of all residential in the immediate vicinity and write to residents and their landlords in order to organise a sound setting visit to include the BF of the premises. Check premises licence for conditions.</p>	Ref BF	Linear	"A"	125 Hz	63 Hz	6	114.6	108.9	110.0	107.7	7	115.7	107.9	112.3	110.7	Agreed levels	-	-	-	-	Ref GF	Linear	"A"	125 Hz	63 Hz	9	103.6	86.6	99.9	100.9	10	100.5	85.5	97.1	97.2	11	109.1	90.0	102.4	107.3	Agreed levels	90(C)	85	81	85
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27/7 02:10	<p><u>Noise Patrol notes of visit (ALO)</u> Vst 0210 in communal hallway bass audible coming from Festac bar. In Cs bedroom the bass was clearly audible along with vibration under foot. Outside in the street standing next door to club I could hear slow RnB type music. When stood directly outside bar I could clearly identify lyrics and there was vibration under foot. The main door to bar was open. No patrons were in the street level bar. Spoke to Akinyele Babafeau Afe the manager and asked him to lower bass and to close door. He said door was open due to the warm weather but I pointed out there were no customers using the street level bar. He also claimed that he has been waiting for some time for ABR to contact him after a conversation they had some time ago. CM07 (Noise witnessed. Potential Statutory Nuisance, lowered)</p>																																													

28/7
01:00

Noise Patrol notes of visit (ABR)

Festac, Holloway Road, 01:00

Call received via Controller timed at: 00:12. Ref No: 874468.

Re: "Pounding bass coming from the wine bar, resident informed yesterday to call back tonight if the noise continues"

Called resident back at 00:15 – to visit.

Visited resident and bass very apparent in the communal hallway to the block. In the flat 1FFR (bedroom) also affected by bass from the premises at levels that would interfere with the ability to get to sleep of a person or normal sensitivity to noise. Noise nuisance.

Visited premises to measure sound. DS took us to BF where we were joined by the licensee, Akin.

Measured sound levels in basement as follows:

Ref Table 1	Lin	"A"	125 Hz	63 Hz
1 (rear by bar)	116.1	104.2	109.3	114.1
2	116.6	105.6	109.9	114.2
4 (rear by doors)	115.8	107.5	109.8	112.1

I asked the licensee to reduce the bass output. Told him we had witnessed noise nuisance to neighbouring residential. While we were waiting I noticed the floor was vibrating underfoot. Out of curiosity I measured the sound levels on the GF, this was coming up from the basement with the doors closed. There was no music playing on the GF.

Ref Table 2	Lin	"A"	125 Hz	63 Hz
6 (GF – no music on GF)	90.4	81.1	81.2	88.7

Ref Table 3	Lin	"A"	125 Hz	63 Hz
8 (bass reduced)	103.5	100.0	93.6	97.3
9	104.3	99.3	97.1	98.2

Ref Table 4	Lin	"A"	125 Hz	63 Hz
11 (overall reduction)	98.7	95.8	89.8	92.8

Spoke to Akin, the licensee. He said he had been waiting for me to contact him back in order to organise sound testing next door. He said he had been waiting for weeks for me to contact him back. (I may have been remiss in getting back to him but I presumed he would operate at lower levels of sound in the meantime, I also expected an AC to contact me)

Told him I thought he should have got his AC to calibrate the sound systems after previous visit. I had provided him with a copy of a previous calibration certificate when the premises was KC's. Told him that we took a dim view of the fact that this was the second visit in as many days and he still had sound systems at very high levels in the basement despite NP visit last night.

Got him to reduce sound levels in the basement as demonstrated by the tables above. Advised him if he wants nightclub levels of sound he must invest in suitable SI which is likely to need a substantial financial investment.

He agreed to moderate the sound levels to the lower levels achieved in Table 4

	<p>above. Told him I will contact the resident back next week to discuss lower levels of sound achieved tonight. Tried calling the resident back at the time of the visit but my call went to voicemail.</p>
28/7 04:30	<p><u>Festac, Holloway Road (again) 04:30 Proactive advisory visit</u> Was passing by at the above time and noticed a couple of women outside smoking and saw them go back inside. Approached the premises and went in – although there were two men outside who said it was closed. Saw Akin at the bar, could hear the women downstairs. I asked him if he had kept the volume down OK and he said he had done so. Asked if we could go downstairs and have a look at the sound system. We went downstairs and had a look at the room, the women were not in the BF bar, they were staff getting their stuff to go home? Didn't see them again.... He has got some new free standing speakers that have integral limiters with controls on the back with sensitivity modes for the limiters. The walls are all hollow sounding when tapped. Explained risk of tampering and said I thought all the speakers' controls should be rendered tamper proof after the sound system has been assessed and sound levels agreed. He said he has security standing by the speakers to stop them being interfered with or toppling. Suggested he needs a limiter that has overall control. I asked him if the customers had complained about the drop in the music levels and he said not so. Commented that the ceiling is very low so they don't really need excessive sound levels to fill the room. Again told him if he wants night club levels of sound he really will have to seriously invest in SI. Licensee said that some DJ's did not play music at higher levels but some liked to be very loud. Told him this emphasised the need for an agreement on sound levels and an adequate certified limitation system. Told him he must retain control of the volume of sound regardless of what individual DJ's wanted. He was co-operative (if a bit fed-up) and appeared concerned about noise issues. Advised him to visit IoA website to appoint AC with experience in entertainment noise. Told him key is to limit sound levels according to the structural resistance of the building. Accredited AC would be able to advise on possible SI measures after sound levels agreed if they are found to be lower than he needs and that was where the real money would be spent. All the walls appear hollow, AC may be able to identify possible routes of transmission but also discussed the room within a room scenario that proved effective at another premises after (still costly) piecemeal SI carried out was found to be ineffective.</p>
30/7	<p><u>E mail sent to the Licensee:</u></p>
4/8 01:20	<p><u>Noise Patrol report of visit.</u> Tel call made at 0105hrs. Visited at 0120hrs and witnessed nuisance whilst in comps bedroom. Spoke to the licensee of the club who said the he is in talks with Ann Brothers with a view to installing a sound limiter. Vol of music reduced as advised. (PBA)</p>
6/8	<p><u>Telephone call from the Licensee:</u> I told him I was aware NP had witnessed further noise nuisance last weekend and (after discussion with AGR) I will be serving a S.80. Explained consequences of S.80. He will appoint an AC and get them to contact me asap - he said he was waiting for one employed by one of his friends in south London to come back from holiday - told him time has run out and he needs to get one in now in order to modify sound levels as previously advised and in order to organise a sound testing visit</p>

	<p>using us in order to come to an agreement re: max sound levels. He said he had spoken to a couple of residents next door but they had told him they were not bothered by noise - told him 3 different professional noise officers had visited and were all of the same opinion that the noise is a nuisance. Waiting to hear from an appropriately accredited AC.</p>
6/8	<p><u>Section 80 noise abatement notice served in relation to noise nuisance from amplified music.</u> Posted by first class post and also e mailed to the licensee:</p>
9/8	<p>Voicemail received from Mr Afe timed at 12:02 today. He claimed he has tried to call me before but can't get me but this is the first voicemail message I have received from him. Called him back at 16:09, number engaged therefore sent the following e mail:</p> <p>-----Original Message----- From: Brothers, Anne Sent: 09 August 2013 16:12 To: XXXXXXXXXX@xxxx.com Subject: Festac</p> <p>Dear Mr Afe I just tried to call you - returning your call of earlier today I will be in the office until about 18:00 tonight. Please call me back if you get this message. If I am not at my desk please leave a voicemail and I will return your call.</p> <p>Anne Brothers Noise Liaison Officer Noise Team Public Protection</p> <p>Called Mr Afe again, he said he's got an AC (based in SW6 - he couldn't recall their name) but they can't get there until Monday at the earliest. Told him he must be careful to control volume then so as not to cause a noise nuisance to neighbours. He said he was getting very stressed out and he is not a criminal. Reiterated need for careful control of volume.</p>
10/8/13	<p>Noise Patrol report (RWA): Tctc 01.09. VST 01.22. Listened in comp's bedroom. Bass beat from external source faintly audible. Drowned intermittently by traffic noise. Comps said that AB had contacted them today to say to expect inaudibility. Visited bar, bass beat from basement faintly audible outside. Spoke to owner Akinyele Afe. Bass reduced, inaudible at end of short discussion. Tctc, said level def reduced but still faintly audible. NFA. CM03 (other contravention witnessed)</p>
11/8 01:10	<p>Report of Noise Patrol visit (ABR) <u>Festac, Holloway Road, 01:10</u> Call received via Controller. Timed at 00:27. Ref No. 885421. Re: "There is excessive bass music coming from the wall of Festac club" Visited resident at the above time. Could hear faint bass coming through to his bedroom. <u>Intrusive noise but debateable whether this would be sufficient to contravene Notice as a one-off.</u> Visited premises and got licensee out on the pavement to discuss. Got him to reduce the output a couple of times (while in telephone contact with the resident) until it was inaudible at the resident's home. Went to BF and measured as follows:</p>

Ref	Lin	"A"	125 Hz	63 Hz
8	94.0	89.4	88.1	88.8

Measurement point was near the RHS of the door into the BF at least 2 metres distant from the speaker in the corner. Gave licensee the measurements and he noted them down in a book. Told him to give those measurements to his AC who he has told me will be visiting on Monday or Tuesday next week. Told him to get the AC to set levels so the above measurements will not be exceeded. This should give the resident some relief until we can attend to undertake a sound assessment.

The licensee was very talkative, telling me he was controlling the sound since my last visit, told him not so and there is a risk of enforcement action as Notice now served.

Left it at that. Asked him to get the AC to e mail me once preliminary levels have been set in order to discuss further testing.

11/8

Second Call to Noise Patrol:

Festac, Holloway Road, (again) 02:30

Call received via Controller. Timed at 02:16. Ref No. 885421.

Re: "Festac put the music back up after you left"

Visited again at the above time, faint bass could again be heard in the bedroom – same levels as before they reduced it for me.

Visited premises and spoke to licensee outside again, he insisted the volume had not been turned up. Told him I had heard it again.

He invited us downstairs and I could tell as soon as I walked in that the volume had been increased, the DJ was also shouting into a mic.

The licensee went over to the DJ and I followed him. The DJ was hostile to me informing him the music volume should be reduced. I then withdrew and as I left the BF room I told the DS who was standing at the bottom of the stairs that I thought the licensee needed assistance. As soon as I turned away, the volume of the music went up further.

We went upstairs and then stepped outside to wait for the licensee, he came outside and told me the volume had been reduced. At some stage a man came outside and hurled verbal abuse at me. We went with the licensee down the road to discuss noise matters. I saw the DS restraining the man, stopping him interfering with our conversation.

I told the licensee he must bring the premises under control. I advised him that the hostility was such that I thought he should wind down the event and close early. I told him he needs to have everything under control in order to reduce the likelihood of enforcement action. Told him if noise nuisance is further witnessed, we may get a warrant and seize his equipment.

He was full of platitudes and I had to stop him talking in order for him to listen to me properly. He told me last week over the phone that he was getting stressed by this and he was quite stressed during the visit.

He was very apologetic about the behaviour of the DJ and the other man.

N.B. All the customers were mature, the DJ and the hostile man were at least in their 50's.

He wanted to discuss sound insulation options. Told him he should refer to his AC and that I was not an expert. I did reiterate previous findings however – that the walls appear pretty hollow, there is air conditioning in the BF. Both those could contribute to the transmission of sound and he needs to get AC to report on that if he wants SI. He remembered previous comments made by me and LCA regarding poor SI jobs only giving tiny increases in sound and I told him that sometimes significant investment is needed for appropriate SI. Told him he may have to organise sufficient funding with his financial advisors.

