



AGENDA FOR LICENSING SUB-COMMITTEE 'A'

A meeting of the **LICENSING SUB-COMMITTEE A** will be held in Committee Room 4, at the **Town Hall, Upper Street, N1 2UD** on **Tuesday 25 March 2014 at 6:30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 17 March 2014

Membership

Councillor Gary Poole (Chair)
Councillor Jilani Chowdhury (Vice-Chair)
Councillor Catherine West

Substitutes

All other members of the Licensing Committee

Quorum: 3 Councillors

Welcome : Members of the public are welcome to attend this meeting.
Procedures to be followed at the meeting are attached.

AGENDA

A Formal Matters

1. Introductions and procedure
2. Apologies for absence
3. Declaration of substitute members
4. Declarations of interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of business
6. Minutes –
To confirm the non-exempt minutes of the meetings held on 21 January 2014.

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| B. Items for Decision | Page |
| 1. Application for a new premises licence under the Licensing Act 2003
Zone 8 Media Ltd, 11 Shillingford Street, N1 2DP | Page
St Mary's |
| 2. Application for a premises licence variation under the Licensing Act 2003
Niche, 197-199 Rosebery Avenue, London, EC1R 4TJ | Page
Clerkenwell |
| 3. Application for a premises licence review under the Licensing Act 2003
Festac, 146 Holloway Road, N7 8DD | Page
Highbury East |
| 4. Application for a premises licence review under the Licensing Act 2003
Zenith Bar, 125 Packington Street, N1 7EA | Page
St Peter's |
|
 | |
| C. Urgent non-exempt/confidential items | |
| Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes. | |
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 | |
| D Exclusion of public and press | |
| To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof. | |
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| E. Urgent Exempt Items (if any) | |
| Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes. | |

ISLINGTON LICENSING SUB-COMMITTEES -

PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

INTRODUCTION

TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

CONSIDERATION OF APPLICATIONS:

N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. **10 mins**
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. **10 mins**
- 7) The Sub-Committee to question the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations; and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. **10 mins**
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

CASE SUMMARIES

- 12) **Responsible Authorities**
- 13) **Interested parties**
- 14) **Applicant**

**2
mins
each**

DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

London Borough of Islington

Licensing Sub-Committee A – 21 January 2014

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 21 January 2014 at 6.45 pm.

Present: **Councillors:** Jilani Chowdhury, Phil Kelly, Gary Poole, Claudia Webbe (for Items A1 – A5) and Catherine West.

COUNCILLOR PHIL KELLY IN THE CHAIR (ITEMS B1 AND B2)

COUNCILLOR GARY POOLE IN THE CHAIR (ITEMS B3-B7)

257 INTRODUCTIONS (ITEM A1)

Councillor Kelly welcomed everyone to the meeting and asked members and officers to introduce themselves.

258 APOLOGIES FOR ABSENCE (ITEM A2)

Received from Councillor Poole for Items B1 and B2.

259 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Kelly substituted for Councillor Poole for Items B1 and B2.

260 DECLARATIONS OF INTEREST (ITEM A4)

None

261 ORDER OF BUSINESS (ITEM A5)

The order of business would be as the agenda.

262 MINUTE OF THE MEETING HELD ON 26 NOVEMBER 2013 (ITEM A6)

RESOLVED

That the minutes of the meeting held on 26 November 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

263 MEM AND LAZ, 8-10 THEBETON STREET, N1 0QX – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2013 (Item B1)

It was agreed that Items B1 and B2 would be heard together. The decisions would be made separately.

The Sub-Committee noted the bundle of documents circulated which would be referred to by the owner's representative. These would be interleaved with the agenda papers.

The licensing officer reported that the officers from Highways and Planning were available if the Sub-Committee needed to ask questions of them.

The applicant, Theberton Street Residents' Association, spoke in support of the review. It was stated that he agreed with the conditions proposed by the licensing authority except for the amendment in relation to off sales. The premises had a long history of non-compliance and the high level of feeling by local residents was evident by the number of people present at the meeting. The applicant had little or no engagement with local residents and they did not consider there was a need for off sales as this was well catered for in the local area. They proposed an amended condition for tables and chairs to be

cleared at 10:30 and rendered unusable by 11pm. The association were not objecting to dining outside but the nuisance caused by the tables and chairs. A resident representing Moon Street requested that there be a clear pedestrian passage through the tables and chairs and that there be clear, appropriate and enforceable conditions on the licence. She stated that off sales should be removed from the licence and was concerned that conditions were frequently breached even following the application for the review. She considered that a licence for off sales would act as a smoke screen to serve alcohol in unlicensed premises.

The licensing authority reported that following discussions with the licensee's representative, some conditions had been modified since the original representation. She reported that the following conditions on page 96 of the agenda had been agreed by the licensee:- No1, No2 i, ii and iv. Regarding 2 iii she stated that Highways had put forward the figure they regarded as the maximum number of tables and chairs that could be considered in the space but this had not been agreed by the applicant. Regarding 2 v, she stated that she would agree with the licensee suggested amendment on page 82 but noted the applicant's objection to this. She questioned why the applicant needed a licence for off sales. Agreement had also not been reached with the applicant regarding the number of tables and chairs outside 16 Theberton Street. There was an off sales licence for 8-10 Theberton Street but not No.16.

Anna Matthias, solicitor, supported by the owner Mehmet Kocakerim, spoke against the review of the licence. Two local residents also attended in support of the licensee. She reported that this had been a restaurant since 2000 and the owner had invested £4 million in the premises including the purchase of the freehold. She reported that there had been representations received in support of the premises and that the grounds for review were not for rowdiness or drunkenness. The applicant had raised for the first time this evening the issue of off sales. The licence holder had believed that, as the practice of using tables and chairs was widespread, he could also do this. He had been informed by his representative that this was not the case. He agreed that a member of staff would manage the outside area and that a rope and pole arrangement would be trialled in the summer. She stated that photographs in the pack submitted, indicated an improvement and commitment to change. She reported that one issue outstanding was the number of tables and chairs allowable outside the premises. Outside No. 10 Theberton Street a parking meter had been installed and it was considered unfair to deprive the licensee of tables where a parking meter had been installed. She reported that the representation made by the licensing authority was made in response to the review which had not raised the matter of off sales or rowdiness. The removal of off sales from the licence would prevent alcohol sales to that area and would allow the decision to be susceptible to appeal. Condition 6 prevented alcohol being sold other than to persons already taking a table meal at the premises and it would be wrong to prohibit the licence further.

In response to questions it was noted that the parking team could be asked to look at the moving of the parking meter. The applicant would want to use A boards and considered that more tables and chairs proposed by highways were possible. Councillor West advised on Council policy regarding alcohol consumption and asked why an off licence was considered necessary. Ms Matthias reported that off sales were currently on the licence and removal would only be relevant if the review had been brought for rowdiness or if the owner sold to drunk people. Ms Matthias stated that the off sales licence had not been an issue in the original application brought by the Theberton Residents' Association but this had been added by the Licensing Authority. The legal adviser reported that there was nothing to prevent the licensing authority from adding a condition following an application for a licence review. The licensing authority reported that the removal of off sales had been in her original representation but had been modified. Following an application for a licence review, responsible authorities could bring appropriate conditions forward.

In summary, the applicant's representative recognised that there had been abuse of conditions in the past but now extra measures were being taken. The restaurant made a huge contribution to the area. Additional conditions were accepted but the removal of off sales was disproportionate and not relevant with the condition already on the licence that alcohol would only be sold with a table meal.

The applicant reported that off sales were used to serve those seated outside with no licence. He stated

that the licensee had said much about why off sales should not be included as part of the review but little about why off sales were necessary. Conditions should be clear and enforceable. With the off sales as part of the licence it was difficult to know if conditions were being breached.

The Sub-Committee left the room to deliberate and returned to announce their decision.

RESOLVED:

(a) That the premises licence in respect of Mem and Laz, 8-10 Theberton Street, N1 be modified to add conditions as detailed in Appendix 10 on page 96 of the agenda with the following amendment.

- Condition 2 vi to read. That off sales shall be removed from the licence.

(b) That the parking team be requested to consider the relocation of the parking meter outside number No. 10 Theberton Street.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The main areas of concern to the applicant and the licensing authority, was the encroachment by the restaurant and/or its patrons onto parts of the pavement that are beyond the boundary of the premises. Submissions were provided referring to customers standing alongside tables and chairs and of chairs being placed in such a manner as to obstruct the pavement. This, it was stated had caused inconvenience to wheelchair users, elderly people and members of the public with prams.

In addition thereto, the licensing authority was concerned about the off sales licence provision and the misuse thereof by using the off sales licence to provide on sales to the unlicensed part of the premises.

The licensee's legal representative was asked by the Sub-Committee as to why the off sales licence was required and the response was to enable diners in the licensed part of the premises to purchase a bottle of wine to take with them when they left the restaurant.

The Sub-Committee had regard to Licensing Policy 9 and 10. It was concerned about the non-compliance associated with the premises as well as the evidence by Management of the misuse of the existing licence.

The Sub-Committee accordingly decided to add conditions as detailed in the decision.

264 LE VITA E BELLA, 16 THEBETON STREET, N1 0QX – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2013 (Item B2)

It was agreed that Items B1 and B2 would be heard together. The decisions would be made separately.

The Sub-Committee noted the bundle of documents circulated which would be referred to by the owner's representative. These would be interleaved with the agenda papers.

The licensing officer reported that the officers from Highways and Planning were available if the Sub-Committee needed to ask questions of them.

The applicant, Theberton Street Residents' Association, spoke in support of the review. It was stated that he agreed with the conditions proposed by the licensing authority except for the amendment in relation to off sales. The premises had a long history of non-compliance and the high level of feeling by local residents was evident by the number of people present at the meeting. The applicant had little or no engagement with local residents and they did not consider there was a need for off sales as this was

well catered for in the local area. They proposed an amended condition for tables and chairs to be cleared at 10:30 and rendered unusable by 11pm. The association were not objecting to dining outside but the nuisance caused by the tables and chairs. A resident representing Moon Street requested that there be a clear pedestrian passage through the tables and chairs and that there be clear, appropriate and enforceable conditions on the licence. She stated that off sales should be removed from the licence and was concerned that conditions were frequently breached even following the application for the review. She considered that a licence for off sales would act as a smoke screen to serve alcohol in unlicensed premises.

The licensing authority reported that following discussions with the licensee's representative, some conditions had been modified since the original representation. She reported that the following conditions on page 96 of the agenda had been agreed by the licensee:- No1, No2 i, ii and iv. Regarding 2 iii she stated that Highways had put forward the figure they regarded as the maximum number of tables and chairs that could be considered in the space but this had not been agreed by the applicant. Regarding 2 v, she stated that she would agree with the licensee suggested amendment on page 82 but noted the applicant's objection to this. She questioned why the applicant needed a licence for off sales. Agreement had also not been reached with the applicant regarding the number of tables and chairs outside 16 Theberton Street. There was an off sales licence for 8-10 Theberton Street but not No.16.