	Left it at that.
13/8	<p><u>13 August. Notes of telephone conversation with licensee:</u> T/C from Akin.</p> <p>He doesn't want to limit the sound as he has contacted an AC and he will be installing SI. He also informed me he has been contacting residents next door as he wants to organise a visit to settle on SI. Also mentioned that he has been in touch with his LL who will contact the LL of the residential to see if they can install SI from their side.....</p> <p>Told him not to contact residents, told him that I will do that.</p> <p>Urged him to get limiter on and set at levels quoted last Saturday night. Told him that Notice is there and if we witness further nuisance we will have no alternative but to move to enforcement which could mean seizure as well as criminal prosecution.</p> <p>He gave me a name and number of an AC he has appointed (only yesterday) apparently on the recommendation of the IoA – William Johnson.</p> <p>He said AC is visiting on Friday at midday and he wants me to attend as well.</p> <p>He is reluctant to limit sound levels as his in house DJ will be there next weekend and the next party will be on 24/8.</p> <p>Told him SI will take a lot longer to organise and install than a couple of weeks and urged him to limit sound. Warned him more than once about enforcement options.</p>
14/8	<p><u>Telephone call from Licensee:</u> Upshot of conversation is that I will be visiting tomorrow night in the company of NFO to set some temporary sound levels at the premises.</p> <p><u>Called resident.</u> Resident XXXXXXXXXXXX is happy to participate. N.B. he told me he has now spoken to the licensee and to his knowledge the licensee stated that Flat 3 is also affected.</p> <p>Asked XXXXXXXXXXXX if he could possibly knock on No. 3's door and let them know we will be visiting tomorrow night. He said he will try and get in touch with them.</p>
15/8	<p><u>Sound level setting visit notes.</u> Attended with NFO.</p> <p>Very challenging visit. Licensee arguing every point already discussed with him in the week. He told me the residents should agree on sound levels with him. Assured him that we are independent and we were trying to get the best possible result for him but we have to settle things from the resident's. At one point he argued against the subjective testing. He said the residents should be able to be the ones who agree the actual sound levels. Told him that was not a solution as the residents could move out, then another set could move in and find it not satisfactory and then we would be back to square one.</p> <p>He said the residents in Flat 3 had told him he was quieter than the previous licensees – so why didn't we sort them out – why are we picking on him?</p> <p>It got to the point when there was very little further reduction available on the mixer and the sound engineer suggested the volume on the speakers be reduced to "9 o'clock" position. Licensee argued very strongly against that. Very reluctant for his speakers to be adjusted at all – I had already had a long conversation with him about unreliability of limiter speaker and the need for an overall limiter – which he had obtained but the leads were missing so it couldn't be set tonight.</p> <p>He has got a dbx □ ositi compressor limiter.</p> <p>Had to go over all points already discussed with him earlier in the week. Had to leave resident's home and return to premises 3 times in order to get the testing</p>

CALIBRATION CERTIFICATE

OCTOBER 2010

KC's 148 Holloway Road, London N7

THIS CALIBRATION CERTIFICATE IS FOR THE BAR, KCs AT 148 HOLLOWAY RD

THE SOUND SYSTEM COMPRISED

- Euro power 1500 Amp
- Pioneer DJM mixer
- Omni Drive fps-355 cross over
- Pioneer cdj-500 mz cd player

**(THE CALIBRATION IS VALID FOR THIS EQUIPMENT ONLY)
THE LOCAL AUTHORITY REQUIRE THAT THE NOISE LEVELS FROM ENTERTAINMENT
FROM LICENSED PREMISES DO NOT CAUSE A STATUTORY NUISANCE IN NEARBY
RESIDENTIAL PREMISES.**

**A FORMULA SOUND AVC2 NOISE LIMITER HAS BEEN INSTALLED AT THE BAR.
NOISE MEASUREMENTS WERE MADE FROM REAR UPPER FLOOR OF THE BAR IN THE
CENTRE OF THE FLOOR AREA AT A HEIGHT OF 1.2M FROM THE FLOOR**

THE LIMITER HAS BEEN SET TO

L_{Aeq2min}	85dB
L_{Ceq2min}	90dB
Leq_{2min} 63 Hz	85dB
Leq_{2min} 125Hz	81dB

**THE LIMITS WERE SET ON THE EVENING OF 11TH OCTOBER 2010
ALL MEASUREMENTS WERE MADE WITH A 01dB TYPE 1 SOUND LEVEL METER
THE LIMITS SET SHOULD BE VARIFIED BY A MEMBER OF LBI NOISE TEAM AS
CONVENIENT.**

**THE NOISE LIMITER SHOULD BE RECALIBRATED ON AN ANNUAL BASIS FROM THIS
DATE TO ENSURE COMPLIANCE AND THAT THERE HAS BEEN NO DRIFT IN THE
SETTINGS. THIS CERTIFICATE IS VALID FOR 1 YEAR**

PAUL MURPHY BSc (Hons) Dip Acoustics AMIOA

12th OCTOBER 2010

back on track – at one stage he was refusing to reduce the volume any further. Eventually settled on the following measurements:

Ref	Linear	“A”	125 Hz	63 Hz
Sound test	92	83.8	85.5	89.2
Last Saturday	94	89.4	88.1	88.8

This was slightly lower than the measurements obtained (very much on the hoof) on Saturday night which were as listed above. There were some customers present on Saturday night – no-one present tonight; therefore overall levels could have been affected on Saturday by some customer noise. We are concerned with bassy transmission – that was what could be heard next door.

Licensee said he wanted to settle on the Saturday measurements. I told him that would be his choice but I remain concerned but if he did that it was at his own risk. Urged him to comply with new sound levels but he wasn't having any of it

Intend writing to the licensee with the agreed sound levels – both sets to be discussed. Wait for calibration certificate then close this job sheet. It will be for the licensee to come up with appropriate SI if he wants an increase in the sound levels before we visit again for another sound test. Have explained this to him.

Kenny, sound engineer for Soundhouse was very helpful in explaining things to the licensee, I was not getting through to him and/or he was just not getting it or co-operating easily with us.

I have already explained to him that SI will be very costly and he needs expensive work – the place is like a cardboard box, it goes under the Mosque and abuts the residential at BF level – sound is travelling up the party wall. Party wall on residential side sounded hollow as well. Have explained to him he needs an AC to work out what SI will be suitable.

16/8 Details of calibration certificate requirements sent to sound engineer via e mail.

16/8 Letter sent detailing outcome of sound levels setting exercise to the Licensee.

25/8 Notes of proactive visit, 02:05

Ref	Lin	“A”	125 Hz	63 Hz
11. GF	99.1	83.6	89.9	97.4
Agreed GF	90I	85	81	85
13. BF	97.4	92.6	92.1	90.1
14	94.7	92.5	84.4	88.2
BF levels#1	94	89.4	88.1	88.8
BF levels#2	92	83.8	85.5	89.2

N.B. Sound levels in bold quoted above are as follows:

#1 – Done very much on the hoof one night to get a settlement for the resident

#2 – Done after thorough assessment of sound during a sound setting exercise

The licensee told me on the night of the sound setting exercise he would only limit sound to the levels agreed previously (presumably as he felt they were higher)

Spoke to licensee. Queried high levels of sound on GF as he had previously told me they only play out music at ambient levels there. He told me the residents next door had gone away for the weekend. Told him that was no guarantee that he wasn't disturbing anyone else.

He said he desperately needed the trade this weekend (carnival weekend).

Told him at his own risk. Not sure if limiter will work again without re-setting by engineer. Still not had calibration certificate.

P.S. Music was very noticeable outside; this could partly be due to him moving the bass bin to close to the fire exit. Told him he should not move any of the speakers

	after the assessment. He claimed he had not moved any of the speakers.
6/9	<u>Letter sent to licensee detailing matters arising from visit on 25/8.</u> Also copied to the licensee via e mail:
6/9	Notes of telephone call from Licensee: From Mr Afe. He started to talk about proposals for SI but I told him effective limiting is his priority at this stage Then he can sort out SI and upon receipt of evidence that substantial works have been carried out we will be able to RV and reassess sound levels. Reiterated we need the calibration certificates.
11/9	Notes of meeting with Licensee: Call from Mr Afe, he wants a meeting. Told him I have made NT's position clear but he insisted on meeting with me to discuss matters further. Told him he can come in today if he wants. He said he would be here at 4:30. He came to the office as arranged. He told me he is very hard up and wants to delay calibration on the GF. Told him we may be able to accept an agreement from him regarding GF that he agrees to limit sound to background levels there but he must produce the BF calibration certificate asap. He called Kenny's company in front of me and I spoke to someone there who told me Kenny had told him a certificate had been sent and he had spoken to me. Told him not so and no certificate received. Mr Afe also wants to offer a hotel to the residents when he has events. Told him that was no guarantee that other residents will not be affected and the S.80 does not just apply to one set of residents but anyone who calls in. Suggested he could contact residents and offer hotel but said if I was resident I would not be keen on that. Told him I cannot assist with that. Told him I can't go any further for him and left it at that.
18/9	<u>E mail to Sound Engineer regarding no calibration certificate received:</u> Mr Afe called in to ask if I had received calibration certificate, told him not so. Therefore sent e mail below to sound engineer. Called Mr Afe back and told him I have sent e mail re: non appearance of the calibration certificate. Also discussed issue of no DPS but he was confusing DPS with DS's and when I tried to explain it to him he told me he didn't want to argue with me about it and that I should speak to Niall Forde.
18/9	Partial Calibration certificate received from sound engineers. Does not contain all the information that we require but it was accepted as the agreed measurements were quoted. Copy attached.
18/9	Notes of telephone conversation with Licensee requesting floor plan showing the fixed positioning of the speakers in the basement. Floor plan is still outstanding: Called Mr Afe again and told him I have now received the calibration certificate but I want him to provide a drawing of the floor plan showing the position of the speakers – we are currently in disagreement about the location of a bass bim which was by the fire exit on a recent visit that I told him was not there during the testing – but he insists it was there.
13/10	03:38. Call to Noise Patrol (RWA): Tctc 03.38. After saying that noise from the club was audible in his bedroom comp deliberated and decided that as he was confident that the club would be closing at 4.00 he was content for his call to be logged and to be reported to Anne B. CM12
24/11	03:16. Noise Patrol report (RWA): Tctc 03.04. Comp claimed there to be a "thumping bass beat" coming from the

	Club. VST 03.16. Faint bass beat discernible intermittently. No nuisance, no basis for intervention. CM12																																								
26/11	<u>E mail correspondence from the owner of the residential block next door.</u> Reporting unwanted noise from Festac																																								
1/12	01:26. Noise Patrol report (ALO): Ttc 0123 left vm. Vst 0126 very slight bass audible when stood outside. Spoke to owner and just asked that he lower the bass a bit. He said its going off as people are leaving. CM13 (Referred to other service)																																								
14/12	Noise Patrol Report 02:00 (PBA): Rang comp at 0115hrs. visited at 0200hrs and could hear bass music whilst in comps bedroom but not at nuisance level. Spoke to Mr Akinyele Afe, 07831546269 at the source and advised. He turned down the vol of the music and was surprised that there was a complaint in the first place as he thought the problem had already been fixed by installing the sound limiter. He will continue to work with Anne Brothers who is aware of his intension of increasing the sound insulation between the properties. CM12																																								
14/12	<u>Festac, Holloway Road, 23:35</u> Proactive visit at 23:35 following recent call outs to NP, e mail correspondence with residents and NP/ASB manager. Spoke to Licensee Mr A and explained I needed to check the sound levels on BF due to recent call outs and some noise witnessed. Sound levels on BF measured as follows: <table border="1" data-bbox="319 1052 1404 1444"> <thead> <tr> <th>Ref</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>105.7</td> <td>98.8</td> <td>101.1</td> <td>100.1</td> </tr> <tr> <td>3</td> <td>108.3</td> <td>97.0</td> <td>104.3</td> <td>105</td> </tr> <tr> <td>4</td> <td>103.6</td> <td>92.7</td> <td>98.7</td> <td>100.8</td> </tr> <tr> <td>7</td> <td>94.8</td> <td>85.8</td> <td>88.0</td> <td>91.4</td> </tr> <tr> <td>9</td> <td>90.5</td> <td>86.6</td> <td>80.5</td> <td>83.5</td> </tr> <tr> <td>Licensee's preferred levels</td> <td>94</td> <td>89.4</td> <td>88.1</td> <td>88.8</td> </tr> <tr> <td>Tested levels</td> <td>92</td> <td>83.8</td> <td>85.5</td> <td>89.2</td> </tr> </tbody> </table> <p>N.B. I did not need to ask them to elevate levels to achieve the high levels measured initially. I did not ask them to elevate levels to the maximum achievable. Licensee told me this was his biggest night of the year, people were just arriving at the time of our visit and he stressed they were a mature crowd. He said there was a rough crowd in last night and he checked the limiter after NP visited and found the DJ's had disconnected the leads from the back of it, therefore sound last night was not properly limited. He said when he had discovered the problem earlier that day he had called the sound engineer but he had not had any reply yet. Told him the final measurement was close to the agreed levels and there was a buffer there to give him some extra protection. Told him he must stick to the licence conditions and the agreed sound levels. He told me again it was his biggest night of the year and told me he didn't want to see me again that night. We left at that point.</p>	Ref	Linear	"A"	125 Hz	63 Hz	1	105.7	98.8	101.1	100.1	3	108.3	97.0	104.3	105	4	103.6	92.7	98.7	100.8	7	94.8	85.8	88.0	91.4	9	90.5	86.6	80.5	83.5	Licensee's preferred levels	94	89.4	88.1	88.8	Tested levels	92	83.8	85.5	89.2
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15/12	<u>Call received via Controller timed at: .01:07 Ref No. 990215.</u> Re: ""Loud bass can be heard in callers bedroom" Visited at 02:00. From resident's bedroom could clearly hear bass from Festac. Heard alongside heavy traffic noise outside which was almost constant. Noted that bass could be heard over the traffic noise. Was more prominent during breaks in the traffic. Noted that bed was stripped and resident told me they find it impossible																																								

to use the bedroom when the noise is on and they were sleeping on the floor in the living room tonight. He didn't want me to listen from the living room and was very upset at the continuing noise. Was bothered by noise last night and mentioned a previous NP visit recently.