Anna Matthias, solicitor, supported by the owner Mehmet Kocakerim, spoke against the review of the licence. Two local residents also attended in support of the licensee. She reported that this had been a restaurant since 2000 and the owner had invested £4 million in the premises including the purchase of the freehold. She reported that there had been representations received in support of the premises and that the grounds for review were not for rowdiness or drunkenness. The applicant had raised for the first time this evening the issue of off sales. The licence holder had believed that, as the practice of using tables and chairs was widespread, he could also do this. He had been informed by his representative that this was not the case. He agreed that a member of staff would manage the outside area and that a rope and pole arrangement would be trialled in the summer. She stated that photographs in the pack submitted, indicated an improvement and commitment to change. She reported that one issue outstanding was the number of tables and chairs allowable outside the premises. Outside No. 10 Theberton Street a parking meter had been installed and it was considered unfair to deprive the licensee of tables where a parking meter had been installed. She reported that the representation made by the licensing authority was made in response to the review which had not raised the matter of off sales or rowdiness. The removal of off sales from the licence would prevent alcohol sales to that area and would allow the decision to be susceptible to appeal. Condition 6 prevented alcohol being sold other than to persons already taking a table meal at the premises and it would be wrong to prohibit the licence further.

In response to questions it was noted that the parking team could be asked to look at the moving of the parking meter. The applicant would want to use A boards and considered that more tables and chairs proposed by highways were possible. Councillor West advised on Council policy regarding alcohol consumption and asked why an off licence was considered necessary. Ms Matthias reported that off sales were currently on the licence and removal would only be relevant if the review had been brought for rowdiness or if the owner sold to drunk people. Ms Matthias stated that the off sales licence had not been an issue in the original application brought by the Theberton Residents' Association but this had been added by the Licensing Authority. The legal adviser reported that there was nothing to prevent the licensing authority from adding a condition following an application for a licence review. The licensing authority reported that the removal of off sales had been in her original representation but had been modified. Following an application for a licence review, responsible authorities could bring appropriate conditions forward.

In summary, the applicant's representative recognised that there had been abuse of conditions in the past but now extra measures were being taken. The restaurant made a huge contribution to the area. Additional conditions were accepted but the removal of off sales was disproportionate and not relevant with the condition already on the licence that alcohol would only be sold with a table meal.

The applicant reported that off sales were used to serve those seated outside with no licence. He stated that the licensee had said much about why off sales should not be included as part of the review but little about why off sales were necessary. Conditions should be clear and enforceable. With the off sales as part of the licence it was difficult to know if conditions were being breached.

The Sub-Committee left the room to deliberate and returned to announce their decision.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The main areas of concern to the applicant and the licensing authority, was the encroachment by the restaurant and/or its patrons onto parts of the pavement that are beyond the boundary of the premises. Submissions were provided referring to customers standing alongside tables and chairs and of chairs being placed in such a manner as to obstruct the pavement. This, it was stated had caused inconvenience to wheelchair users, elderly people and members of the public with prams.

In addition thereto, the licensing authority was concerned about the off sales licence provision and the misuse thereof by using the off sales licence to provide on sales to the unlicensed part of the premises.

The licensee's legal representative was asked by the Sub-Committee as to why the off sales licence was required and the response was to enable diners in the licensed part of the premises to purchase a bottle of wine to take with them when they left the restaurant.

The Sub-Committee had regard to Licensing Policy 9 and 10. It was concerned about the non-compliance associated with the premises as well as the evidence by Management of the misuse of the existing licence.

The Sub-Committee accordingly decided to add conditions as detailed in the decision.

265 CABANA RESTAURANT, 56 UPPER STREET, N1 0NY – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (ITEM B3)

The licensing officer reported that the layout to the premises had been approved at a previous meeting on the 17 December 2013. Following this meeting the noise and police had met to agree proposed conditions which were detailed at page 221 of the report.

The Sub-Committee noted the proposed amendments to the police/noise conditions circulated separately and which would be interleaved with the agenda papers.

The noise officer reported that the premises had been visited on the 18 January and it was noted that tables and chairs had not been cleared at 11.30pm. She spoke to the general manager who did not seem to realise the importance of the chairs being made unusable. It was understood that there was an issue in bringing the tables inside the premises at that time but they should not be used after 23:00 hours.

The police commented that the premises did have a past history which could attract crime and disorder. There were many licensed premises which had door staff. The applicant had stated at the last meeting that they had experience of late night venues, but the police had noted that the other Cabana premises did not open past 11pm.

Alan Thomas, solicitor, supported by the owner, informed the Sub-Committee that the tables would be rendered unusable by 11:00 pm. The other venues closed their kitchens at 11pm and did not advertise

opening after that time although some were open until midnight or even 1am. TENs had been granted until 3am and the Westfield branch stayed open until 2am throughout the Olympic period.

He reported that to have two SIA supervisors for this type of operation did not make sense. 75% of the space would be set out as a restaurant. There would only be 40 or 50 people in the bar area. He proposed an amendment to condition 1 that on Thursdays, Fridays and Saturdays, where the sale of alcohol was after midnight, there would be a minimum of 1 door supervisor after 10 pm. The restaurant was broadly for family use and rarely opened after midnight. Previous operations at the premises had been for 90% sale of alcohol. This operation was for 75% food sales. The rear area was to be a restaurant and capacity had been dramatically reduced to meet concerns. The premises had been trading since December as a restaurant that generally closed before midnight.

The legal adviser reported that the police considered an amended condition would be more appropriate to that proposed by the applicant that on Thursdays, Fridays and Saturdays, where the sale of alcohol was after midnight, from 10pm to 30 minutes after close, there be one door supervisor to 100 customers. The police reported that his proposed condition reflected the history of this area and his concern for staff in the venue. He considered that where there were over 100 customers in the venue there would need to be two door staff and he had come to this conclusion due to his experience of working in the area.

In summing up, the noise officer reported that door supervisors could look smart in line with the image the licensee wished to project. Often it would only be the badge on the arm that could distinguish door supervisors. To have no door supervisor to direct customers would be a concern.

Mr Thomas reported that the existing level of door supervision allowed the premises to trade as a bar, which the applicant would prefer not to do. The remaining conditions were for a restaurant and he asked the Sub-Committee to balance the need for additional door staff.

The Sub-Committee left the room to deliberate and returned to announce their decision.

RESOLVED:

That the conditions to the premises licence in respect of Cabana Restaurant, 56 Upper Street, N1 0NY be modified to:-

- Remove conditions 4 and 8 of Annex 2 and condition 1 of Annex 3.
- Add conditions as detailed in Appendix 5 on page 221 of the agenda with the following amendment to condition 1.
- On Thursdays, Fridays and Saturdays, where the sale of alcohol is after midnight, SIA registered door staff are to be employed at the premises from 22:00 until 30 minutes after the premises closes, at the ratio of 1 door supervisor to every 100 customers.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material.

This was an application for a variation of the licence. At a previous hearing on the 17 December 2013 it was agreed to change the layout of the application as laid out under 1.2.(i) before the licensing Sub-Committee dated 21 January 2014.

The conditions were agreed between the parties with the exception of the provision of security door supervisors. The licensing authority and the police requested a condition that security door supervisors be required on Thursday to Saturdays after 10pm until 30 minutes after closure. The number of door supervisors to be 1 per 100 customers. The police submitted that the area concerned had a history of

crime and disorder and that most licensed premises had door staff and that this was necessary to deal with any late night issues in the area.

The licensee requested that there be a requirement of only one door supervisor irrespective of the number of customers, although initially at the meeting and in the original proposals put forward by the licensee's representative he had agreed to one door supervisor every one hundred customers. The Sub-Committee decided that it should be a condition that the premises have two door supervisors to cater for situations where the numbers exceed one hundred and accordingly granted the variation as set out in the decision notice, this being to satisfy the licensing objective of preventing crime and disorder.

266 JOURNEYS, 54-48 CALEDONIAN ROAD, N1 9DP – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B4)

The Sub-Committee noted that this item had been adjourned to a future meeting at the request of the applicant.

267 CO OPERATIVE STORE, 271-273 CITY ROAD, EC1V 1LA – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B5)

The Sub-Committee noted the Co-operative training guide which was circulated separately and would be interleaved with the agenda papers.

The licensing officer reported that this was a application for a new licence. A previous licence had been granted on the 3 October to sell alcohol from 09:00 to 21:00 hours. Conditions would be as detailed on the previous licence as detailed at pages 283 and 286 of the report.

The noise officer reported that the premises was in a cumulative impact area. The noise team had a high level of calls in this area and it was therefore considered necessary to recommend refusal.

The police reported that they would consider agreeing a new application with the surrendering of the licence as agreed at the 3 October meeting and also the ghost licence from the Red Lion PH.

Richard Arnot, solicitor, spoke in support of the application. He reported that this was previously a public house and conditions had been agreed with building control and noise. Following the previous decision to grant from 09:00 to 21:00 hours, enquiries had been made regarding the police representation. He considered police evidence given was capable of challenge and peak crime occurred after midnight and not before. On this basis a new application was applied for from 08:00 to 10:00. Mr Arnot undertook to surrender the licence granted on the 3 October and also to request the holder of the public house licence to surrender the ghost licence.

He informed the Sub-Committee that this would be a convenience store, where alcohol represented 15% turnover and was therefore not an alcohol led premises. He outlined their training practice, particularly regarding age restricted products. The main alcohol display was kept away from the main doors, there were three personal licence holders for the premises. The co-operative was keen to participate in local schemes, as a business were keen to avoid prosecutions and reviews and had a legal, moral and commercial incentive to do so. The hours requested were within the licensing policy framework hours. He reported that the noise officer withdrew her representation to the previous application with longer hours prior to the meeting on the 3rd October 2013. It had not been based on the 09:00 to 21:00 hours that was granted by the Sub-Committee. The previous licence was held by a public house which had hours to 02:00 am, the premises was not alcohol led and he considered that this was an exception to the cumulative impact policy.

In response to questions and concerns regarding the local school, Mr Arnot reported that the premises operated Challenge 25 and it would not be worth the risk to the store to sell underage. There were off-

licences nearby that children underage could use and the police would have mentioned underage sales in their representation if this had been a problem in the area. Although Mr Arnot could not state when the premises would be opening he advised that it would be more attractive to trade in the premises than selling the premises on with a licence.

In summing up, the police reported that he had heard a positive statement regarding the surrender of the previous licences. The applicant informed the Sub-Committee that an appeal had been considered but that it was hoped that a new application would resolve any issues.

The Sub-Committee left the room to deliberate and returned to announce their decision.