Consider this to be a nuisance and a contravention of the S.80. I would find it very hard to get to sleep and stay asleep in the bedroom.

Visited premises. Had to wait outside for a few minutes for licensee to step outside to speak to me. We were standing by the entrance while waiting and when he came outside we moved a little north, away from the premises to talk.

Cautioned Mr A at approx 02:10.

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

He nodded that he did understand.

AB: You have turned the volume up.

AA: No comment.

AB: I have just witnessed a contravention of the S.80 and we may now prosecute you and make an application for a review of the licence.

AA: Have you been downstairs?

AB: No but I have been to the residents and I could clearly hear it. It was reduced previously to a level that should not be audible.

AA: Doesn't want to say anything else.

AB: Do you intend to reduce the volume?

AA: The levels have been increased to take into account up to 200 people downstairs.

(He then changed his estimate and insisted I wrote down that there were only maybe 150 people present downstairs)

AB: Are you going to reduce the volume? You have increased it.

AA: It is reduced.

(Noted he is shouting at me now)

Not possible to continue with PACE format for formal interview but made the following notes of what he said.

He stated he had reduced the volume when he was told I was outside again. I did not notice any reduction in the volume coming up via the fire exit while I was waiting outside for him.

He told me I should go back to the resident and assess it again.

He then told me to wait outside for him as he had to go and deal with things inside the premises.

I told him I was not going to wait for him and he needs to reduce the volume.

He told me he needs money to do sound insulation (SI) and if he doesn't have parties he won't get the money to do the SI. He was shouting at me at this time.

I told him I will refer the matter to legal re: contravention of S.80 and consider/discuss with managers possibility of a review application to remove late hours and regulated entertainments from the licence.

(doubt we will prosecute for one offence)

He said he's got no money for SI. I told him it was his responsibility to ensure adequate funding for SI and not to cause a noise nuisance. Told him he should stick to agreed sound levels as per licence condition.

We walked away at that point. He had made it quite clear to me that he wasn't going to do anything to reduce the volume and in any case he could not control the maximum levels of sound as there was no limiter in use. A one point I told him he should not have any events there if the sound levels cannot be limited so as not to exceed the maximum agreed levels.

He asked me when I was next in the office and I told him on Tuesday. He said he would come to the office to see me on Tuesday.

	<p><u>Enforcement options:</u></p> <ul style="list-style-type: none"> • Consider warrant to seize in the event of further nuisance. • Consider review of premises licence. • Prosecute for licensing offences/contravention of S.80? <p>Do not see much point in further discussions with the licensee. He has made his position clear. He says he has offered to put residents up in a hotel and my opinion is that he thinks he can make choices as to what conditions he will comply with. Would suggest review is suitable, then he can discuss with Cttee what he is prepared to do and they can make a decision based on the situation and the Licensee's response. I told him at one stage during our conversation that if he spoke to Committee in the way he was speaking to me, they would take a very dim view of it.</p>																																								
19/12	<u>E mail sent to licensee.</u>																																								
12/1/14 01:55	<p>Call received via Controller timed at 01:12. Ref No 1010886. Re: "loud thumping music coming from Festac"</p> <p>Visited resident and from 1FFR (bedroom) I could clearly hear persistent bassy tones coming through. It was more clearly heard by the bed head nearest the door, less audible by the window side of the bed head. Could be heard alongside traffic noise outside and was prominent during lulls in the traffic.</p> <p>I witnessed this level of noise during the most recent past shift. Resident informed me he had been away for the past 3 weeks only returning this week. Judged it as a contravention of the S.80 last time. Definitely a contravention of the premises licence.</p> <p>Visited premises and spoke to Licensee, Mr A. Explained I wanted to measure sound levels and I had witnessed noise from the premises from next door. I measured in the BF but the music cut out. I had managed to get a one minute measurement however.</p> <p>We went upstairs and discussed the measurement and that it was in excess of his preferred sound levels. I asked him if the limiter was working and he told me he had not had it reconnected since the last visit. I told him he was obliged to route all amplified sound through the limiter and he told me he hadn't had it done because it would cost him more money at he needed to pay for sound insulation.</p> <p>Told him the volume needed to be reduced and he went downstairs to get it turned down.</p> <p>We went back downstairs and measured again.</p> <p>The music volume was wavering and it cut out again. Got another one minute measurement when it came back on</p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>25 0':29"</td> <td>104.4</td> <td>101.4</td> <td>95.4</td> <td>95.3</td> </tr> <tr> <td>26</td> <td>100.8</td> <td>98.4</td> <td>91.5</td> <td>89.8</td> </tr> <tr> <td>27 0':57"</td> <td>100.5</td> <td>97.6</td> <td>88.9</td> <td>88.2</td> </tr> <tr> <td>28</td> <td>98.4</td> <td>91.1</td> <td>91.3</td> <td>95.2</td> </tr> <tr> <td>Table 1*</td> <td>94</td> <td>89.4</td> <td>88.1</td> <td>88.8</td> </tr> <tr> <td>Licensees preferred option</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Table 2** After full assessment</td> <td>92</td> <td>83.8</td> <td>85.5</td> <td>89.2</td> </tr> </tbody> </table>	Ref	Linear	"A"	125 Hz	63 Hz	25 0':29"	104.4	101.4	95.4	95.3	26	100.8	98.4	91.5	89.8	27 0':57"	100.5	97.6	88.9	88.2	28	98.4	91.1	91.3	95.2	Table 1*	94	89.4	88.1	88.8	Licensees preferred option					Table 2** After full assessment	92	83.8	85.5	89.2
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Ref 25: Music was wavering up and down so abandoned measurement. Got a full minute measurement

Ref 27: I think the music cut out for some reason.

We returned upstairs and continued the conversation about the limiter. I reminded him he should run all amplified sound through the limiter and he told me again that he hadn't had it reconnected because he needed the money for SI. He gave me the first name and mobile number of an engineer who he said had other contracts in London and he had researched the internet and he was a bona fide contractor. He claimed he had tried to call me 10 or 12 times the day before because his engineer will be in London on Tuesday and he wants to get into the flats next door. He told me the engineer was based in Yorkshire. I asked him why hadn't he got someone based in London, he would be increasing his costs and may have to pay for travelling expenses and accommodation for a contractor based so far away.....

I asked if the engineer was accredited by the IoA and got no response, he reiterated the engineer had other bona fide contracts in London and he had appointed him and the works would be carried out within the next few days. I told him that in my experience it wasn't as simple as that. I noted the engineer's first name and number which was all Mr A had for me – it took him a while to retrieve the information from his mobile phone. I told Mr A to get him to call me at work on Tuesday and I will send him the technical guidance (and get his full details). I told him he has no right to demand access to the neighbour's home with no notice and in any case he will not be permitted to go there – only an appropriately accredited AC in order to survey and determine appropriate works of SI. I implied I may be able to get access for an AC to the communal hallway next door with some minimal notice. According to the resident I spoke to there are some vacant flats next door, so we may be able to get access to a vacant closer flat for an AC in the near future – but certainly not on Tuesday!

His arguments are the same as previously – he needs money for the SI therefore needs to trade and wants loud music in order to put events on. He hasn't reinstalled the limiter because he wants to save money for the SI. He is disregarding previous advice that the limiter must be reinstalled and that he is obliged to route all sound through the limiter in order to keep to agreed sound levels so as not to cause unreasonable disturbance to neighbouring residential properties. I told him the licence conditions were not optional and that we expect our licenses to comply with all conditions on their premises licences.

I told him he must reduce the volume further and he should reduce the bass output; that may improve things.

In addition, there was a strong smell of weed from a group of smokers gathered by the fire escape immediately outside. While I was outside with Mr A on arrival I mentioned this to him and he said he couldn't do anything about it and what could he do? I told him he could refuse access to the people outside who were smoking the weed. While I was talking to him the group moved away to just up the street but they all returned to the club while I was still outside. The DS gave them all a quick body search While we were inside a group of young men passed us while we were on the stairs, they all stank of weed.

Will speak to Licensing Police about this issue.

Review application will be made this week. Will request that Committee condition for no further regulated entertainments until a full acoustic survey has been carried out by an accredited AC and works specified have been completed to the satisfaction of NT. All sound levels for all zones must then be agreed prior to any further regulated entertainments taking place.

Passed by Festac, Holloway Road again at 04:25. Premises was closed

14/1/14

T/C from Mr Akin, licensee. Sound engineer is coming today. Asked him to get the sound engineer to call me to discuss what is going on.

	<p>I spoke to him shortly afterwards and he informed me he has been asked to give a view as to what works may be necessary. He informed me he works for Ikoustic, a company that specialises in sound insulation and absorption. He gave me their website details: ikoustic.co.uk. They are not registered with the Institute of Acoustics or the Association of Noise consultants but he told me they works in partnership with other companies who are accredited.</p> <p>I asked him if he could reinstall and recalibrate the limiter at the premises. He informed me he could do that.</p> <p>I sent him an e mail and attached the Technical Guidance for acoustic consultants that we distribute to contractors working with licensed premises in the borough along with details of the agreed sound levels:</p>
15/1/14	<p>T/C from Akin. Discussed appointment of acoustic consultant and possible works. <u>Advisory e mail sent.</u></p>
16/1/14	<p><u>Further advisory e mail sent after conversation with Licensing Manager.</u></p>

E mail sent to the Licensee:

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

From: Brothers, Anne

Sent: 30 July 2013 15:11

To: 'Aled Griffiths' <aled@ioa.org.uk>

Cc: Griffiths, Aled

Subject: Noise issues at Festac

Importance: High

Dear Mr Afe

There are the following noise conditions on the premises licence for Festac:

1. The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels in all areas of use approved by and in conjunction with the Councils Noise Team
2. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. In the event of notification that noise nuisance has been witnessed by an authorised officer, the Licensee shall immediately reduce sound levels being played out and recalibrate the sound system. They shall provide a copy of a calibration certificate from an accredited acoustic consultant to the Noise Team within 14 days of any notification.

Further to my visit on Saturday, please appoint an acoustic consultant who is accredited by the Institute of Acoustics to assist with the setting of sound levels.

Their contact details are as follows:

Institute of Acoustics
77A St Peter's Street
St Albans
Herts
AL1 3BN
Tel: 01727 848 195
Fax: 01727 850553
www.ioa.org.uk
email : ioa@ioa.org.uk

As discussed, please be sure to appoint someone who is experienced in entertainment noise.

Looking at the premises licence there are other conditions that need your attention as follows. Note the condition regarding no under 25's permitted:

3. The licensee shall provide a parking marshall to ensure that patrons do not park in Tinniswood Close on arrival.
4. 4 SIA registered door staff (at least 1 female) and a minimum of 2 street wardens to be employed from 10pm until 30 minutes after closing.
5. Last entry 1am when opening is beyond midnight. No re-entry apart from smokers.
6. Smoking area to be limited to maximum of 6 persons at any time.
7. No under 25s allowed on the premise.
8. DPS to be present when the premise is operating after midnight. Personal licence holder to be present at all other times.