RESOLVED:

That the application for a new premises licence in respect of the Co-operative Store, 271-273 City Road, EC1V 1LA be granted to permit the premises to sell alcohol, off supplies only, on Mondays to Sundays from 09:00 until 22:00.

Conditions of the current premises licence shall be applied to the licence.

REASONS FOR DECISION

The premises had previously applied for a premises licence which was granted at Sub-Committee on the 3 October 2013. The hours then applied for were for the sale by retail of alcohol from 7am until 11pm, Monday to Saturday and from 7am until 10:30pm on Sunday. The licence granted by the Sub-Committee was for the sale by retail of alcohol from 9am until 9pm Monday to Sunday.

The application before the Sub-Committee was for a new licence for the sale by retail of alcohol for the hours of 8am until 10pm Monday to Sunday off supplies only.

The premises are situated within the Bunhill cumulative impact area adopted by the Council on the 24 January 2013.

The Sub-Committee took into consideration Licensing Policy 002. Licensing policy 002 creates a rebuttable presumption that, applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The police originally objected to the application and the Sub-Committee heard representation by the applicant's representative that the statistics relied upon by the police at the original application in October 2013, were inaccurate. The Sub-Committee noted that the noise team had initially opposed the application as stated in their representations as the area in question produced a high level of calls relating to noise nuisance. The police at the hearing, contrary to their initial report, reported that they would consider agreeing the application with the surrender of the previous licence and also the ghost licence from the Red Lion. The applicant's solicitor drew to the Sub-Committee's attention the fact that the noise officer had withdrawn her representation to the previous application prior to that meeting. That original application was for 07:00 am to 11pm. The representation was withdrawn prior to any suggestion of the hours from 9am to 9pm.

With regard to concerns expressed by the Sub-Committee which had recently been set up near the shop the licensee representative stated that the premises would operate Challenge 25 and there would be no risk of underage sales. In light of the submissions by the police and the noise team above, the Sub-

Committee decided to extend the hours permitted for the premises to sell alcohol, off supplies only on Mondays to Sundays from 9am to 10pm.

The premises had already been granted a licence to sell alcohol from 9am to 9pm and the Sub-Committee was of the opinion that the additional hour in the evening would not adversely affect the licensing objectives.

268 OLD STREET CENTRAL STOP, 104-122 CITY ROAD, EC1V 1LA – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B6)

The trading standards officer reported that there had been three seizures of illicit wine, in March, July and September 2013. The licence holder had not contacted trading standards after each occasion, despite requests to do so and he had not been seen in the shop. When the trading standards officer had spoken to him in October 2013, Mr Patel promised he would call back, but no communication had been received. He reported that the licence holder had consistently shown he was unable to manage underage sales and had not engaged with the responsible authorities and he considered that the licence should be revoked.

The police officer reported that he agreed with the recommendations and the review submitted by the trading standards officer.

Mr O'Connell, agent, supported by Mr Patel, the licence holder, spoke against the review. He informed the Sub-Committee that Mr Patel had sought to train his staff but Mr Krunel Patel had deceived him and he had been unaware of any communications from Trading Standards until October. He was not disputing the evidence before the Sub-Committee but stated that a member of staff was deliberate in his attempts to bring illicit alcohol into the shop. He realised he had not attended to the matter as quickly as he should and offered to remove himself as designated premises supervisor and add conditions to the licence or use suspension as an alternative to the revocation of the licence. Mr Patel was let down by a trusted member of staff and was now trying to turn things around. Management and training policies and copies of a P45 for Mr K Patel were circulated and would be interleaved with the agenda papers.

In response to questions from the Sub-Committee, Mr Patel was unable to outline the licensing objectives. The matter was brought for review because of the seizures of illicit alcohol, despite advice given and also due to the failure of Mr Patel to engage with the authorities. The trading standards officer spoke to two different members of staff regarding the seizures and would be concerned if they had not passed the message on. The Sub-Committee noted that Mr Krunel Patel was no relation of the licence holder, Mr Patel.

In summary, the trading standards officer reported that, although it was pleasing to see that training was now taking place, there was no evidence that staff were trained before working on the till. The recommendation to revoke the licence remained.

The police considered that it was no defence that Mr Patel did not know the activities that were happening in his premises. He was responsible for the things that happened in the store.

Mr O'Connell stated that the defence was not that Mr Patel did not know what was happening in the premises but that he was deceived by a member of staff and once he was aware acted with due diligence.

The Sub-Committee left the room to deliberate and returned to announce their decision.

RESOLVED

That the premises licence in respect of Old Street Central Stop, 104-122 City Road, EC1 be revoked.

REASONS FOR DECISION

The Sub-Committee noted that the review was brought following underage sales at the premises. The Home Office guidance at paragraph 11.27 identifies criminal activity which the Secretary of State considers should be treated particularly seriously including the illegal purchase of alcohol by minors. Paragraph 11.28 of the guidance states that the review procedure can be used to deter such activities. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The Sub-Committee noted that on the 7 September 2013 an underage sale of alcohol took place without challenge to a female volunteer who was 16 years old. In addition thereto, despite several invitations, no-one from the business attended any of the three training sessions provided by Trading Standards in January 2013. On the 20 March 2013 there was a seizure of 83 bottles of wine during a check of alcohol stock by HMRC. No invoices could be provided. On 2 July 2013 Mr Krunel Patel sold to a student assisting trading standards. The student was 18 years and two weeks old and Mr Patel failed to challenge the purchaser. Following this incident a letter was sent by trading standards to the licence advising of the importance of Challenge 25. Also in July 2013 a seizure of 14 bottles of wine took place. No invoices could be provided and in an audit conducted on the 6 September 2013 Mr Patel revealed a lack of knowledge in relation to challenging young people. It was after this incident and after the warning letter that the underage sale took place on the 7 September 2013. On the 26 September 2013 a seizure of 23 bottles of wine were seized. No invoices could be provided and on the 15 October 2013 trading standards contacted the licensee on the phone. He said he would phone back in a couple of weeks but nothing was heard from him. Mr Love informed the Sub-committee that there had been a total lack of co-operation between the licensee and the authority and for these reasons recommended that the licence should be revoked. Mr Patel had an opportunity to learn from his failed Challenge 25 purchase and had a further reminder the day before the illicit sale took place.

The Sub-committee was of the opinion that removing the designated premises supervisor would not be effective as it appears little prospect of the management of the business changing just because the dps had changed. The Sub-Committee considered that the licensee had failed to demonstrate high standards of management and the prevention of crime and disorder objective was seriously undermined. The Sub-Committee was not confident that this would be improved by the imposition of changes of dps or additional conditions and accordingly decided to revoke the licence.

269 EMIRATES EXPRESS, 35-43 HORNSEY ROAD, N7 7DD – APPLICATION FOR A PREMISES LICENCE TRANSFER AND DPS APPLICATION UNDER THE LICENSING ACT 2003 (ITEM B7)

The applicant was not present at the meeting.

The licensing officer reported that the applicant was notified of the meeting on the 7 January 2014 and had received no subsequent correspondence from the applicant.

The police officer, supported by his witness, the trading standards officer, spoke against the application. He stated that there was no change to the representation detailed in the agenda. He asked that the Sub-Committee decline the application for a premises licence transfer and variation of designated premises supervisor.

DECISION

That the application to transfer the premises licence and vary the DPS in respect of Emirates Express, 35-43 Hornsey Road, N7 7DD be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and

its regulations, the national guidance and the Council's Licensing Policy.

This was an application to transfer and vary the designated premises of the premises licence. The police submitted representations. The premises licence had previously been revoked and was currently trading subject to appeal.

The premises licence had previously been reviewed by Trading Standards on 31 August 2010 on the grounds of the prevention of protection of children from harm for two underage sales. The licence was suspended on 1 November 2010 for two weeks and additional conditions were placed on the licence. Further conditions were then placed on the licence following a review on the 14 July 2011 on the grounds of the prevention of crime and disorder after the seizure of illicit alcohol. The current licence holder Mr Zahid Shah was the designated premises supervisor at the premises at the time of both licence reviews and he became the licence holder of the premises on the 17 August 2011. On the 7 October 2013 the Sub-Committee decided to revoke the premises licence for Emirates Express, due to the licensee having failed to demonstrate a commitment to standards of management required in managing staff. That decision is currently on appeal which will be heard on the 11 March 2014.

At the hearing on the 21 January 2014, the applicant did not appear and no representative appeared for him. The Sub-Committee heard representations from the police who objected to the application. The trading standards officer attended the meeting to give evidence as a police witness.

The police objected to the transfer and submitted that since the revocation of the licence the premises had been subject to licensing enforcement action since the 7 October 2013 including two after hour sales of alcohol. The day to day management had not changed since the application even though the applicant had stated on their forms that the application would have immediate effect. The application for the variation was accordingly refused on the grounds of poor management and the prevention of crime and disorder.

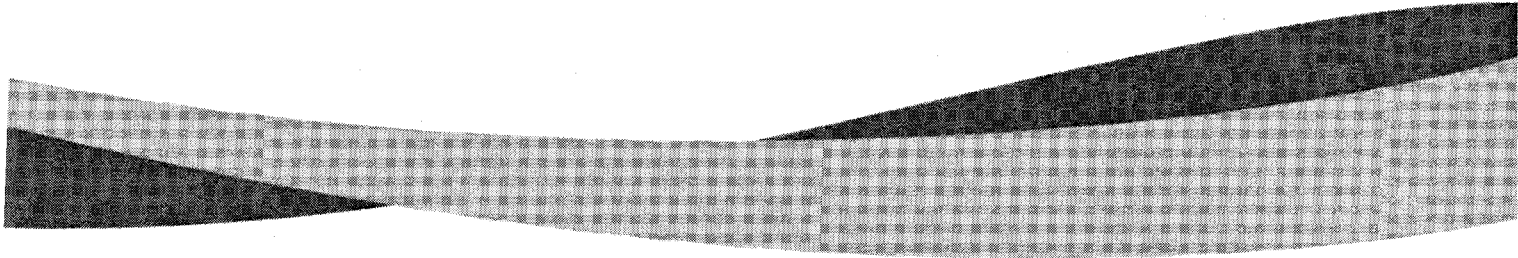
The meeting closed at 9.50pm

CHAIR

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 th March 2014	31	St. Mary's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
RE: ZONE 8 MEDIA LTD, 11 SHILLINGFORD STREET, LONDON, N1 2DP

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to allow:
 - i) The sale by retail of alcohol, off supplies only, Mondays to Sundays from 09:00 until 17:00.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 To consider that this address is in the Angel and Upper Street Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

2.3 If the Committee grants the application it should be subject to:

- i. conditions of the current premises licence;
- ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 3);
- iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premise location.

3.2 The Licensing Authority has received 2 letters of representation, none of which are from people who requested that they remain anonymous.

4. Planning Implications

4.1 None.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director - Public Protection

Date

B/3/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

Appendix 1
2014 35148



Application for a premises licence to be granted
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/We Nick Baker

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 11 Shillingford Street			
Post town	Islington	Postcode	N1 2DP

Telephone number at premises (if any)	07973 654097
Non-domestic rateable value of premises	£ This is a domestic premises

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

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£100.00 / PARIS
10/01/14

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Nick Baker
Address Zone 8 Media Ltd 11 Shillingford Street Islington N1 2DP
Registered number (where applicable) 4984998
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) 0203224392
E-mail address (optional) nick@zone8media.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	02	014

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 The property is a private domestic residence, with a monitored alarm system throughout and we are looking to store and dispatch small quantities (single bottles) of high value champagnes (cheapest is £160 a bottle) from sales generated through the website www.thefinestbubble.com

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|----------------------------|
| Provision of regulated entertainment | Please tick any that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon.					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7) We are looking to store and dispatch small quantities (single bottles) of high value champagnes (cheapest is £160 a bottle) from sales generated through the website www.thefinestbubble.com – There are no sales “on-premise” or “off premise” generated at the property, so no visitors or opening times since all sales are generated on the website and we just dispatch them via a courier during normal business hours of 09:00 to 17:00	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Nick Baker
Address [REDACTED]
Postcode [REDACTED]
Personal licence number (if known)
Issuing licensing authority (if known) Islington

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 none

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Not open to the public as all sales generated on line and the property is just a warehouse to dispatch the product.
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) none
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

This applies to all categories of a to e since we are not open to the public:
We are looking for a premises licence to store and dispatch small quantities (single bottles) of high value champagnes (cheapest is £160 a bottle) from sales generated through the website www.thefinestbubble.com – We are not open to the public as all sales generated on line and the property is just a warehouse to dispatch the product.

b) The prevention of crime and disorder

The property is secure and monitored alarm

c) Public safety

The location is not open to the public

d) The prevention of public nuisance

The location is not open to the public and one person will walk once a day to the post office with the items to be dispatched.

e) The protection of children from harm

The site is not open to the public

Checklist:

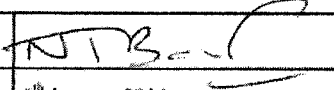
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	6 th January 2014
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

PART A

Consent of individual to being specified as premises supervisor

I Nick Baker

[full name of prospective premises supervisor]

Of

[Redacted area]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

[type of application]

by Nick Baker

[name of applicant]

Relating to a premises licence

[number of existing licence, if any]

for 11 Shillingford Street
Islington
N1 2DP

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Nick Baker

[name of applicant]

concerning the supply of alcohol at

11 Shillingford Street, N1 2DP

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number if any]

Personal licence issuing authority

Islington

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Nick Baker

Name (Please Print)

6th January 2014

Date

**LICENSING ACT 2003
NOTICE OF APPLICATION FOR A PREMISES LICENCE/
CLUB PREMISES CERTIFICATE**

Premises Name and Full postal address of premises

**11 Shillingford Street
Islington
N1 2DP**

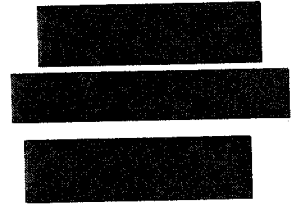
Notice is given that Nick Baker has applied to Islington Council for a Premises Licence or Club Premises Certificate under the Licensing Act 2003.

The proposed licensable activities are: Premises Licence application to allow storage and dispatch of small quantities of Champagne from the premises (There will be no public access or sales on the premises as all sales generated through a website)

Anyone who wishes to make representations regarding this application must write to the: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR. Representations must be received no later than

The Application Record and Register may be viewed during normal office hours at the above address or at www.islington.gov.uk.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000).



Licensing Service
London Borough of Islington
3rd Floor, 222 Upper Street
London N1 1XR
BY HAND

5 February 2014

Dear Sir/Madam

Representations about licence application ref WK/2014 35148 by ZONE 8 LIMITED OF 11 SHILINGFORD STREET, LONDON N1 2DP for a new premises licence application under the Licensing Act 2003 to the Licensing Authority, Islington LBC.

There are three preliminary points I wish to address:

First, the letter containing notification of the licence application appears to have been hand delivered, without an envelope and is undated. It was not addressed to me personally, it only had "Flat A" handwritten on it.

Secondly, I attended the council's Licensing Service at 3rd floor, 222 Upper Street, London N1 on Friday, 31 of January 2014 to inspect and to obtain copies of the licence application and plan of the premises which would indicate where alcohol would be sold and consumed. I spoke to the council officer in charge who told me that the documents in question were not available for inspection and I had to make do with making my written representations. This was totally unexpected and has left me at a considerable disadvantage in relation to the submission of cogent objections based on the information submitted by the applicant in his application.

Thirdly, my interest in this matter stems from the fact that I occupy a neighbouring property situated to the back of the applicant's property. I occupy the two bedroom ground floor council maisonette at [REDACTED] with my wife and our three children aged 11 years, 9 years and 8 months. I work part-time to allow me to study for my doctorate. The work-study balance also allows me to be an active parent and carer. However, the combination of fatherhood, study and work means I am fully stretched during every day of the week and rest is always at a premium. The current use of applicant's property (parties and the like) and particularly their garage has frequently produced unacceptable noise levels and disturbance at different hours of day, both during the day and at night.

BACKGROUND

According to Islington's website, their Licensing Policy is intended to inform applicants and residents about the way in which the Licensing Authority will make licensing decisions and how licensed premises are likely to be permitted to operate so as to promote the licensing objectives.

This Licensing Policy only becomes relevant when the Licensing Authority receives representations about licence applications. Where no representations are received, applications will be granted on the terms and conditions applied for.

As a Licensing Authority Islington LBC have a duty to promote the following four licensing objectives and these objectives will underpin every decision they undertake:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In 2012 Islington reviewed their licensing policy as a result of feedback from residents, the police and other partner agencies. They considered a wide range of evidence to help them understand the positive and negative impacts of alcohol, entertainment and late night refreshment on the borough and led them to:

- designate areas of cumulative impact and saturation in Clerkenwell, Bunhill, Kings Cross, Angel and Upper Street, Holloway Road and Finsbury Park, and Archway

- adopt a guide-line framework of closing times for businesses applying for new and variation applications as follows:

Off-licences - 11pm

Night clubs - 1am Sunday to Thursday, 2am Friday and Saturday

Restaurants, cafes and bars - 11pm Sunday to Thursday, midnight Friday and Saturday

Hot food and drink from takeaways- midnight Sunday to Thursday, 1am Friday and Saturday

24 hour sales of alcohol to hotel residents

Details of these and other measures which Islington LBC feel are appropriate for promoting the licensing objectives are contained in their Licensing Policy.

Through their Licensing Policy Islington LBC will:

- Continue to consider each application on its merits;
- Carefully manage the number of premises supplying alcohol, imposing restrictions where appropriate;
- Encourage and support businesses that are unlikely to add to the cumulative impact in terms of crime, disorder and public nuisance; and
- Continue to seek high standards of management in licensed premises.

ISLINGTON'S LICENSING POLICY 2013-2017 STATES:

In reviewing our Licensing Policy we have been mindful that Islington's residents suffer from high levels of alcohol-related ill health and early deaths. Alcohol consumption is increasingly identified as a major factor behind violent crime and disorder in the borough with serious consequences to victims, businesses and local communities.

The number of licensed premises continues to grow rapidly so that Islington has one of the highest densities of pubs, bars, clubs and off licences in the country and second highest in London after the City of Westminster.

SAFER ISLINGTON PARTNERSHIP

Alcohol related anti-social behaviour and crime is frequently committed away from the licensed premises where alcohol has been consumed or purchased. Licensing is not the primary mechanism for controlling anti-social behaviour away from licensed premises and in some cases will be beyond the direct control of operators. It is, however, an important aspect of control and licensing law is part of the holistic approach to the management of the evening and night time economies of towns and city centres. **Restricting the number of outlets supplying alcohol in cumulative impact areas is an additional means of control.**

With over 1300 premises licensed to sell alcohol, and nearly a third of these licensed to sell after midnight, parts of the borough have now reached saturation point. It is clear that we have now reached a watershed with the economic benefits of the night time economy starting to be outweighed by the health impacts, loss of amenity and the costs of excessive alcohol consumption, crime and disorder.

PART ONE - LOCATION, CUMULATIVE IMPACT AND SATURATION

Licensing Policy 1

Islington has one of the highest densities of licensed premises in England and careful consideration will be given to the need to add to these numbers when applications are received. As there is no delineation between residential and commercial areas careful management is required to prevent conflict between the different uses. In considering applications for new licences, variations to existing licences and licence reviews **the Licensing Authority will take the matters listed below into account:**

- **Whether the premises is located in an area of cumulative impact;**
- The type of premises and their cumulative impact upon the area and the mix of premises in the area;
- **The location of the premises and character of the area;**
- **The views of responsible authorities;**
- The views of other persons;
- Past compliance history of current management;

- The proposed hours of operation;
- The type and numbers of customers likely to attend the premises;
- Whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in pub watch, adopting the Licencee's Charter and holding the Best Bar None Award:
- **The physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.**

CUMULATIVE IMPACT AREAS

Licensing Policy 2

The Licensing Authority has adopted a special policy relating to cumulative impact in relation to:

- Clerkenwell
- Bunhill
- Kings Cross
- **Angel and Upper Street**
- Holloway and Finsbury Park
- Junction area of Archway

This special policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The effect of adopting a special policy of this kind is to create a rebuttable presumption that where representations are received applications will normally be refused unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives.

CUMULATIVE IMPACT AREAS - SUPPORTING EVIDENCE

The headline statistics that underpin Islington's approach to introducing Cumulative Impact Areas are that in 2011 Islington:

- was the second highest London Borough and well above the London average, for violent crimes attributable to alcohol per head of population;
- was above average in London for sexual offences in which the suspect had been drinking alcohol;
- had the highest hospital admission rates in London due to alcohol attributable conditions;
- had the sixth highest rate of alcohol related ambulance calls in London;
- had 40% of its alcohol-related ambulance calls between 11pm and 4am with a peak callout on Fridays and Saturdays.

The evidence from these sources confirms the national picture in that as the density of premises in Islington increases so does both the number of ambulance callouts and the level of alcohol related crime.

Although it can be argued that in recent years there has been a year on year reductions in the level of alcohol related crime, the levels remain significantly higher than in 2004 with the impacts extending across a greater period of the night / early morning. The Licensing Authority is determined to impose strict licensing controls until the impact of alcohol consumption on the community, emergency services and local hospitals has reduced significantly.