I will be writing to residents in the neighbouring block very soon. Please get your acoustic consultant to contact me to discuss setting sound levels. In the meantime I expect you to limit the level of amplified music to the levels that we eventually agreed on Saturday night. This needs careful control of the bassier frequencies of sound as well as the overall levels of sound.

I have to inform you that if we witness further noise nuisance we are minded to serve an abatement notice in respect of noise nuisance from amplified music. This could have serious implications for your business and I am sure you will agree this is best avoided.

Anne Brothers
Noise Liaison Officer
Noise Team
Public Protection
Islington Council

Section 80 noise abatement notice served in relation to noise nuisance from amplified music.
Copy attached.

Posted by first class post and also e mailed to the licensee:

From: Brothers, Anne

Sent: 06 August 2013 13:44

To: ~~an@islington.gov.uk~~

Subject: Section 80, festac.

Dear Mr Afe

Please find attached a Section 80 noise abatement notice served on you today by first class post.

The Notice is self-explanatory.

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

In the meantime I must urge you to reduce the volume of music played out at the premises. I look forward to hearing from your acoustic consultant as soon as possible.

Anne Brothers
Noise Liaison Officer
Noise Team
Public Protection
Islington Council

Akinyele Afe,
Licensee, Festrac/Festas
148 Holloway Road
London N7 8DD

Noise Team
222 Upper Street
London N1 1XR

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

Our ref: abr/201312402

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 6 August 2013

Dear Mr Afe

**SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990, FESTAC/FESTAS, 146-148
HOLLOWAY ROAD, LONDON N7 8DD**

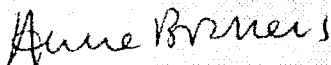
Please find enclosed a Notice served on you under the provisions of the above legislation. The Notice is self-explanatory.

I must urge you to take heed of advice given when I visited the premises in the early hours of July 28 in respect of the control of amplified music.

I am obliged to draw your attention to the notes on the reverse of the form.

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

Yours sincerely,



Anne Brothers

Principal Technical Officer

cc. Aled Griffiths, PEHO Noise Team

Niall Forde, Licensing Officer

Anthony Oni, DPS, 25 Brackendene, Bricket Wood, St Albans, Herts, HL2 3SX

Akinyele Afe, via e mail: akinyeleafe@yahoo.com

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

To Akinyele Afe,
148 Holloway Road
London N7 8DD

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

~~222 Upper Street, London N1 1XR~~
~~148 Holloway Road, London N7 8DD~~

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 Islington Council being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance arising from the playing of loud amplified music at premises known as:

Festac/Festas Nightclub, 146 – 148 Holloway Road, London N7 8DD

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: 6 August 2013

(Signature): *Anne Brothers*

Address to which all communications should be sent:
Noise Team, 222 Upper Street, London N1 1XR

(Name): Anne Brothers

(Title): Noise Liaison Officer

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

Delete text in square brackets as appropriate **
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.

Advisory EMS to sound engineer.

Regarding details of calibration certificate requirements.

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

From: Brothers, Anne

Sent: 16 August 2013 15:04

To: 'Info@northernsoundhouse.com'

Subject: RE: Festac

Dear Kenny

Here are the formal requirements for a calibration certificate:

Date of calibration.

Make and model of the limiter installed.

Make and model of amplifier/sound distribution system.

Serial number of the limiter.

Location of the limiter and floor plan showing location of speakers.

Specified maximum sound levels with one minute Leqs at the Linear, "A" weighted, 63 and 125 Hz frequencies.

Details of the measurement point.

Details of the security arrangements for the limiter and other components.

Details of the sound level meter used during recalibration.

Calibration details for the sound level meter used.

Name and contact details of acoustician.

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Islington Council

Mr Akinyele Afe
 Licensee
 Festac
 148 Holloway Road
 London N7 8DD

Noise Team
 222 Upper Street
 London N1 1XR
 T 020 7527 3047
 F 020 7527 3059
 E anne.brothers@islington.gov.uk
 W www.islington.gov.uk
 Our ref: abr/201312402

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 16 August 2013

Dear Mr Afe

SOUND SETTING ASSESSMENT, 15/8/13, FESTAC, 148 HOLLOWAY ROAD. LICENSING ACT 2003, ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80.

Further to the visit carried out last night, we discussed the two sets of sound levels that had been measured at Festac on last Saturday night and again last night after the assessment was carried out. You informed me that you would agree to set the sound levels in the basement to be limited to the levels achieved last Saturday. I do have to state again that I do have some concerns about setting the sound to the higher levels but as explained to you, it is your decision although the sound levels achieved last Saturday were done so in haste and the sound levels achieved last night were after a thorough sound assessment.

I list both sets of sound levels below for your reference:

Table 1. Sound levels achieved Sunday 11 August (your preferred option)

Linear	"A" weighted	125 Hz	63 Hz
94	89.4	88.1	88.8

Table 2. Sound levels achieved Thursday 15 August

Linear	"A" weighted	125 Hz	63 Hz
92	83.8	85.5	89.2

The measurements above are one minute measurements. The measurement point was to the right hand side of the doors to the basement facing the speaker in the corner at least 2 metres distant.

I have to urge you to keep careful control of the volume of sound at the premises and I advised you that as you have chosen to implement the earlier set of measurements that you should be careful not to play the sound system out at the very top of the scale until the basement is well populated with your customers.

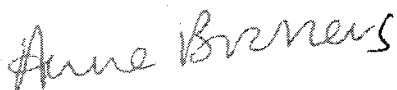
I am very sorry the sound levels could not be increased as you told me last night that you wanted them to be. The issue is the lack of sound insulation at the premises and I have discussed this with you previously. You need to carry out comprehensive works of sound insulation. You need to appoint an accredited acoustic consultant who will be able to advise you about suitable sound insulation that may improve the structural resistance of the premises to the outbreak of sound. It seems to be travelling up the party wall where the bar is situated in the basement below the Mosque to the residential block above. An accredited acoustic consultant will be able to advise you further.

In the meantime I am obliged to remind you that a noise abatement notice has been served. We have discussed enforcement options should further noise nuisance be witnessed. Contravention of the notice is a criminal matter for which you could be prosecuted and levels of fines for commercial premises are up to £20,000 per offence. In addition, a warrant could be obtained and your sound system could be seized in order to abate a noise nuisance in the event of contraventions being witnessed. I sincerely hope the above courses of enforcement action will not be necessary.

I have been in touch with Kenny, the sound engineer today and he informed me he will be visiting you today to set the sound limiter as it could not be done last night as the leads for the limiter had not been delivered. I sent him both sets of sound levels detailed above for his information.

Upon receipt of the calibration certificate, my input into this matter will be ended (unless I am called out one night when I am working). I will wait to hear from you in relation to the appointment of an accredited acoustic consultant and works of sound insulation being carried out under their advice. I will work with you again in the future once this is done and I hope that next time you will be able to achieve better sound levels at the premises after suitable and sufficient sound insulation has been installed.

Yours sincerely,



Anne Brothers

Principal Technical Officer

cc. Aled Griffiths, PEHO Noise Team

Niall Forde, Licensing Officer

Mr Akinyele Afe, Licensee. via e mail: akinyeleafe@yahoo.com

From: Brothers, Anne

Sent: 06 September 2013 13:18

To: ~~XXXXXXXXXXXXXXXXXXXX~~

Cc: Griffiths, Aled; Forde, Niall

Subject: Sound levels at Festac

Dear Mr Afe

Please find attached a letter in relation to sound levels measured during my most recent visit to Festac.

Your prompt attention is required to address the matters raised.

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Mr A Afe
148 Holloway Road
London
N7 8DD

Noise Team
222 Upper Street
London N1 1XR
T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/201312402

This matter is being dealt with by:
Anne Brothers

Your ref:

Date: 6 September 2013

Dear Mr Afe

NOISE NUISANCE FROM AMPLIFIED MUSIC, FESTAC, 148 HOLLOWAY ROAD, LONDON N7 8DD. ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80. LICENSING ACT 2003.

Further to my letter dated 16 August and my visit in the early hours of Sunday 25 August, this is to further discuss noise control at Festac.

You previously informed me the sound levels on the ground and upper floor at the premises would be restricted to background levels of sound. During my visit on 25 August I measured sound levels on the ground floor as follows:

Table 1, ground floor measurements 25/8/13

Ref	Lin	"A"	125 Hz	63 Hz
11. GF	99.1	83.6	89.9	97.4

The above levels are significantly above background levels of sound and with reference to the file here I have found a calibration certificate produced by an acoustic consultant employed by the previous licensees when the premises was known as KC's.

The sound levels specified for the upper floors were as follows:

Table 2, Upper Floors calibration certificate dated October 2010

Lin	"A"	125 Hz	63 Hz
90	85	81	85

You should contact your sound engineer and get him to calibrate the ground floor sound system so the sound levels will not exceed the levels stated above in Table 2.

In addition, while at the premises with you on 25/8 I measured sound in the basement as follows:

Ref	Lin	"A"	125 Hz	63 Hz
13. BF	97.4	92.6	92.1	90.1
14	94.7	92.5	84.4	88.2
BF levels#1	94	89.4	88.1	88.8
BF levels#2	92	83.8	85.5	89.2

You have already stated your preference for the levels quoted as BF levels #1 in the table above, you will note the levels measured exceeded those levels.

I noted the bass bin in the basement had been moved since the assessment that was carried out in August, this could have some effect on the measurements taken and you also told me that you were not using the limiter that night. You informed me that you had discussed the importance of that bank holiday weekend's trading with your neighbour and he had told you he was going away for that weekend. I informed you that did not mean that you were not causing noise nuisance to other residents in the vicinity

There are licence conditions on the premises licence for Festac as follows:


- The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels in all areas of use approved by and in conjunction with the Councils Noise Team
- The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. In the event of notification that noise nuisance has been witnessed by an authorised officer, the Licensee shall immediately reduce sound levels being played out and recalibrate the sound system. They shall provide a copy of a calibration certificate from an accredited acoustic consultant to the Noise Team within 14 days of any notification.

I have not yet received the calibration certificate that should have been produced after the sound assessment in August. If the limiter was calibrated the following day as you informed me it would be, you need to supply a copy of the calibration certificate for our files. You may need to get the limiter recalibrated as you disconnected it subsequent to the calibration and because you have moved the bass bin. Please consult your sound engineer in relation to this.

Once the limiter is calibrated you should not move speakers around as any movement will change the noise profile of the sound being played out and you may inadvertently exceed the sound levels that you have undertaken to restrict the sound system to.

Please provide us with copies of calibration certificates for both the basement and ground floors without delay.

Yours sincerely,



Anne Brothers
Principal Technical Officer
cc. Aled Griffiths, PEHO Noise Team
Niall Forde, Licensing Officer
Mr A Afe via e mail: akinyeleafe@yahoo.com

EMS to sound engineer.

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

From: Brothers, Anne

Sent: 18 September 2013 16:08

To: Info@northernsoundhouse.com

Subject: Festac, 148 Holloway Road

Dear Kenny

I refer to previous correspondence dated August 16 and this is to inform you that I have still not received the promised calibration certificate in relation to maximum levels of sound in the basement at Festac.

I am concerned in case you have written my e mail details down incorrectly.

Please can you contact me to let me know when I can expect the calibration certificate.

Thank you.

Anne Brothers

Noise Liaison Officer

Noise Team

Received 18/9/13



Festac
148 Holloway Road
London
N78DD

Noise Limiter Install

This note is to certify the system mentioned below has been set on the 17.8.2013

Installation of system

DBX compressor limiter

All Speakers are active self powered. Volumes have been set to full.

As requested by Anne Brothers the system has been set using a Phonic Paa6 audio analyzer, and set to the following readings

A = 93.4
63 = 88.8
125 = 85

The DMX Limiter has been set up in a locked cupboard next to the DJ booth, this unit is just sitting on the side and not mounted in a case so supplying a blank cover would not do anything.

Mr Afe will be able to provide you with the floor plans that are required

These readings were taken inside the venue while empty.