To assist in identifying the five specific cumulative impact areas in Islington the Licensing Authority has considered:

- Alcohol Related Crime and Disorder Statistics
- Ambulance alcohol related call out data.
- Noise and antisocial behaviour callouts
- Licensing data – residents' complaints and representations
- Feedback from residents following the 2010 policy consultation
- Feedback from Safer Islington Partners

ANGEL AND UPPER STREET AREA

As Islington's most significant town centre the Angel has a thriving night time economy providing a wide cultural and entertainment offer. Upper Street is well renowned for its extensive choice of restaurants and cafes and the whole area has seen an increase in the predominance of bars targeting younger people which impact on the character of the area.

Contained within the Angel and Upper St Cumulative Impact Area is the Angel Business Improvement District which has been instrumental in developing and promoting the retail and leisure economy in the area and securing resources to improve the look and feel of the Town Centre.

The Licensing Authority believes that the area has reached saturation and any further expansion in the night time economy should not adversely affect the quality of life for residents. The adoption of a cumulative impact area will give the Licensing Authority the ability to carefully manage the impact on residents through making decisions on any proposed expansion of the night time economy which are consistent with the licensing objectives.

Recent independent research commissioned by the council concerning the impact of licensed premises on Clerkenwell has indicated that "the impact of licensed premises is a major issue affecting the daily lives of the residents we spoke to".

DEVELOPMENT PLANNING

Licensing Policy 6

The Licensing Authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. The Licensing Authority will only grant licences for premises without planning consent in exceptional circumstances.

A comparison of alcohol related violence prior to deregulating licensing hours in 2004 with 2011 shows that in 2004 alcohol related crime peaked between the hours of 11pm and midnight. By 2011 the peak hours for alcohol related crime had expanded and shifted to midnight to 5am with a corresponding 600% increase in alcohol related crime.

Furthermore the Licensing Authority considers that the possibility of disturbance to residents is more likely to occur at night and in the early hours of the morning and despite the best efforts of businesses to manage the dispersal of patrons it can be very difficult to eliminate that any such disturbance to residents when patrons have left the vicinity of a licensed premises.

Applicants who wish to provide licensable activities outside the hours specified above should ensure that the operating schedule specifies detailed measures to mitigate against crime, disorder and public nuisance taking into account:

- A. the location of the premises and the character of the area in which they are situated;
- B. the proposed hours during which licensable activities will take place;
- C. the adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance;
- D. whether customers have access to public transport when arriving at or leaving the premises;
- E. the proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

ALCOHOL INDUCED CRIME AND DISORDER AND ANTISOCIAL BEHAVIOUR

Licensing Policy 13

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities, to prevent:

- # The sale of alcohol to underage children;
- # Drunkenness on premises; and
- # Irresponsible drinks promotions.

NOISE

Licensing Policy 18

Complaints about noise in Islington have risen substantially over the last ten years and the considerable expansion of the night-time economy has increased noise within urban settings above the national average. It is in the context of these trends that noise disturbance from licensed premises will be considered by the Licensing Authority. The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

NOISE AND DELIVERIES & COLLECTIONS

Licensing Policy 19

Licence holders and applicants are encouraged to consider whether early morning deliveries and collections to their premises could potentially result in a public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When representations have been received from residents in the vicinity of licensed premises stating that they are being disturbed by early morning collections and deliveries, the applicant or premises licence holder is encouraged, whenever possible, to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.

THE LICENSING OBJECTIVES

PREVENTION OF CRIME AND DISORDER

Angel and Upper Street has been designated as a Cumulative Impact and Saturation Area.

In 2011, statistics indicated that Islington was the second highest London Borough and well above the London average, for violent crimes attributable to alcohol per head of population; and was above average in London for sexual offences in which the suspect had been drinking alcohol;

I should mention that it does not appear that the licence application has been brought to the attention of the local Police. On Tuesday, 4th February I visited the St Mary's Safer Neighbourhood Team and spoke with the duty police officer about the matter. The officer in question was both surprised and concerned that the application had not been brought to their attention and vowed to investigate the matter immediately. He was concerned that the council may entertain an application from premises in such a high density residential area with high incidence of alcohol related public order offences. Moreover, he could not believe that alcohol would be sold in such close proximity to a primary school, the St Mary's C o E Primary School, Fowler Road, N1 2EP. He could not assist me with any information about crime statistics or the such but advised me to seek this information from Islington Council's licensing department. I told him about my experience with trying to obtain copies of the licence application.

The failure by the council to consult the local Police, who are their partners in the licensing strategy, makes the whole application process flawed.

PROMOTION OF PUBLIC SAFETY

Angel and Upper Street has been designated as a Cumulative Impact and Saturation Area.

In 2011, statistics indicated that Islington was the second highest London Borough and well above the London average, for violent crimes attributable to alcohol per head of population; and was above average in London for sexual offences in which the suspect had been drinking alcohol.

In reviewing its Licensing Policy, Islington LBC have been mindful that Islington's residents suffer from high levels of alcohol-related ill health and early deaths. Alcohol consumption is increasingly identified as a major factor behind violent crime and disorder in the borough with serious consequences to victims, businesses and local communities.

The number of licensed premises continues to grow rapidly so that Islington has one of the highest densities of pubs, bars, clubs and off licences in the country and second highest in London after the City of Westminster.

The applicant's premises are situated in a narrow street where additional vehicular activity will in all likelihood increase the level of traffic hazards and inconvenience to local residents, whilst also putting extra strain on the already scarce parking spaces. The close proximity of the premises to the St Mary's CoE primary school is a major concern for the safety and wellbeing of the children, their parents, the teachers and the wider community.

PREVENTION OF PUBLIC NUISANCE

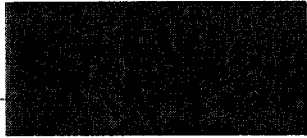
Angel and Upper Street has been designated as a Cumulative Impact and Saturation Area.

In 2011, statistics indicated that Islington was the second highest London Borough and well above the London average, for violent crimes attributable to alcohol per head of population; and was above average in London for sexual offences in which the suspect had been drinking alcohol;

I occupy a neighbouring property situated to the back of the applicant's property. I occupy the two bedroom ground floor council maisonette at Flat A, 30 Hawes Street, London N1 with my wife and our three children aged 11 years, 9 years and 8 months. I work part-time to allow me to study for my doctorate. The work-study balance also allows me to be an active parent and carer. However, the combination of fatherhood, study and work means I am fully stretched during every day of the week and rest is always at a premium. The current use of applicant's property (parties and the like) and particularly their garage has frequently produced

I therefore object to the grant of licence.

Signature:-----



Date:-----

06/02/14

Return to:

Licensing Service

London Borough of Islington

3rd Floor, 222 Upper Street

London N1 1XR

Sender, Yesim

From: [Redacted]
Sent: 06 February 2014 12:47
To: Licensing
Subject: FW: Application Number WK/2014 35148 for Media Ltd

Dear Sirs

I am the owner of [Redacted]
[Redacted] the property at 11 Shillingford Street where we note an application has been made by Media Ltd for a liquor license to sell champagne.



On the matter of the proposed license due to the use and activities in a Residential Street immediately opposite a school and the additional fact that it has a substantial roof terrace we would strongly object due to the potential public disturbance and to protect the young children due to the proximity of the school from any harm due to such activities that the effect of alcohol could cause. It is also of deep concern as to how the deliveries would be made in this narrow road and when i.e. large Lorries parking and partially blocking the roads possibly after hours and this also would impact on the safety of pedestrians and the school children as well as local residents.

I consider both Florence and Shillingford St to be quiet residential streets and feel very strongly against the introduction of an alcohol related business to be granted permission as it appears wholly inappropriate for this road in this location.

We would therefore request that this application is refused for the reasons as stated above.

Yours Faithfully

[Redacted signature]

Suggested conditions of approval consistent with the operating schedule

1. All sales of alcohol authorised under this licence must be completed remotely by way of the internet. No customer access is authorised at this address.
2. All alcohol supplied under this licence must be sent directly to the customer. The dispatch of alcohol will be carried out via the local Post Office.
3. There shall be no more than one dispatch of alcohol a day.
4. No single unit (bottle) of alcohol sold under this licence must cost less than £160.00.

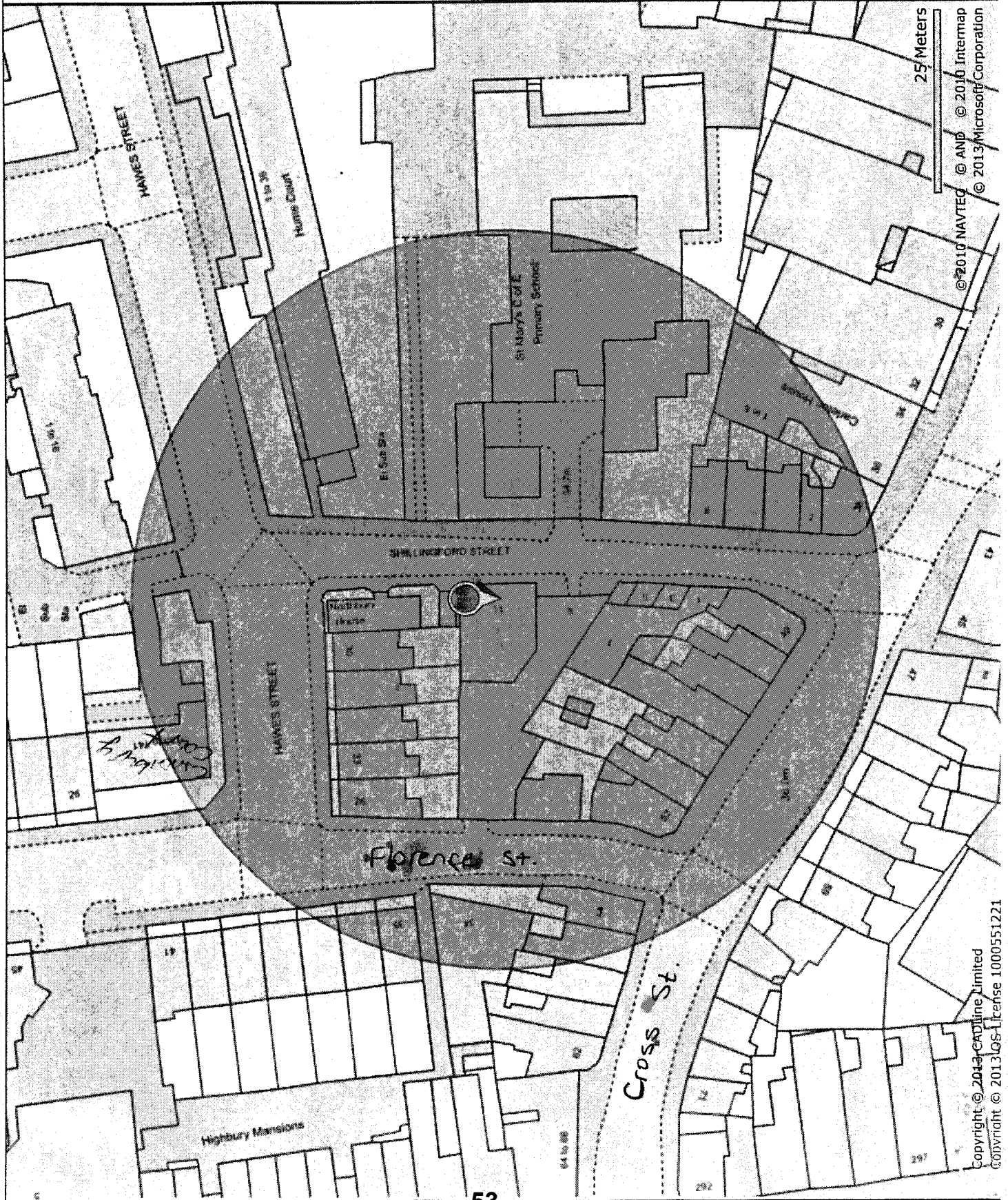
Title : 11 Shillingford Street

Islington Borough Boundary

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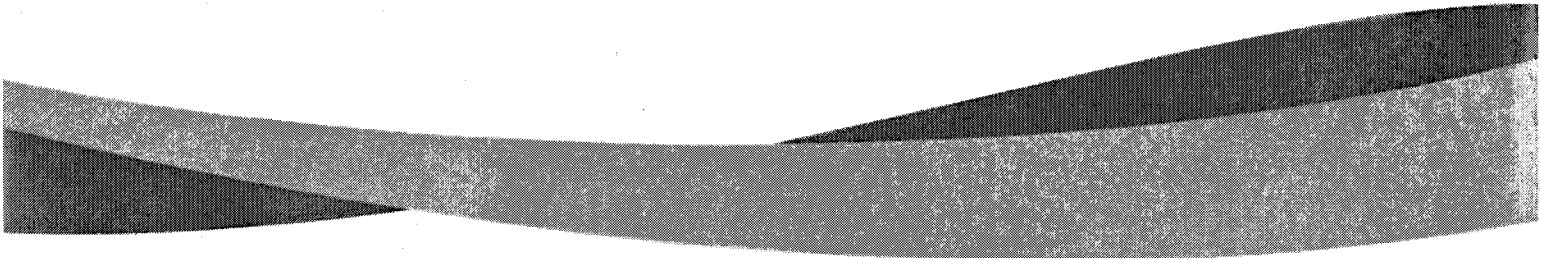
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Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 th March 2014	32	Clerkenwell

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
RE: Niche, 197-199 Rosebery Avenue, London EC1R 4TJ

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The variation application is to:
 - 1.2.01 Amend the authorised hours for the supply of alcohol, for consumption on the premises only, and playing of recorded music between 10:00 and 23:00, Sundays to Thursdays, and between 10:00 and 00:00 on Saturdays and Sundays.

2. Recommendations

- 2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.

- 2.2 If the Committee grants the application it should be subject to:
- i. conditions of the current premises licence;
 - ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 5);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 The premises currently holds a licence allowing:
- 3.1.1 The supply of alcohol, for consumption on the premises only, and playing of recorded music between 12:00 and 15:00 and 18:00 and 00:00, Sundays to Saturdays.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form;
 - Appendix 2: current premises licence;
 - Appendix 3: representations;
 - Appendix 4: applicant's response to representations;
 - Appendix 5: suggested conditions and map of premise location.
- 3.3 Licensing history at the premises:
- 3.3.1 The current premises licence has been in effect since November 2005;
- 3.3.2 The premises licence transferred to the current operators in June 2013
- 3.4 The Licensing Authority has received letters of representation from:
- 3.4.1 Two local residents, neither of whom have requested that they remain anonymous.

4. Planning Implications

- 4.1 None

5. Conclusion and reasons for recommendations

- 5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director - Public Protection

Date 13/3/14

Received by

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



Application to vary a premises licence 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/We Marc Richard Warde and Adrian Edwin Morgan

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/4159-250713
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Niche 197-199 Rosebery Avenue			
Post town	London	Postcode	EC1R 4TJ

Telephone number at premises (if any)	020 7837 5048
Non-domestic rateable value of premises	£21500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	adrian@nichefoodanddrink.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? **Yes**

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
There is currently a mismatch between the trading times of the café and the licencing hours as we took over from a restaurant with differing trading hours. We would like to simplify the hours in line with the more informal café/restaurant we now are.

Monday 10:00 to 23:00
Tuesday 10:00 to 23:00
Wednesday 10:00 to 23:00
Thursday 10:00 to 23:00
Friday 10:00 to 00:00
Saturday 10:00 to 00:00
Sunday 10:00 to 23:00

Note that the current licence permits midnight closing every day but we note your Licence Policy of 23:00 during the week and have amended accordingly.

We are a small 40 cover café/restaurant.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Background restaurant music only – cannot be heard in the street		
Mon	10:00	23:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Tue	10:00	23:00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) We open on Monday or Sunday nights until 7.30pm if there is a performance at Sadler's Wells.		
Wed	10:00	23:00			
			We open on Monday or Sunday nights until 7.30pm if there is a performance at Sadler's Wells.		
Thur	10:00	23:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	23:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None anticipated
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) We open on Monday or Sunday nights until 7.30pm if there is a performance at Sadler's Wells.
Sat	10:00	00:00	
Sun	10:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Our current licence restricts sale of alcohol between 3pm and 6pm, which is inconsistent with most restaurants and our business needs.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

N/A

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We are a small informal café and restaurant. We only serve alcohol seated in the restaurant which is waiter service. We think this helps to ensure that all the licensing objectives are met.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

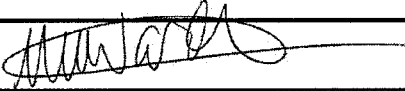
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	22/01/14
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	22/01/14
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) adrian@nichefoodanddrink.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/4159-250713		
Postal address of premises, or if none, ordnance survey map reference or description			
NICHE 197-199 ROSEBERY AVENUE			
Post town	LONDON	Post code	EC1R 4TJ
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • 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 playing of recorded music: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td>Monday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Tuesday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Wednesday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Thursday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Friday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Saturday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Sunday</td><td>12.00</td><td>to</td><td>15.00</td><td>18.00</td><td>to</td><td>00.00</td></tr> </table> • The provision of late night refreshment: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td>Monday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Tuesday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Wednesday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Thursday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Friday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Saturday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr> <td>Sunday</td><td>23.00</td><td>to</td><td>00.00</td></tr> </table> 	Monday	12.00	to	15.00	18.00	to	00.00	Tuesday	12.00	to	15.00	18.00	to	00.00	Wednesday	12.00	to	15.00	18.00	to	00.00	Thursday	12.00	to	15.00	18.00	to	00.00	Friday	12.00	to	15.00	18.00	to	00.00	Saturday	12.00	to	15.00	18.00	to	00.00	Sunday	12.00	to	15.00	18.00	to	00.00	Monday	23.00	to	00.00	Tuesday	23.00	to	00.00	Wednesday	23.00	to	00.00	Thursday	23.00	to	00.00	Friday	23.00	to	00.00	Saturday	23.00	to	00.00	Sunday	23.00	to	00.00
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• The sale by retail of alcohol:

Monday	12.00	to	15.00	18.00	to	00.00
Tuesday	12.00	to	15.00	18.00	to	00.00
Wednesday	12.00	to	15.00	18.00	to	00.00
Thursday	12.00	to	15.00	18.00	to	00.00
Friday	12.00	to	15.00	18.00	to	00.00
Saturday	12.00	to	15.00	18.00	to	00.00
Sunday	12.00	to	15.00	18.00	to	00.00

Non standard timings:

The opening hours of the premises:

Monday	12.00	to	15.00	18.00	to	00.00
Tuesday	12.00	to	15.00	18.00	to	00.00
Wednesday	12.00	to	15.00	18.00	to	00.00
Thursday	12.00	to	15.00	18.00	to	00.00
Friday	12.00	to	15.00	18.00	to	00.00
Saturday	12.00	to	15.00	18.00	to	00.00
Sunday	12.00	to	15.00	18.00	to	00.00

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

On supplies

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

Marc Richard Warde

E-mail: marc@nichefoodanddrink.com

Adrian Edwin Morgan

E-mail: Adrian@nichefoodanddrink.com

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

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

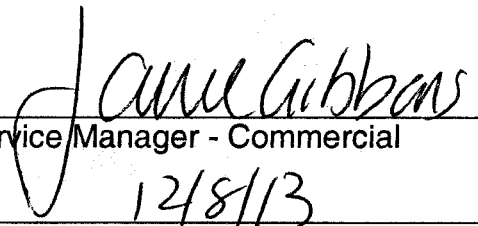
Adrian Edwin Morgan

E-mail: Adrian@nichefoodanddrink.com

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

LN/000005079 – Greenwich Council

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


Service Manager - Commercial

12/8/13
Date of Issue

Annex 1 - Mandatory conditions

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

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

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

1. Staff shall receive training to deal with antisocial and drunken behaviour.
2. Overcrowding shall not be permitted on the premises.
3. The licensee shall ensure that neighbouring occupiers are not disturbed by customers arriving at/departing from the premises.
4. Music shall be played at background levels only.
5. Waste collections shall be arranged so as not to cause a disturbance to neighbouring occupiers.
6. Procedures shall be in place to ensure no underage sales of alcohol.

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

Annex 4 – Plans

Reference Number: ISL94928

Appendix 3

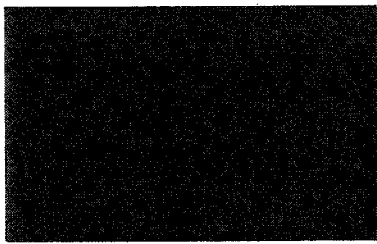
(1)

Gallacher, Simon

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Re: Licence application: Niche, 197-99 Rosebery Avenue

Dear Mr Senler

It is:



On 11/02/2014 12:44, Senler, Yesim wrote:

- > Dear [REDACTED]
- >
- > Please provide your postal address for us to process your representation as a valid one.
- >
- > Kind regards,
- >
- > Yesim Senler
- > Licensing Technical Support Officer
- > Licensing Team
- > Public Protection Division, Environment & Regeneration, Islington Council, 3rd Floor, 222 Upper Street, London, N1 1XR
- > Tel: 020 7527 1829, e-mail: yesim.senler@islington.gov.uk, website: www.islington.gov.uk
- >
- >

> -----Original Message-----

- > From: [REDACTED]
- > Sent: 10 February 2014 18:28
- > To: Licensing; [REDACTED]
- > Subject: Licence application: Niche, 197-99 Rosebery Avenue
- >

> Dear Sir

> I am writing as a resident living directly opposite the restaurant on Rosebery Avenue itself to object to this license application. Because of the design of our houses we all sleep at the front with windows onto the street opposite the cafe. It is right, in a residential area, that we should have one evening a week, on a Sunday, when there is less activity on the pavement.