Regards

M Romeo
K Everitt

Northern Soundhouse

37 CITIZEN HOUSE - HORNSEY ROAD - LONDON - N7 7ND
PHONE/FAX: 020 7503 4272 MOBILE: 07836 792791
EMAIL: info@northernsoundhouse.com

E mail to Licensee:

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

From: Brothers, Anne

Sent: 19 December 2013 16:17

To: ~~anne.brothers@yahoo.com~~

Cc: Forde, Niall

Subject: Sound levels at Festac

Importance: High

Dear Mr Afe

Further to my visits last Saturday night and Sunday morning and our subsequent telephone conversation. Please confirm the limiter has been re-set so as not to exceed the agreed sound levels. The details of the agreed sound levels were sent to you in a letter dated August this year.

To reiterate, we expect you to comply with the following noise condition on your premises licence:

* The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels in all areas of use approved by and in conjunction with the Councils Noise Team

~~Incidentally we have never received a calibration certificate from your sound engineers, therefore in the light of the noise nuisance witnessed last weekend we have to require you send us a copy so as to comply with the condition below.~~

* The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. In the event of notification that noise nuisance has been witnessed by an authorised officer, the Licensee shall immediately reduce sound levels being played out and recalibrate the sound system. They shall provide a copy of a calibration certificate from an accredited acoustic consultant to the Noise Team within 14 days of any notification.

You told me that you had been trying to contact your sound engineers last Saturday when I visited you at the premises. I presume you have contacted them by now.

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Islington Council

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

From: Brothers, Anne

Sent: 14 January 2014 13:37

To: 'rick.parsons@ikoustic.com'

Cc: Forde, Niall

Subject: Festac

Dear Mr Parsons,

Please see technical Guidance attached.

I am also attaching a recent letter to Mr Akin concerning sound levels. He should have a copy of this for you to see but just in case he hasn't I am attaching a copy.

Please confirm if your appointment is confirmed by Mr Akin and you will be proceeding with any works. In addition if you are appointed please can you let me know what works you will be proposing and time scales for any works to be carried out.

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

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

From: Brothers, Anne

Sent: 15 January 2014 18:47

To: ~~akind@yaho.com~~

Subject: Festac Review application

Dear Mr Akin

This is to confirm the content of our telephone conversation just now.

You told me you have been making enquiries with the Institute of Acoustics (IoA) and have possibly selected an acoustic consultant accredited by them – Hoare Lee.

You asked me if they were a reputable company but as I stated I can only confirm they are accredited by the Institute, I cannot comment on their competency.

We discussed the visit carried out to Festac yesterday by Rick Parsons from lkoustic, he called me today and informed me that his company are specialists in installation of sound proofing materials and they are not accredited as acoustic consultants by the IoA. He told me they work with partners who possibly are accredited however.

We discussed whether lkoustic could be used and I informed you that your chosen acoustic consultant may work with them as their materials may be suitable and known to the acoustic consultants. I informed you it would be a matter for you to decide with your chosen acoustic consultant.

You asked me how much money is charged by acoustic consultants for an acoustic survey and I told you that their charges vary between individuals and companies. It is for you to shop around using the listings on the IoA website to select a suitable consultancy that is experienced in music and entertainment premises. I advised you to beware of acoustic consultants that specialise in industrial noise as the type of noise from licensed entertainment noise is totally different to industrial noise. You asked me how much would works cost? I told you I don't know how much it would cost you. We have discussed previously that substantial works of sound insulation will be necessary if you want to achieve higher levels of sound. We have previously discussed the "room within a room" scenario. I have to repeat that piecemeal works will be ineffective and will not give you the increase in sound levels you want. An accredited acoustic consultant will be able to survey and identify routes of transmission of sound. They will then specify works and as discussed I should be able to negotiate access to the block next door to help with the survey to give a full picture of the situation to the consultant. I will need some notice to get access however.

I informed you about the proposed noise conditions on the review. The first one is as follows:

* The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which shall include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.

This is a common condition used on premises licences in the borough where the transmission of sound is an issue. By undertaking a full acoustic survey appropriate works of sound insulation should be identified by the acoustic consultant.

Speak to your chosen acoustic consultant about this condition and they will no doubt want to contact me to discuss this matter further.

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

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

From: Brothers, Anne

Sent: 16 January 2014 15:43

To: ~~anne.brothers@yahoo.com~~

Cc: Forde, Niall; Lane, Terrie

Subject: Festac, further advice

Importance: High

Dear Mr Afe

Since we last spoke yesterday evening I have been made aware of a serious incident that occurred at Festac in the early hours of Sunday morning.

I am informed the Police will be making a representation as a Responsible Authority as defined by the Licensing Act 2003 to the review application I am making. The review application is being submitted today. The papers will be sent to you.

I have to advise you that in the light of this added incident, I would urge you to seek legal advice in relation to these matters. I advise you to speak to a solicitor before you commit to expenditure in relation to sound insulation works you are proposing.

I must urge you to restrict the levels of sound at the premises. I understand the limiter has not been re-set. I strongly recommend you get the limiter re-installed and re-set to the agreed levels of sound.

I also have to inform you that if we witness further noise nuisance from Festac we will make an application to the Magistrates for a warrant in order to enter your premises by force if necessary to seize all noise making equipment.

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



Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/7783-200913		
Postal address of premises, or if none, ordnance survey map reference or description			
FESTAC 146 - 148 HOLLOWAY ROAD			
Post town	London	Post code	N7 8DD
Telephone number	0207 609 2082		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Lower Ground Floor
Ground Floor
Mezzanine Floor
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: <ul style="list-style-type: none"> The exhibition of films The performance of live music The playing of recorded music The performance of dance • The provision of entertainment facilities for: <ul style="list-style-type: none"> 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																																																																						
Delete any that do not apply																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the exhibition of films: <table border="0" style="width: 100%;"> <tr> <td>Monday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Tuesday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Wednesday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Thursday</td> <td>08.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>08.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>08.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> </table> • The provision of regulated entertainment for the performance of live music: <table border="0" style="width: 100%;"> <tr> <td>Monday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Tuesday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Wednesday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> <tr> <td>Thursday</td> <td>08.00</td> <td>to</td> <td>02.00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>08.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>08.00</td> <td>to</td> <td>04.00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>08.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> </table> 	Monday	08.00	to	00.00		Tuesday	08.00	to	00.00		Wednesday	08.00	to	00.00		Thursday	08.00	to	02.00	the following day	Friday	08.00	to	04.00	the following day	Saturday	08.00	to	04.00	the following day	Sunday	08.00	to	00.00		Monday	08.00	to	00.00		Tuesday	08.00	to	00.00		Wednesday	08.00	to	00.00		Thursday	08.00	to	02.00	the following day	Friday	08.00	to	04.00	the following day	Saturday	08.00	to	04.00	the following day	Sunday	08.00	to	00.00	
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Saturday	08.00	to	04.00	the following day																																																																		
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- The provision of regulated entertainment for the playing of recorded music:

Monday	08.00	to	00.00	
Tuesday	08.00	to	00.00	
Wednesday	08.00	to	00.00	
Thursday	08.00	to	02.00	the following day
Friday	08.00	to	04.00	the following day
Saturday	08.00	to	04.00	the following day
Sunday	08.00	to	00.00	

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

Monday	08.00	to	00.00	
Tuesday	08.00	to	00.00	
Wednesday	08.00	to	00.00	
Thursday	08.00	to	02.00	the following day
Friday	08.00	to	04.00	the following day
Saturday	08.00	to	04.00	the following day
Sunday	08.00	to	00.00	

- The provision of entertainment facilities for making music:

Monday	08.00	to	00.00	
Tuesday	08.00	to	00.00	
Wednesday	08.00	to	00.00	
Thursday	08.00	to	02.00	the following day
Friday	08.00	to	04.00	the following day
Saturday	08.00	to	04.00	the following day
Sunday	08.00	to	00.00	

- The provision of entertainment facilities for dancing:

Monday	08.00	to	00.00	
Tuesday	08.00	to	00.00	
Wednesday	08.00	to	00.00	
Thursday	08.00	to	02.00	the following day
Friday	08.00	to	04.00	the following day
Saturday	08.00	to	04.00	the following day
Sunday	08.00	to	00.00	

- The provision of late night refreshment:

Monday	23.00	to	00.00	
Tuesday	23.00	to	00.00	
Wednesday	23.00	to	00.00	
Thursday	23.00	to	01.00	the following day
Friday	23.00	to	02.00	the following day
Saturday	23.00	to	02.00	the following day
Sunday	23.00	to	00.00	

- The sale by retail of alcohol:

Monday	08.00	to	00.00	
Tuesday	08.00	to	00.00	
Wednesday	08.00	to	00.00	
Thursday	08.00	to	02.00	the following day
Friday	08.00	to	04.00	the following day
Saturday	08.00	to	04.00	the following day
Sunday	08.00	to	00.00	

Except on:

Sunday before a Bank Holiday until 2am

Christmas Eve and Boxing Day until 2am

Gaming Machine Provision:

Not Authorised

The opening hours of the premises:

Monday	08.00	to	00.30	the following day
Tuesday	08.00	to	00.30	the following day
Wednesday	08.00	to	00.30	the following day
Thursday	08.00	to	02.30	the following day
Friday	08.00	to	04.30	the following day
Saturday	08.00	to	04.30	the following day
Sunday	08.00	to	00.30	the following day

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

On and off supplies

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

Akinyele Afe
148 Holloway Road
London
N7 8DD
[REDACTED]

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**

Gbeminiyi Emmanuel Daniel

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

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

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

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Mr Akinyele Afe,
Festac
146 – 148 Holloway Road
London
N7 8DD

T 020 7527 3227
F 020 7527 3057
E licensing@islington.gov.uk
W www.islington.gov.uk

Our ref: LN7783-070313
Your ref:

Date: 14 January 2014

This matter is being dealt with by:
Niall Forde

Delivered by hand.

Dear Mr Akinyele Afe,

LICENSING ACT 2003

RE: FESTAC, 146 – 148 HOLLOWAY ROAD, LONDON, N7 8DD

Following a complaint received about the above premises opening after hours on Sunday 29 December 2013 and also an incident on 12 January 2014 after 03:00 I am writing to you as the licence holder to request the following information and images to be supplied to our offices.

As you are aware that the premises licence for the above address contains the following condition at Annex 3 Condition 2 which reads:

“CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

I am therefore requesting copies of the CCTV from all the camera from 03:30 to 07:00 on Sunday 29 December 2013 and also from 02:00 until 04:30 on 12 January 2014.

Please ensure that copies of the CCTV are delivered to the Council Offices at the address above by 12:00 Thursday 16 January 2014.

In addition Annex 3 condition 15 requires you to

“The licensee shall comply with the procedures and practices contained in the Operating Schedule, Ref: OperatingSched-29Feb12. This may be updated sporadically to reflect new operating procedures. A copy of the updated schedule shall be submitted to the Licensing Authority for approval prior to ratification of the updated schedule.”

One of these procedures requires the following that when alcohol and / or public entertainment is provided by way of music and dancing you will operate an admission database by using a Membership Card entry system which will allow patrons entry into the premises with a card with a serial numbers and details of; name, DOB, phone number and address.

Therefore we request that you also supply our offices with a an attendance list of persons at the premises on 11th/12th January 2014.

I must remind you that although I have spent a great deal of time engaging with you for you to make a minor variation to your licence, this application was never submitted and therefore you must be compiling with all the current conditions of you premises licence.

I also need to formally warn you in relation to the night held at the premises on 1 November 2013. Annex 3, condition 25 states that no under 25s allowed on the premise, on this occasion your premises held student and this condition was not being compiled with.

I remind you that it is an offence to allow the provision of licensable activities other than in accordance with a premises licence. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact us.

Yours sincerely

Niall Forde
Licensing Officer

Annex 1 - Mandatory conditions

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

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

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

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. 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. Alcohol may be sold or supplied to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours for the sale or supply of alcohol shall be one hour less than the terminal hour specified above; in such circumstances there shall be no sale or supply of alcohol between 15.00 and 19.00 on Christmas Day.
- 6. The provision of making music shall be limited to karaoke.
- 7. The licensee shall comply with the procedures and practices contained in the Management Operating Schedule received by Islington council on 5 August 2005.