> I am particularly concerned about the possibility of drinking, late night dining and music extending out of the cafe onto the pavement in the Summer, as that would be a cause of noise and public nuisance. We have problem drinking on the street and other antisocial behaviour in this area, and increasing noise and disturbance at night on our pavements outside this house. I would be concerned not to encourage this any further and I see this as a step in the wrong direction. please consider these points carefully in making your decision.

> Obviously I wish the cafe well in every other respect.

>

> yours sincerely

>

[REDACTED]

> This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.

>

2

Gallacher, Simon

From: [Redacted]
Sent: 12 February 2014 08:09
To: Senler, Yesim
Subject: Re: Licence application: Niche, 197-99 Rosebery Avenue

Dear Yesim Senier

My address is as below. Apologies I meant to check if anything else was required.

Best wishes

[Redacted]

On 11 Feb 2014, at 12:44, Senler, Yesim wrote:

> Dear Ms
>
> Please provide your postal address for us to process your representation as a valid one.
>
> Kind regards,
>
> Yesim Senler
> Licensing Technical Support Officer
> Licensing Team
> Public Protection Division, Environment & Regeneration, Islington Council, 3rd Floor, 222 Upper Street, London, N1 1XR
> Tel: 020 7527 1829, e-mail: yesim.senler@islington.gov.uk, website: www.islington.gov.uk

> -----Original Message-----

> From: [Redacted]
> Sent: 11 February 2014 08:41
> To: Licensing; [Redacted]
> Subject: Licence application: Niche, 197-99 Rosebery Avenue

> Dear Sir,
>
> I support the views put forward by my immediate neighbour [Redacted] regarding the licensing application by Niche bakery.
>
> We already have high levels of ambient noise from passing traffic - particularly in summer when car windows are open and one can hear car sound systems. Any addition to this would be most unwelcome.

> Yours sincerely

> [Redacted]

> Dear Sir

> I am writing as a resident living directly opposite the restaurant on Rosebery Avenue itself to object to this license application. Because of the design of our houses we all sleep at the front with windows onto the street opposite the cafe. It is right, in a residential area, that we should have one evening a week, on a Sunday, when there is less activity on the pavement.

>

> I am particularly concerned about the possibility of drinking, late night dining and music extending out of the cafe onto the pavement in the Summer, as that would be a cause of noise and public nuisance. We have problem drinking on the street and other antisocial behaviour in this area, and increasing noise and disturbance at night on our pavements outside this house. I would be concerned not to encourage this any further and I see this as a step in the wrong direction. please consider these points carefully in making your decision.

>

> Obviously I wish the cafe well in every other respect.

>

> yours sincerely

>

[REDACTED]

> This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.



Niche, 197-199 Rosebery Avenue, London EC1R 4TJ

Tuesday, 11 March 2014

Dear neighbour

Re: Licence application for NICHE

I have read your objections and understand your concerns. I hope that I will be able to explain our intentions that will reassure you that you have no need to be worried that your quiet enjoyment of your home will in any way be affected by this application.

Our current licence actually allows us to serve alcohol until 12am, 7 days a week and all we are hoping to do is to tidy up the licencing hours in line with the local council guidelines and our trading hours (the existing licence was set up for the Thai restaurant that closed last year). As you may know, we are closed on Sunday and Monday nights (except when there is a show on at Sadler's Wells, in which case we open until 7.30pm) and we have no intention of changing this.

As a small 'all day' café and restaurant business open from 9am we have taken the strategic decision to close at 9.30pm on Tuesday to Saturday. The only reason for the 11pm finish time in the licence application is that these are the guide hours set by the council and enables us to hire out the restaurant for private parties if we have the opportunity. I would like to say again, that our current licence enables us to serve alcohol until 12am so this is in effect a reduction to our evening hours.

You have said that you have concern over music being played into the night. Our licence application is for **background music** only, which you would not be able to hear from over the road.

We have been trading since July 2013 and therefore you have already experienced the kind of business we attract and the impact of summer trading. We are not changing anything and we do not believe will have any detrimental impact on you in any way. However, if there are any specific restrictions to Sunday trading you would like to propose then I would be willing to consider these.

I hope this reassures you that we are and will continue to be good neighbours and a welcome addition to the local community.

Yours sincerely,

Adrian Morgan
Owner | Director
Niche Food & Drink Ltd

Suggested conditions of approval consistent with the operating schedule

No additional conditions suggested.



Title : Niche

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
13-03-2014



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

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: Licensing@islington.gov.uk

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:

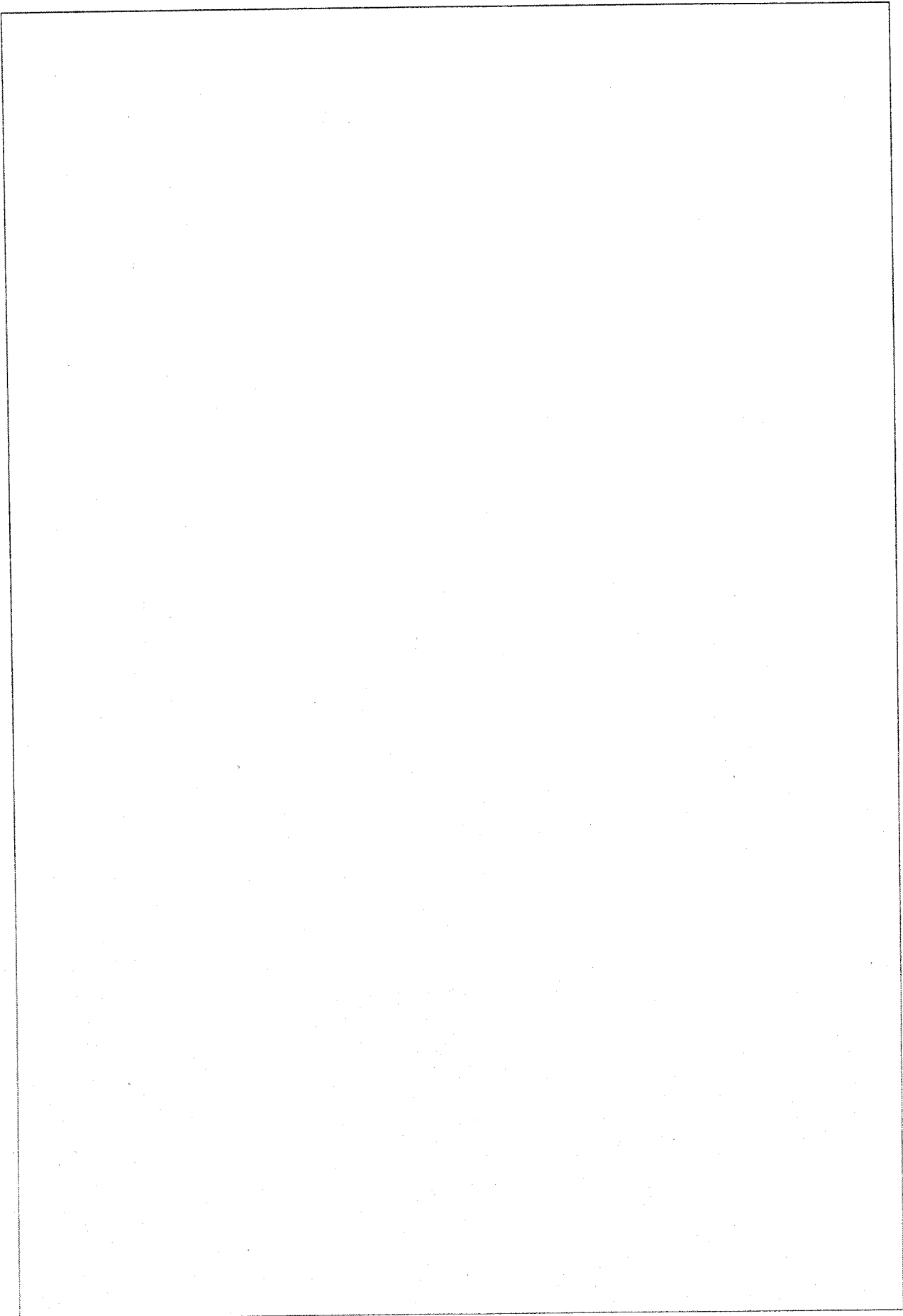
Mezzanine Floor

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="327 571 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* Licensees preferred option</td> <td>94</td> <td>89.4</td> <td>88.1</td> <td>88.8</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* Licensees preferred option	94	89.4	88.1	88.8	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**

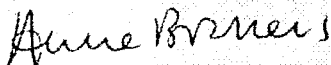
Please find enclosed a Notice served on you under the provisions of the above legislation. The Notice is self-explanatory.

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 appellants, 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.

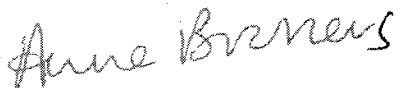
I am very sorry the sound levels could not be increased as you told me last night that you wanted them to be. The issue is the lack of sound insulation at the premises and I have discussed this with you previously. You need to carry out comprehensive works of sound insulation. You need to appoint an 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 suppling a blank cover would not do anything.

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

These readings where 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: ~~annebrothers@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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">08.00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">00.00</td> <td style="width: 45%;"></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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">08.00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">00.00</td> <td style="width: 45%;"></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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- 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

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

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 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

REP 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)
Public Protection Division
222 Upper Street
London N1 1XR
T: 020 7527 3212
E: janice.gibbons@islington.gov.uk
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.