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

- 1. Polycarbonate drinking vessels only to be used. All glass bottles to be decanted, with the exception of champagne. Staff will clear all empty champagne bottles promptly.
- 2. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
- 3. Regarding promoted events, Metropolitan Police Risk Assessment form 696 must be completed and submitted to the Metropolitan Clubs and Vice Unit and Islington Police Licensing Units with at least 14 days notice. Form 696A to be submitted within 3 days of the completion of the event.
- 4. When alcohol and/or public entertainment is provided by way of music and dancing then not less than three SIA registered door supervisors will be employed from 9 pm until 30 minutes after closing time on Thursdays, Fridays and Saturdays.
- 5. On all other days of the week, when alcohol and/or public entertainment is provided by way of music and dancing then SIA registered door supervisors will be employed from 9 pm until 30 minutes after closing time at the rate of one door supervisor for every one hundred customers.

6. The premise licence holder shall provide registered door supervisors to remain outside the premises to minimise the impact of patrons arriving and/or departing for up to 30 minutes after closing time of the premises.
7. Door Supervisors Register – A register shall be maintained recording all SIA door supervisors employed at the premises. This shall include their name, badge number, the agency they work for (if any) and the time they start and finish work. At least one female door supervisor must be on duty.
8. On any occasion when entertainment is being provided by means of a DJ and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting DJs will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises.
9. Electronic searching equipment shall be maintained in working order. A register shall be kept recording the details of the maintenance, which must be carried out by a qualified person. All Door Supervisors must be trained in the use of this equipment and a record kept of this training.
10. When alcohol and/or public entertainment is provided by way of music and dancing the premises will operate an admission and photo-id database system at all times.
11. The main entertainment will be provided in the basement so as to minimize the risk of any nuisance to nearby occupiers.
12. To have a dedicated minicab company and customers to wait inside the premises until their taxi arrives.
13. There shall be notices placed at exit points and within the male and female toilets reminding guests to leave quietly. In addition the management, staff and door staff will remind customers to leave quietly and discourage them from loitering outside.
14. The phone number of a responsible manager shall be advertised at the entrance so as to be visible from outside the premises and they shall be contactable during the hours of operation and for half an hour after closing time.
15. The licensee shall comply with the procedures and practices contained in the Operating Schedule, Ref: OperatingSched-29Feb12. This may be updated sporadically to reflect new operating procedures. A copy of the updated schedule shall be submitted to the Licensing Authority for approval prior to ratification of the updated schedule.
16. The premises shall be in accordance with the Technical Standards for Places of Entertainment.
17. The maximum number of persons accommodated at any one time in the premises shall not exceed 260. Within this number the number of persons accommodated at any one time in each specific area shall not exceed the following:
 - Basement Bar – 200
 - Ground Floor Bar – 60: and
 - Mezzanine Level – 40.
18. The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels in all areas of use approved by and in conjunction with the Councils Noise Team
19. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. In the event of notification that noise nuisance has been witnessed by an authorised officer, the Licensee shall immediately reduce sound levels being played out and recalibrate the sound system. They shall provide a copy of a calibration certificate from an accredited acoustic consultant to the Noise Team within 14 days of any notification.

20. The licensee shall provide a parking marshall to ensure that patrons to not park in Tinniswood Close on arrival.
21. 4 SIA registered door staff (at least 1 female) and a minimum of 2 street wardens to be employed from 10pm until 30 minutes after closing.
22. Last entry 1am when opening is beyond midnight. No re-entry apart from smokers.
23. Smoking area to be limited to maximum of 6 persons at any time.
24. No under 25s allowed on the premise.
25. DPS to be present when the premise is operating after midnight. Personal licence holder to be present at all other times.
26. Persons leaving the premises will be advised by written notice to leave the area quietly and without causing disturbance in the neighbourhood. If patrons have arrived by car they will be accompanied to their cars by a member of staff.

Annex 4 – Plans

Reference Number: Date 31/05/01 A3001

LICENCE

OPERATING SCHEDULE



148 Holloway Road, London, N7 8DD

ABOUT KC's

We have been trading as KC's (Bar-Kitchen-Dance) for one year since December 2010 and used up all 12 temporary event notices till 6.00am with no incidence. We have gained a reputation for attracting mature, professional Older generation clientele between the ages of 30 and 55 years from all over London, and tourists from Africa, Europe and America who love to eat, dance and listen to 70's / 80's Old School music fused in with Afro-jazz beats with an eclectic feel.

CONCEPT

KC's concept is based on socializing and gathering together to either network, listen to live acts/poetry/local jazz bands, view art shows, watch films/plays, eat and drink in a safe and welcoming environment free from anti-social behaviour.

KC's design features is a three floor venue with a mezzanine restaurant, ground floor bar and a basement bar. The mezzanine and ground floor is ideal for people to meet, interact and network, while the basement is ideal for people to lounge. The decor and style offers a perfect setting for fun, entertainment and lounge.

KC's menu provides appetizers, buffet, mains, snacks, desserts and sea food. The drinks menu offers soft drinks, cocktails, wines, beers, hot beverages, wines, premium spirits, liqueurs and champagne. The food and drinks pass through a service lift which links the mezzanine restaurant, ground floor/kitchen and the basement bar.

REGULATED ENTERTAINMENT

Mostly provided in the basement bar so as to be well separated from the ground floor bar, the mezzanine restaurant and the hotel accomodation under refurbishment. It will be a marketing strategy to secure the custom of patrons for an entire evening. It will also take the form of interactive entertainment events such as music, dancing comedy, karaoke and poetry. Events in the basement will be ancillary to the enjoyment of the restaurant's A3 use. In addition, the basement is available for private hire for wedding reception, corporate dinners, meetings, receptions, dinners, luncheons, music video shoots, photo shoots and birthday parties.

LATE NIGHT OPENING

Currently KC's Bar opens late on Thursdays till 1am, Fridays and Saturdays till 2am at the moment. We intend to vary these times to 6am on Fridays and Saturdays and 4am on Wednesdays, Thursdays and Sundays to include late night refreshment from our kitchen.

MUSIC

Wednesday - Salsa

Thursday - Karaoke

Friday & Saturday – Jazz/Afro beats and Old School (70s & 80s) Music

Sunday – Live Jazz

TYPICAL KC's CUSTOMER

Our clients belong to the A, B, C1 Socio-economic group. 40% male and 60% female aged 30-55. Well educated career minded professionals and entrepreneurs with the belief that our Unique Selling Proposition, the product offering, style and quality of service in a safe and modern environment reflect their individualism, lifestyle and values.

MARKETING OBJECTIVES

Our marketing strategy aims to secure the custom of patrons for an entire evening, to attract cosmopolitan individuals in search of something new and unconventional, to broaden target audience encompassing all discerning clientele of all cultural backgrounds, to drive consumers into the venue and increase turnover and to market KC's as a 'come to venue' for mature clients with discernment

LICENSING OBJECTIVES

KC's adherence to the four licensing objectives where all management, staff and security personnel must adhere to at all times are as follows

PREVENTION OF CRIME AND DISORDER

SIA Registered Security Personnel : The purpose of this policy is to ensure patrons are able to enjoy an evening out in a safe, secure, comfortable and welcoming environment and to ensure clients are well behaved when they leave the premises

When alcohol and/or public entertainment is provided by way of music and dancing till or past 2am, 3 registered door supervisors plus 1 street marshal/parking attendant will be employed until closing time with at least one female door supervisor on duty on every occasion. Registered door supervisors will patrol inside and outside the premises to minimize the impact of patrons arriving and/or departing for up to 30 minutes after licensable activities cease. In addition we will also employ 1 male and 1 female toilet attendant to ensure orderliness in both the male and female toilets.

Door supervisor register shall be kept and maintained recording all the SIA door supervisors employed at the premises. This will include their name, badge number, the agency they work for (if any) and the time they start and finish work.

PS

We on our part at KC's, to prevent crime and disorder, provide 6 radios, 2 to the SIA door supervisors, 1 to the street marshal, 1 to the manager 1 to the male toilet attendant and 1 to the female toilet attendant.

SEARCHES : On any occasion when entertainment is being provided by means of a Dj and/or live music, all patrons visiting the premises will be searched by means of an electronic hand held wand. All visiting Djs will be searched upon arrival. There will be at least 2 fully functional wands in use at the premises. All electronic searching equipment shall be maintained in working order and a register kept recording the details of maintenance carried out by a qualified person, All door supervisors will be trained in the use of the equipment with a record kept of the training

PS

We on our part are prepared, to introduce an ARCH METAL DETECTOR at the premises as an additional level of security search if required by the Police. Perpetrators of crime will be immediately reported to the Police. We have a zero tolerance policy on drugs and weapons, any illegal items found will be confiscated and handed over to the appropriate authorities

CUSTOMER ID VERIFICATION :

When alcohol and/or public entertainment is provided by way of music and dancing, KC' s will operate an admission database system by using a Membership Card entry system which will allow patrons entry into the premises with a card with serial numbers and details of; name, DOB, phone number and address. This way, we know exactly who is on the premises at all times. This customer id verification system will provides KC's management with the following benefits:-

- Age verification
- Instant display of status;
- Immediate alert to banned customers from our premises
- Creates a witness/attendance list to include names and addresses

Dress Code/Admissions

KC's welcomes and encourages a cosmopolitan crowd. We do not accept thuggish /gangster fashion and it is important these guidelines are adhered to. KC's management/security may at any time in its absolute discretion, refuse admission of any person for the following reason (please note the list is not exhaustive):-

- No Drunks
- Known troublemakers
- Groups of men without female company
- People wearing tracksuits
- People wearing hooded tops
- People wearing caps
- People wearing tatty/torn trainers

KC's management/security may at any time in its absolute discretion direct any person or persons to leave the venue for the following reason (please note this list is not exhaustive)

- Verbal or physical abuse to staff or guest
- Harassment
- Drunken behaviour
- Fighting
- Drug taking or selling
- Concealing drink

KC's management may at any time close the bar for the purpose of ensuring the safety of those present.

CCTV

The system will enable a frontal head and shoulders image of the person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the DATA Protection Act 1998) within 24 hours of any request. Anyone caught misbehaving will be barred, serious offences will be reported to the police. KC's adopts a zero tolerance policy.

PS

KC's will double the number of Cameras from 8 to 16. We are also prepared to include a system that could be accessed remotely by the authorities if recommended by Police

No glass policy

Polycarbonate drinking vessels only to be used. All glass bottles to be decanted, with the exception of Champagne. Staff will clear all empty champagne bottles promptly.

External Promoter ID Verification

Metropolitan Police Risk Assessment form 696 to be completed and submitted to the Metropolitan Clubs and Vice Unit and Islington Police Units with at least 14 days notice. Form 696A to be submitted within 3 days of the completion of the events.

Public Safety

KC's recognises and accepts its responsibility as an employer for providing a safe and healthy working environment for all its employees. We also accept our responsibility for the health and safety of our customers and other members of the public who use our premises and may be affected by our activities.

It is the duty of every employee and members of the public to exercise responsibility and to do everything to prevent injury to themselves and others.

Every effort will be made to implement and maintain the following safety policies:

- To provide and maintain a working environment required by statute and regulation ensuring the health, safety and welfare of all the employees.
- To ensure the proper and continuous maintenance of the building and equipment and safe methods of handling, storing and transporting of articles.
- To provide facilities for the instructions, training of the staff in first aid, health, safety and welfare. To enable them to recognise and to avoid hazards at work and to make a constructive and positive contribution to their own health and safety.

Fire Safety: All staff receive a company induction and policy with regards to fire safety which are available in the staff handbook. It is important that all staff and management know how to protect themselves and others with regard to what to do if you discover a fire, which fire extinguisher to use and what to do if you hear a fire alert.

Safe use of Electricity

Electrical installations and equipment will be properly inspected and tested as part of the monthly safety checks.

Risk Assessment - Fire, Manual Handling & Work Equipment.

We regularly undertake a careful examination of what, in our work environment, could cause harm to people, so that we can weigh up whether we have taken enough precautions or should do more to prevent harm. The aim is to set up formal systems to make sure that no one gets hurt or becomes ill.

PREVENTION OF PUBLIC NUISANCE

NOISE & DISTURBANCE

As licensees, we are aware of the potential for noise and disturbance caused by patrons visiting our premises. A clear part of our operational strategy is to ensure we have proactive guidelines in place to deal with noise and disturbance. The following is an outline of how we intend to address this.

Regulated Entertainment : The main entertainment will be provided in the basement so as to minimize the risk of any nuisance neighbours and other clients enjoying a quiet evening meal.

Sound Insulation & Noise control measure : Internally we have implemented adequate sound insulation as recommended and have installed a SOUND LIMITER (noise limiting device)

Street Noise & Parking Marshall : On any occasion when entertainment is provided by means of Dj and/or Live music or when alcohol and/or public entertainment is provided by way of music and dancing, KC's will provide at least 1 street noise and parking marshall.

Transportation : KC's is situated between two key tube stations - Holloway Rd Station (2mins walk) and Highbury & Islington station (10mins walk). It also benefits from a good bus service on the Holloway Road. Clients who believe they will be drinking are advised to arrive at the venue by public transport. Clients who require transportation at the end of the evening are allowed to wait inside the premises until a taxi becomes available to collect them. KC's have agreed with Islington Taxi Company (located opposite the premises) to collect patrons waiting inside KC's until a taxi is available.

Signs & Notices : There are notices placed at exit points and within the male and female toilets reminding guests to leave the premises quietly. In addition, the management, staff, door staff and the street & parking marshall will always remind guests to leave quietly and discourage them from loitering outside.

Phone Numbers : The phone numbers of local minicab services will be displayed where visible on the premises.
The phone number of a responsible manager will be posted at the entrance so as to be visible from outside the premises and can be contacted during opening hours and for half an hour after closing time.

THE PROTECTION OF CHILDREN FROM HARM

KC's is keen to promote a family friendly environment with occasional entertainment specifically for children, for example, workshops, birthday parties. We are also keen for the premises to be available for hire to organisations for this purpose.

Children under 16 must be accompanied with an adult. Children under 16 must vacate the premises by 11pm and will not be permitted after this time on nights when alcohol and/or public entertainment is provided by way of music and dancing.

Your
Our Licensing/NI
Date: 19/01/2014



**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204

Email:
licensingpolice@islington.gov.uk

19th January 2014

REVIEW:

FESTAC

148 HOLLOWAY ROAD N7 8DD

Dear Sir/Madam

Re: FESTAC; 148 HOLLOWAY ROAD N7 8DD

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license or club certificate under the licensing Act 2003.

We have read the application submitted by Anne Borother's of the Noise Patrol Team and we are in full agreement with her assessment of the premises. We believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

Mr Akinyele AFE, despite numerous efforts from the Noise Team to engage with him in an attempt to resolve the issues has decided to continue to trade and run his premises as he sees fit and not within the boundaries set by the Licensing Authority or Noise Patrol Team. Mr Afe has shown a total disregard for the noise conditions contained within his License.

To further add to the lack of confidence in the management at Festac we would draw your attention to a recent incident.

On Sunday 12th January 2014 a male was admitted to the Homerton Hospital with stab wounds. Staff called local Police who upon attending discovered that the offence had taken place in Festac Holloway Road. Police attended the scene and found that the scene had been cleaned by staff from Festac and that the CCTV was not working.

On Tuesday 14th January Pc Harrington attended the venue at 1730hrs and spoke with Mr Afe about the CCTV and the incident of the 12th. Mr Afe stated that the CCTV was not working because he had found a dead rat near the socket so he had unplugged the system to move the plug to a different socket and upon plugging it back in found it not to be working. Pc Harrington explained that this was not a satisfactory explanation and that it appeared to be a bit convenient that on the night a serious incident takes place at the venue the CCTV is not working? Mr Afe also explained that it had been him who had cleaned up the blood on the floor and that he did this because people were treading in it? It was explained to Mr Afe that there was another exit that people could and should have used so that he could have preserved the blood until Police attended. His response to this was "they had already stood in it". We believe that any responsible License holder would know that any incident as serious as this would need the scene to be preserved.

We believe that this incident combined with the noise issues at the venue show that the management standards of the venue are falling well below the standards expected within the Islington Licensing Policy 2013 - 2017 Policy 10.

We feel that it is a legitimate and proportionate course of action to review the license and do not see that any other course of action is appropriate as it is clear that Mr Afe has no intention of running his business to the high standards we require or within the conditions of the venue License.

Ammendment added 19th February 2014.

Further to the above I would like to inform the committee of the following information. On Tuesday 18th February Mr Afe attended 222 Upper Street for a PACE interview. Mr Afe was interviewed by Council Licensing Officer Niall Forde and PC 425NI Steven Harrington. The interview was recorded. Mr Afe declined to have a legal representative present.

The following issues were identified.

1. The suspect for the GBH was involved in an altercation before the assault and had left the club.
2. The suspect returned to the club and was allowed to re enter by the door supervisor at a time when he should not have been and was also not searched on re entry. Last re entry time is 1am when the club is open after Midnight.
3. Door staff did not call the police or LAS after the assault nor did Mr Afe.
4. Mr Afe cleaned up the blood even though he knew that an assault had taken place and that Police would attend. He stated that this was because people were already treading in the blood as they left, but there was another exit that could have been used.
5. The CCTV was not working and this was known prior to the club opening for the night and Mr Afe had considered not opening but had decided against this.

These failures were pointed out to Mr Afe during the interview. His responses have been recorded. CCTV is now working properly. Mr Afe has been advised that he needs to know how to operate the system and so do his staff. He has been advised that Police are still supporting the Noise Team review. He has also been advised that police will be recommending changes to the following condition on the license and that it should now read as below:

Annex 3 Condition 2.

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately.

Yours sincerely

Islington Police Licensing Team

Pc Steven Harrington
Pc Paul Hoppe
Pc Peter Conisbee




Attn: Anne Brothers, Noise Liaison Officer, Islington Council

Re: review of licence for FESTAC nightclub

To Whom It May Concern,

I wish to submit feedback for consideration in the review of licence for FESTAC on Holloway Road. The noise generated by this establishment has caused considerable stress to myself and my partner, and consistently interferes with our ability to sleep on the weekend.

We moved in to our flat  at the end of June 2013. After a couple of weeks of living there, we noticed that every Friday and Saturday night, and sometimes Sunday on a bank holiday weekend, loud and persistent noise in the form of bass was audible from our bedroom. Generally, the music starts in the late evening, continuing from midnight to approximately 4am.

Unlike the traffic noise from Holloway Road which is easily dealt with by earplugs, this bass has time after time either prevented one or both of us from getting to sleep, or wake up between the hours of midnight and 4am.

On multiple occasions, we contacted the Noise Control team at Islington Council, and have dealt mostly with Anne Brothers. Anne and her team have been very professional and tried their best to deal with this club, but all prior efforts have seemingly gone unnoticed by the owner as the issue has continued. The process of contacting noise control, waiting for them to arrive (the time for which can vary depending on how busy they are), then having two or more people in our bedroom to listen for the noise (one night I had two noise control staff and two police officers) is something that we should not have to do – or think about doing – every weekend.

In addition to the music noise during the club's operation, we are commonly woken by loud noise generated by patrons who exit the premises and congregate on the footpath. We have heard – and witnessed – fights outside the club, and more recently somebody was reported to have been stabbed.

Lately, we have taken to sleeping on a pull-out couch in the lounge. Clearly this is not a desirable or fair situation. We have thankfully had continued support from Anne Brothers who has on multiple occasions experienced the noise in our bedroom first-hand, but the noise has – at least until the review of the licence was put in place –

continued to occur. In desperation we contacted our landlord to ask to be released from our tenancy early, a request which was declined.

It is difficult to describe the impact this has had in words, but we are out our wit's end. I sincerely hope that you are able to rectify this untenable situation.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

PLIMTO PROPERTIES LTD

53 GUN STREET
LONDON E1 6AH
TEL NO: 020 7247 1996
Email: plimtoproperties@aol.com

11th February 2014

Noise Liaison Officer
Noise Team
Public Protection
Islington Council
3rd Floor
222 Upper Street
London N1 1XR
For the attention Mr N Forde.

Dear Sirs,

Re: Noise level coming from Festac Nightclub, 148 Holloway Road, London N7

Please find enclosed correspondence from tenants complaining about the noise level from Festac Nightclub. Plimto Properties Ltd rent apartments to the professional sector and tenants expect a peaceful environment especially in the evening and at weekends.

We will shortly have a new tenant moving into [REDACTED] our minimum term is normally 8 months but tenant insisting on 6 months due to concerns of noise from the nightclub.

In the past we have had phone call from tenants complaining and now hope this can be resolved once and for all.

Yours faithfully



Steve Shatford
Property Manager

PLIMTO PROPERTIES LTD

53 GUN STREET
LONDON E1 6AH
TEL NO: 020 7247 1996
Email: plimtoproperties@aol.com

15th December 2013

Noise Liaison Officer
Noise Team
Public Protection
Islington Council
3rd Floor
222 Upper Street
London N1 1XR
For the attention Mr N Forde.

Dear Sirs,

Re: Noise level coming from Festac Nightclub, 148 Holloway Road, London N7

With reference to the form we completed on 2nd December 2013, we are the Owner / Landlord of [REDACTED] and have a total of [REDACTED] flats in the building. We have already had two tenants move out of flats [REDACTED] and now a third complaining. Flat [REDACTED] is asking questions about vacating due to the noise level coming from Festac Nightclub. This is affecting our business due to loss of rent, flat [REDACTED] became vacant on 23rd September 2013 with a rental loss so far £4,550.01 & Council Tax £350.19 and flat [REDACTED] became vacant on 13th November 2013 with a rental loss so far of £1,560.00 & Council Tax now due on 21/12/13 £141.09.

We have now received another two complaints from [REDACTED] [REDACTED] Holloway Rd (copies of all emails are attached) and are hoping for Festec Nightclub to have reduced hours and better sound proofing.

If you require any additional information please do not hesitate to contact us.

Yours faithfully



Steve Shatford
Property Manager

Subj: [REDACTED]
Date: 24/11/2013 16:33:32 GMT Standard Time
From: [REDACTED]
To: Plimtoproperties@aol.com

Dear Steve

I'm writing about the noise disturbance from the Festac nightclub at 148 Holloway Road. The club is open from midnight to 4am on Friday and Saturday nights and the music passes through the very thin wall between the two buildings (the nightclub is actually underneath the Holloway Mosque, which places it directly next to our building).

This has been an issue on weekends over the last five months. When we have been severely disturbed by noise we have contacted the antisocial behaviour hotline at Islington Council. They have come into our flat to assess the noise on ten or so occasions and asked the club owner to turn down the bass.

In late August the head of the antisocial behaviour team, Ms Anne Brothers, intervened and did noise testing from our flat and set acceptable levels of noise from the council's perspective (basically inaudible bass). The owner of the club was compliant with the levels at first and promised to investigate sound proofing for the club so that he could play music and residents would not be disturbed.

In the last 8 weeks the problem has returned. It basically makes it impossible or at least really difficult to sleep on Friday and Saturday nights. The council are sympathetic but can't have someone checking on the club every weekend to make sure they comply with acceptable sound levels. When we do call the council to come out they have to check the noise levels themselves which involves coming into our bedroom. There is often some delay in the inspectors coming out so the whole process usually takes a couple of hours.

As you can imagine we are incredibly frustrated and now at our wits end. It's now been almost five months and we have gone to significant lengths to sort this problem out without involving you. We love the flat and are otherwise very happy here. We signed on for a one year lease in good faith thinking we would stay a couple of years here. Would you consider releasing us early from our tenancy early or if not consider a move to another flat in the building that is not beside the club if one were to become available?

Thank you

[REDACTED]

13 December 2013 AOL: Plimtoproperties

Subj: Noise - 148 Holloway Road Night Club
Date: 06/12/2013 15:26:05 GMT Standard Time
From: [REDACTED]
To: Plimtoproperties@aol.com

[REDACTED]

Dear Sir / Madam

As the current tenant in the [REDACTED] I wish to make you aware that the noise level coming from the Night Club Festac located at 148 Holloway Road on Fridays and Saturdays nights is disturbing me to such an extent that it is affecting the enjoyment of my home.

In view of this, I would be grateful if you could, in your position of Noise Liaison Officer at the Islington Council, do something to improve the situation. If you would like to contact me to discuss this, my details are at the bottom of this email.

I would prefer to see whether we could reach an amicable solution, however, if this is not possible I will have no alternative but to pursue more formal action.