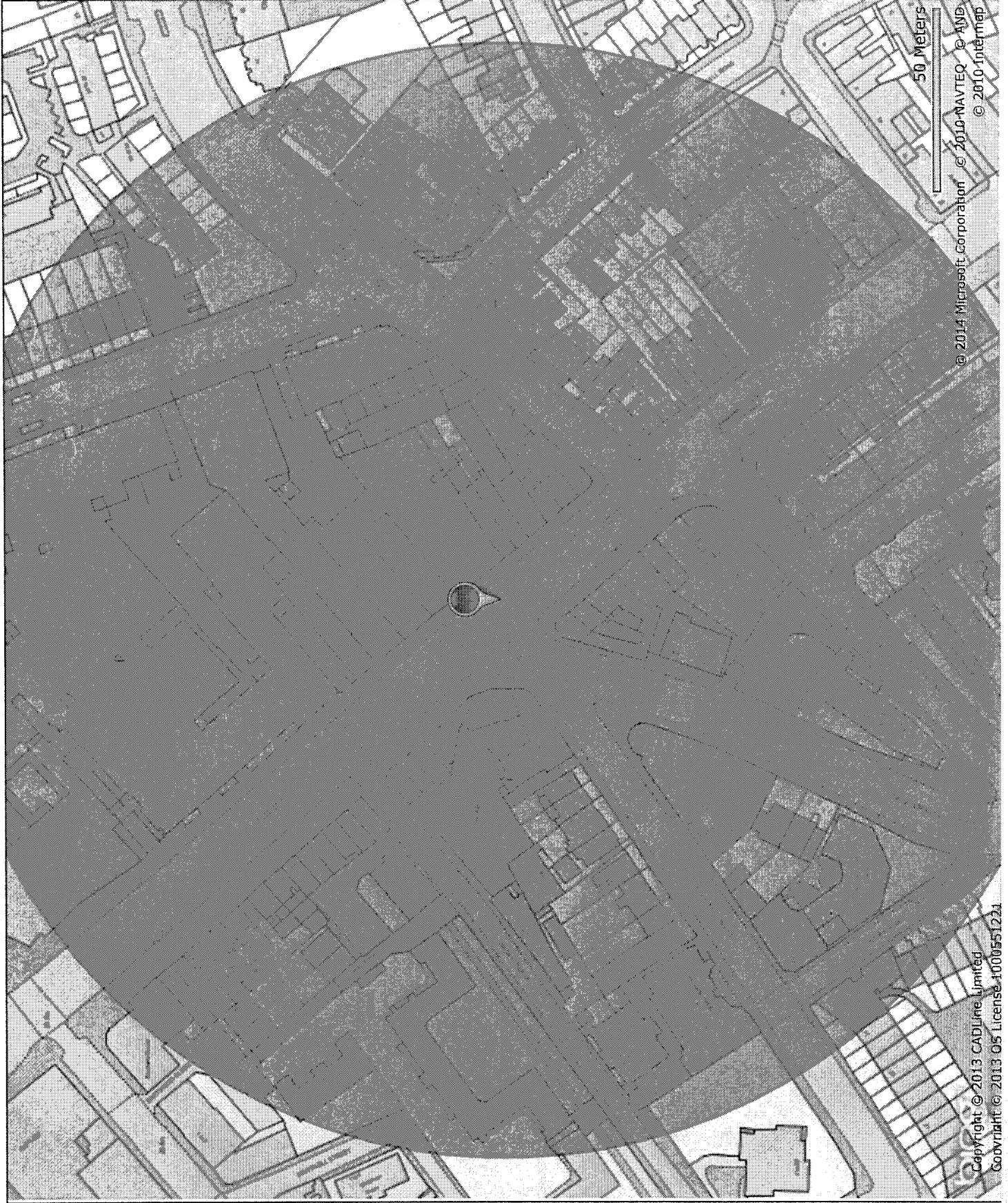
CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system 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

Printed by :
RO RO

Printed at :
13-03-2014





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:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

13/3/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I Police - Responsible Authority

(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

ZENITH BAR

125 PACKINGTON STREET

Post town LONDON

Post Code N1 7EA

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

Albert Obayuwana

42 Premier Avenue

Grays

Essex

RM16 2SD

020 7226 1408

albert@stardirect.co.uk

Number of premises licence or club premises certificate (if known

119506/3229

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 Paul HOPPE PC 208NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 0207 527 2323
E-mail address (optional) licensingpolice@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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

I am Police Constable Paul HOPPE 208NI, I am authorised by the Chief Officer of Police to carry out the Police licensing function.

This review is made on the ground of Prevention of Crime and Disorder, to prevent further crimes being committed in and around this venue, to protect members of the public and reduce crime.

The license conditions in force at this venue allow the sale of alcohol, late night refreshment, dancing, making music, performing music, playing recorded music, exhibition of films and indoor sporting events so is therefore a very comprehensive license which has a long list of Mandatory Conditions and also Conditions consistent with the operating Schedule and Conditions attached after a hearing by the Licensing Authority.

Since 2007 when the current Owner took over the venue, there have been reports of Drug Dealing / Antisocial behaviour/ Under-age Sales and License Breaches. The Owner/ Manager has been spoken to on a number of occasions and has received a lot of help and assistance from the Police, Islington Borough Council and London Fire Service, but still appears to refuse to improve the standard of this facility. Since October 2013 there have been four (4) full licensing visits and on each occasion, a notice was served to improve standards and adhere to agreed licensing conditions.

It is therefore requested that the licensing committee revoke the license.

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

On 7th August 2007 intelligence reports on police computer system that a well-known drug dealer is selling drugs from the venue. NIRT00350689

On 4th September 2007 local neighbourhood officers removed underage drinkers and children playing gaming machines. NIRT00351451

On 10th January 2008 police attend venue and speak to the owner after numerous complaints from residents on under-age drinking. NIRT00354865

On 26th February 2008 the venue becomes a Ward priority for local neighbourhood team after youths on mopeds were seen coming and going from the venue with 'packages'.
NIRT00356251

On 9th June 2008 gangs identified as being involved with smash and grabs raids were regularly seen congregating outside the venue on the tables and chairs. NIRT00359268

2009 – regular problems with known local youths all relating to the venue while open.

On 24th June 2010 COLAI school pupils were seen by staff being enticed into the venue by females who appeared to be staff. The students were in school uniform and clearly underage.
NIRT00389829

On 8th November 2012 There were reports of regular Drug Use/ dealing at the venue which was linked to workmen from the Packington Estate building site. NIRT00428507

The venue was closed in 2012 by Islington Borough Council and the London Fire Service due to unsafe building and operation.

On 14th October 2013 a resident complained that the venue was again ignoring the licensing conditions and serving after hours. When visited the owner claimed all present were friends.
NIRT00442796

Theft and Burglary offences in 2013 to the value of approximately £4500.

There have been full licensing visits on the following days:

October 18th 2013 – full licensing visit. Form 695 completed and warnings regarding poor standards given.

8th December 2013 – full licensing visit. Form 695 completed - Staff on duty had received no training. Section 19 warning given for four (4) breaches of conditions.

14th December 2013 – full licensing visit. Form 695 completed and Section 19 warning given for two(2) breaches of conditions

15th December 2013 – Police called to venue after drunk/ rowdy customers. Staff could not keep control and police had to intervene to keep customers and staff separate. There were possible drunk/ drugged customers on site. Police concerned over managers ability to run a 'good and proper' venue. NIRT00445451

29th December 2013 – Full licensing visit. Form 695 completed and warning letter given. LFB called due to unsafe electrical supply with water running to it. No trained staff. No training records. No fire safety certificates or any other certificates produced.

Summary and Recommendations:

It is clear that the venue is owned and operated by Mr Albert Obayuwana who run the venue for approximately the last six years. The venue has a very poor track record and has been closed in 2012 due to dangerous practices. It is the opinion of police that Mr Obayuwana is not running a safe and professional venue as is demonstrated by the large number of license conditions which are flagrantly being abused. Mr Obayuwana has been given a great deal of help from Council departments and the London Fire Service, however, this does not appear to have been translated into developing his professional operation.

It is the recommendation of Police that this venue have its license revoked immediately.

After all the assistance and advice Mr Obayuwana has received from Police, London Fire Service and Council Officers, this is the only option to promote the licensing objectives.

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

[Handwritten signature]

Date

8th January 2014

Capacity

LICENSING POLICE

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.



Premises Licence Summary

Licensing Act 2003

Premises licence number LN/4910-190214

Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
PACKINGTON ARMS 125 PACKINGTON STREET			
Post town	London	Post code	N1 7EA
Telephone number			

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence Ground Floor

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

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the exhibition of films:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of regulated entertainment for indoor sporting events:

Monday	10.00	to	00.00
Tuesday	10.00	to	00.00
Wednesday	10.00	to	00.00
Thursday	10.00	to	00.00
Friday	10.00	to	00.00
Saturday	10.00	to	00.00
Sunday	10.00	to	00.00

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

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

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

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

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

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of entertainment facilities for making music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of entertainment facilities for dancing:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.00
Saturday	10.00	to	23.00
Sunday	10.00	to	23.00

- The provision of late night refreshment:

Monday	23.00	to	02.00	the following day
Tuesday	23.00	to	02.00	the following day
Wednesday	23.00	to	02.00	the following day
Thursday	23.00	to	02.00	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	02.00	the following day

- The sale by retail of alcohol:

Monday	10.00	to	02.00	the following day
Tuesday	10.00	to	02.00	the following day
Wednesday	10.00	to	02.00	the following day
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	02.00	the following day

Except on:

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

The opening hours of the premises:

Monday	10.00	to	02.30	the following day
Tuesday	10.00	to	02.30	the following day
Wednesday	10.00	to	02.30	the following day
Thursday	10.00	to	02.30	the following day
Friday	10.00	to	02.30	the following day
Saturday	10.00	to	02.30	the following day
Sunday	10.00	to	02.30	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 of holder of premises licence

Shepherd Neame Limited
 17 Court Street
 Faversham
 Kent
 ME13 7AX
 01795 532 206
 gbarnes@shepherdneame.co.uk

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

138256

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

Geoffrey Baker

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

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 3 of annex 2 of this licence.

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

1. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. 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.
3. No person under fourteen shall be in the bar of the licensed premises during the permitted hours 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.
4. 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.
 5. 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
 6. Any customer suspected of possessing or using drugs on the premises will be immediately removed from the premises by the DPS, barred from entering the premises again and shall be reported to the Police.
 7. All staff will be fully trained in both the licensing law and Health and Safety legislation.
 8. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age e.g. Portman Proof of Age card, National Passport or Photo Drivers Licence before selling alcohol to them.
 9. A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
 10. Bottling out from the premises between 23.00 hours and 07.00 hours on any day of the week is prohibited.
 11. Patrons of the premises shall be encouraged, by signs within the premises visible at all exit points, to disperse from the area of the premises quietly and quickly. Staff shall also supervise persons leaving the premises after entertainment has taken place and where necessary, request that persons leaving the premises do so in an orderly manner as quickly as possible.

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

1. That there will no new admissions to the premises after 12 midnight and after this time the doors should remain closed except for exit.
2. That the tables outside the premises be cleared and closed by 23:00pm
3. No unaccompanied children on the premises at all. And no under 16's after 21:00pm except for private functions.
4. All doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. the playing of live/recorded music and the use of amplified speech.
5. The premises outdoor area will be cleared by 22:30 and not used beyond 23:00 hours.

6. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents when using the beer garden and to leave the premises and the area quietly.
7. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
8. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
9. Noise and vibration from plant and equipment will not be allowed to emanate from the premises so as to cause disturbance to neighbouring properties.

Annex 4 – Plans

Licence

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google