I look forward to your co-operation in this matter.
Yours sincerely,

[REDACTED]

Confidentiality Note: The information contained in this message, and any attachments, may contain confidential and/or privileged material. It is intended solely for the person(s) or entity to which it is addressed. Any review, retransmission, dissemination, or taking of any action in reliance upon this information by persons or entities other than the intended recipient(s) is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

06 December 2013 AOL: Plimtoproperties

Subj: **Noise complaint**
Date: 11/12/2013 13:58:53 GMT Standard Time
From: [REDACTED]
To: Plimtoproperties@aol.com
Steve,

As discussed, I'd like to formally complain about the noise level from Festac nightclub at 148 Holloway Road.

The level of noise is far too loud for a residential area, often blaring at 5am in the morning on Friday early morning which impacts sleeping patterns. Saturday and Sunday are also rather unbearable but we can make small concessions as its the weekend and we are reasonable people.

Please use this email in support of your petition to Islington Council.

Best,



11 December 2013 AOL: Plimtoproperties

SENDING
Important or valuable mail

ADDITIONAL SERVICES
For sending mail

TRACKING
Important or valuable mail

ADDITIONAL SERVICES
For tracking mail

UNIT OF MAIL

UNIT OF MAIL

REF 4



02 February 2014

Dear Sir / Madam,

RE : Festac, 146 – 148 Holloway Road, London N7 8DD

I moved to my current address nine months ago. In that time I have been repeatedly disturbed by unacceptably high levels of thumping base from the Festac nightclub most Friday and Saturday nights. Music at the club usually begins around 11.30 pm and continues until the club closes at 4 am.

I made contact with the Islington Council antisocial behaviour hotline for the first time in July 2014. Following a series of visits over successive weekends from the noise team, a decision was made in conjunction with the licensee, that noise testing would be carried out to set acceptable levels of noise. Anne Brothers and a colleague from the noise team attended my flat for the noise testing in August 2013. At that time agreed levels for music were set that would not cause disturbance and nuisance to residents in our building. At that time, some five months ago, the licensee undertook to seek the opinion of an acoustician as begin work on sound proofing so that he can run his business and nearby residents are not disturbed by noise.

Unfortunately, the licensee disregarded this. Little over a month after agreed noise levels were set by council staff the music was again being played at unacceptable levels requiring repeated intervention from the noise team. The sound of thumping bass coming from a nightclub in the early hours of the morning makes it totally

impossible to sleep. On more than a dozen occasions in the last five months I have had to contact the antisocial behaviour hotline when the noise is at its worst. There have been a dozen or more occasions when I haven't contacted the antisocial behaviour hotline. In recent months I have taken to sleeping in my lounge to try and sleep. At times the bass is so loud that it has been clearly audible in the lounge, passing through the our buildings hallway and my bedroom.

It is totally appropriate that the noise disturbance created by the Festac nightclub falls under the jurisdiction of the antisocial behaviour service. On several occasions when I have arrived home after midnight I have witnessed fights taking place outside the club. Last month there was a stabbing at the club and the police were in attendance. Patrons gather outside the nightclub to smoke and loiter on the street at closing time creating a further disturbance on Holloway Road. I think it is important to bring to the attention of the licensing team the wider antisocial effects of this club on the local community.

Holloway Road is a busy, mixed residential-commercial area. However, it is also one of the most densely populated areas of London and it is incumbent on the holders of late licenses, like the one issued to Festac, to make sure their business does not disturb local residents. I would like the committee to consider how obstructive the licensee has been in addressing the major noise disturbance created by his club. He has repeatedly ignored warnings from Islington Council staff, flagrantly disregarded agreed noise levels set last year, made no attempt to sound proof his premises and even after receiving a review notice has continued to play music at unacceptable levels requiring further intervention from the noise team. The licensee freely admits that the noise created by his club disturbs nearby residents. He has offered repeatedly to provide hotel accommodation on nights he is hosting events at the club and intends to play music at levels that are intolerable for nearby residents. Despite this the licensee has been totally uncooperative with the council. As a result thousands of pounds of Islington Council tax funds have been spent addressing this problem with noise testing, repeated visits on weekends from the noise team,

preparation of the review notice and convening of the committee to review Festac's licence. Some definitive action is required to address this ongoing problem.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

Licensing Act 2003- Representation from the Licensing Authority
Review Application: FESTAC, 146 – 148 HOLLOWAY ROAD, LONDON, N7 8DD

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

The recommendation contained in this representation is consistent with the Licensing Policy Statement for 2013-2017 which was agreed by Council in February 2013 following full public consultation.

Having examined the review application, the history of Licensing Act 2003, Environmental Protection Act, associated with the FESTAC, 146 – 148 HOLLOWAY ROAD, LONDON, N7 8DD it would appear that the following Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

Licensing Policy 10

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

Licensing Policy 13

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

Licensing Policy 35

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

Licensing Policy 36

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

The Licensing Authority is concerned that the premises has a history of non-compliance and in order to promote the licensing objectives to prevent public nuisance.

The licensing Authority believes that all the issues relating to the premises occur as a result of the late night entertainment venue and that by amending the licence back to a restaurant licence that the Council Licensing Policy, the Licensing Objectives, and the protection of the amenity of the local residents would be promoted.

The Licensing Authority believes that the premises could be operated with reduced hours and still be able to promote the Council's licensing Policy.

Therefore it is recommended that until all the outstanding noise issues are resolved to the satisfaction of the responsible authority for noise and pollution, that the Licensing Committee adopts the following recommendations.

1. Amended the permitted hours for the supply of alcohol to
 - a. . 10am to midnight Mondays to Saturdays
 - b. 12noon to 10.30pm Sundays
2. Amended the permitted hours for late night refreshment to:
 - a. 00:30 Mondays to Saturdays
 - b. 23:30pm on Sundays

Janice Gibbons
Service Manager (Commercial)
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13 February 2014

Suggested conditions

As per current premises licence along with the following proposals:

Conditions as suggested by the 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, which shall include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
2. A noise limiting device or devices will be installed to control the output of sound to sound levels approved by the Noise Team in all zones at the premises as follows:
 - Mezzanine Floor
 - Ground Floor
 - Basement floor
3. Agreed sound levels will be specified on the premises licence.
4. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council are not exceeded.
5. 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.
6. The operating hours of the premises shall be reduced to restaurant hours i.e. 12 midnight Monday to Saturday and 22:30 on Sundays until all works in accordance with noise conditions above are fully complied with and the licensee notified in writing accordingly.

Recommendations as suggested by the Licensing Authority.

1. Amend the permitted hours for the supply of alcohol to
 - a) 10am to midnight Mondays to Saturdays; and
 - b) 12noon to 10.30pm Sundays
2. Amend the terminal hour for the provision of late night refreshment to:
 - a) 00:30 Mondays to Saturdays; and
 - b) 23:30pm on Sundays.

Recommendation as suggested by the Police.

Replace current CCTV condition as below.

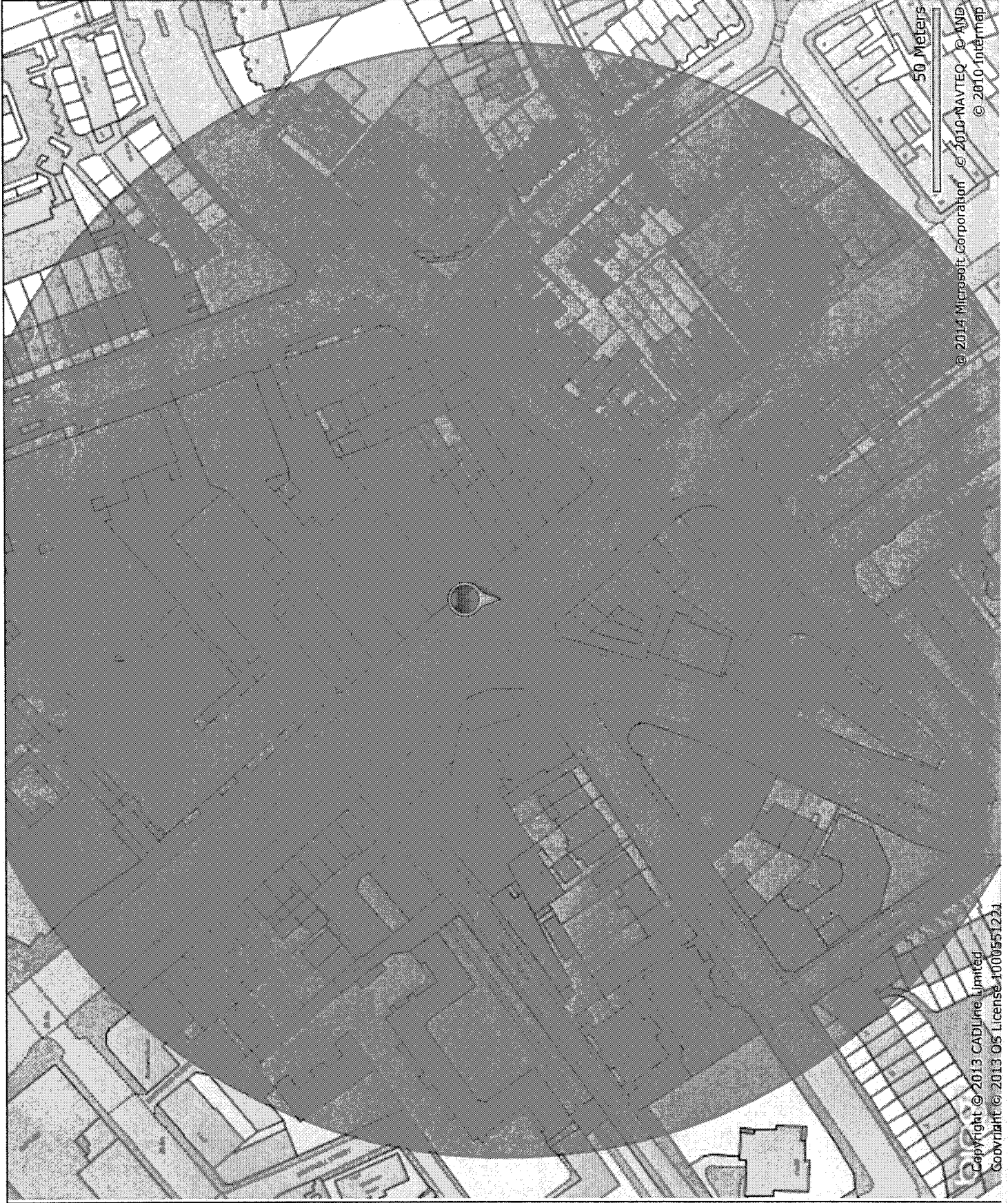
CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately.

Title : Festac, 144 -
146 Holloway Road,
N7

Islington Borough
Boundary

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 March 2014	B4	St Peter's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: ZENITH BAR, 125 PACKINGTON STREET, LONDON, N1 7EA

1. Synopsis

- 1.1 This is an application by the Police 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 crime and disorder

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, 10:00 until 02:00 the day following Monday to Sunday.
- ii) The provision of regulated entertainment by way of indoor sporting events from 10:00 until 00:00 Monday to Sunday. The provision of regulated entertainment by way of the exhibition of films, the performance of live music, the playing of recorded music and the performance of dance from 10:00 until 23:00 Monday to Sunday.
- iii) The provision of late night refreshment from 23:00 until 02:00 the day following Monday to Sunday.

3.2 Papers are attached as follows:-

- Appendix 1: application form,
Appendix 2: current premises licence
Appendix 3 map of premises location

3.3 The premise is now closed. On 6th February the licensing team were visited by a solicitor acting on behalf of the long term leaseholder. They had just taken possession of the building after evicting the licensee for rent arrears. The long term leaseholders have no intention of re-opening the premises for at least 3 months and when re open will do so in conjuncture with guidance from the Police and licensing team. The current licensee was also running a hostel and had received several visits form the Councils commercial team as Mr Obayuwana was not adhering to health and safety requirements. The leaseholders have given written undertaking that the premises when re opens will not facilitate a hostel.

3.4 The premises licence and DPS have now been transferred to Shepherd Neame Ltd with the full approval of the Police.

3.5 There are no additional representations to this application.

4 Planning Implications

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

5 Conclusion and reasons for recommendations

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

Background papers: