



Report of: Service Director - Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	27 March 2013	36.	Finsbury Park

Delete as appropriate	Exempt	Non-exempt

Subject: TEMPORARY EVENT NOTICE APPLICATIONS
RE: ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON, N4 2DD

- 1. Synopsis**
 - 1.1 This is a hearing to determine a temporary event notice (TEN) in respect of the above premises to extend the terminal hour for licensable activities from 3.30am to 6.30am on 1 April 2013 and from 3.30am to 5.30am on 2 April 2013. The temporary event notice is applied for under section 100, Part 5 of the Licensing Act 2003.
 - 1.2 This application is subject to a representation from the Council's Noise in respect of public nuisance.
 - 1.3 The Licensing Sub-Committee are asked to consider whether or not to authorise the notice, and if allowed whether to impose any of the current premises licence conditions.
- 2. Recommendations**
 - 2.1 To determine the temporary event notice under Part 5 of the Licensing Act 2003 as the Licensing Sub-Committee consider appropriate for the promotion of the Licensing Objectives.
 - 2.2 The Committee can decide to:
 - i. allow the temporary event notice for the specified event,
 - ii. allow the temporary event, subject to one or more conditions of the existing premises licence;
 - iii. prohibit the temporary event notice by way of a counter notice.

3. Background

- 3.1 The premise holds a premises licence which allows regulated entertainment and sale of alcohol between 12:00 and 03:30 on Monday to Sunday, and late night refreshment from 23:00 until 03:00 Monday to Sunday.
- 3.2 On 11 March 2013 the Council's Noise Team submitted a review application in respect of this licence in respect of public nuisance.
- 3.3 Papers are attached as follows:-
Appendix 1: TEN applications;
Appendix 2: Representation from Noise Team.
Appendix 3: current premises licence;
Appendix 4: map of premise location.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this temporary event notice application and decide to grant or refuse the application only.

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 18/3/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 0207 527 3031

Fax: 0207 527 3420

E-mail: licensing@islington.gov.uk

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
259 - 261 SEVEN SISTERS ROAD FINSBURY PARK LONDON, N4 2DD	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the way in which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Nightclub	

Please describe the nature of the event below. (Please read note 5)
Easter Celebrations

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/> NO

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

20th March 1st April
31 March 2nd April

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

03.30am to 0630am 30/03
03.30am to 0630am 31/03
03.30am to 0630am 01/04
03.30am to 0530am 02/04/2013

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	ISLINGTON
Licence number	92296
Date of issue	
Date of expiry	04/10/2015
Any further relevant details	

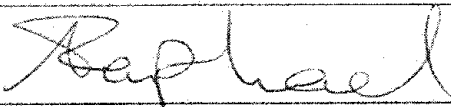
5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		

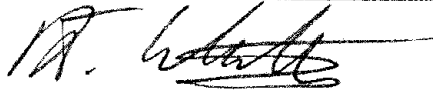
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	14.03.2013
Name of Person signing	ANTHONY RAPHAEL

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	14.03.13
Name of Officer signing	D. WHITTON.



ISLINGTON

Anthony Raphael
109B Fairview Road
South Tottenham
London N15 6TS

This matter is being dealt with by:
Anne Brothers

Noise Patrol Team
222 Upper Street
London N1 1XR

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

Our ref: abr/201306361

Your ref:

Date: 18 March 2013

Dear Mr Raphael

**TENS APPLICATIONS, 30 AND 31 MARCH AND 1 AND 2 APRIL. SECTION 80,
ENVIRONMENTAL PROTECTION ACT 1990, LICENCE REVIEW APPLICATION,
LICENSING ACT 2003. ORLEANS, 259-261 SEVEN SISTERS ROAD, LONDON N4 2DD**

Please find enclosed a representation for Noise team in respect of the above applications. The representation and enclosures are self-explanatory.

This representation is made due to continuing noise nuisance from Orleans.

Yours sincerely,

Anne Brothers
Principal Technical Officer

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

**Islington Licensing Authority
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES IN RESPECT OF A
TEMPORARY EVENT NOTICE**

Your Name	Anne Brothers
Responsible authority and job Title	Principal Technical Officer, Noise Team
Postal and email address	3 rd Floor, 222 Upper Street London N1 1XR

Name of the premises you are making a representation about	Orleans
Address of the premises you are making a representation about	259 -261 Seven Sisters Road, London N4 2DD
Date and times of notice	30/31 March 03:30 – 06:30 on both dates. 1 April 03:30 – 06:30 2 April 03:30 – 05:30
Normal or Late TEN (if representation is for a late TEN then counter notice will be issued)	Normal

This representation 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

Recommended actions to promote the licensing objectives:

- 1) The following conditions of the premises licence, as detailed below, be imposed
- 2) The TEN be modified as follows:
- 3) Additional information needs to be supplied by applicant:
- 4) The responsible authority considers that the notice should be refused by the Council's Licensing Committee



Annex 1 conditions (please specify)

Annex 2 conditions (please specify)

Annex 3 conditions (please specify)

Suggested modifications (for example times, dates, capacity)

Please detail the evidence supporting your representation and / or the reason for your representation. Please use separate sheets if necessary

There is currently a review application under consultation for Orleans in relation to the prevention of public nuisance. In addition, there is a Section 80 noise abatement notice applicable to the premises in relation to noise nuisance from amplified music.

I attach copies of the Section 80 noise abatement notice and the review application.

For the above reasons, Noise Team requests the above applications for TENs be refused by Committee.

Signed:

Anne Brimmer

Date:

15 March 2013

Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Team on 020 7527 3031

To be completed and returned by applicant

Name of the premises	
Address of the premises	
Date and times of proposed temporary event	

<p>1) I am happy to accept the representation and conditions/modifications recommended by the responsible authority <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2) I wish to withdraw my application for a temporary event notice <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3) I do not accept the suggested conditions or recommendations and I wish to proceed with the notice to the next available Licensing Sub Committee <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Signed: _____ Date: _____</p> <p>Print name: _____</p>

A copy should be sent by post to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within 5 working days.

Applicants are encouraged to enter into negotiations and supply additional information to the responsible authority, where appropriate prior to formally returning this notice.

For more details please check with the Licensing Support Team on 020 7527 3031

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

I **Anne Brothers**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Orleans

259-261 Seven Sisters Road

Post town London

Post code (if known) N4 2DD

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

Anthony Raphael

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

139048

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

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

To prevent public nuisance from the playing of amplified music.

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

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

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

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

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

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

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

Noise was reported again in late 2011 but the calls ceased after a short period of time. The premise was monitored at various stages as they were found to be trading beyond their permitted hours without TENs on more than one occasion. Reports of visits are included in the attached sheet.

Calls to the Noise Patrol Service recommenced in February 2013.

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

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

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

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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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 Burns
Date 11 March 2013
Capacity Principal Technical Officer - Norsehausan

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

Notes for Guidance

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



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

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

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

Our ref: abr/10089
Your ref:

Date: 23 December, 2010

This matter is being dealt with by:
Anne Brothers

Dear Mr Raphael

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

This letter does not form part of the enclosed Notice

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

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

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

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

Yours sincerely

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



ENVIRONMENTAL PROTECTION ACT 1990, Section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED MUSIC

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

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

HEREBY REQUIRE YOU as the person responsible for the nuisance and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to **Take all reasonable steps to ensure that no amplified music from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.**

IN the event of an appeal this notice shall have effect, notwithstanding any appeal to a Magistrates' Court which has not been decided by the Court as, in the opinion of the Council, the noise to which this notice relates is likely to be of a limited duration, such that suspension would render the notice of no practical effect and the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000. In addition the Court may make an order permanently depriving the owner of noise making equipment causing the offence.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATE: 23 DECEMBER 2010

(Address to which all communications should be sent)

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

(Signature)



(Name): Anne Brothers

(Title): Principal Technical Officer,
Noise Patrol.

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

** Currently £5000, subject to alteration by Order

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

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

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

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

SUSPENSION OF NOTICES

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

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	139048		
Postal address of premises, or if none, ordnance survey map reference or description			
ORLEANS 259-261 SEVEN SISTERS ROAD			
Post town	London	Post code	N4 2DD
Telephone number	07958 686 740		

Where the licence is time limited the dates
Not Applicable

<p>Licensable activities authorised by the licence</p> <p>Basement Only</p> <ul style="list-style-type: none"> • The provision of regulated entertainment by way of: <ul style="list-style-type: none"> 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
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The times the licence authorises the carrying out of licensable activities																																							
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of live music: <table> <tr> <td>Monday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>12:00</td> <td>to</td> <td>03:30</td> <td>the following day</td> </tr> </table>					Monday	12:00	to	03:30	the following day	Tuesday	12:00	to	03:30	the following day	Wednesday	12:00	to	03:30	the following day	Thursday	12:00	to	03:30	the following day	Friday	12:00	to	03:30	the following day	Saturday	12:00	to	03:30	the following day	Sunday	12:00	to	03:30	the following day
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Saturday	12:00	to	03:30	the following day																																			
Sunday	12:00	to	03:30	the following day																																			



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

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

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

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

- The provision of entertainment facilities for making music:

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

- The provision of entertainment facilities for dancing:

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

- The provision of late night refreshment:

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

• The sale by retail of alcohol:

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

The opening hours of the premises:

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

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

On the premises

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

Mr Anthony Raphael
259-261 Seven Sisters Road
London
N4 2DD
07958 686 740

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

Mr Anthony Raphael
259-261 Seven Sisters Road
London
N4 2DD
07958 686 740

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

London Borough of Islington - 92296

Islington Council
Public Protection Division
159 Upper Street
London
N1 1RE
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk

J. J. Gibbons
Assistant Director - Public Protection

28 January 2009
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

Annex 2 - Conditions consistent with the Operating Schedule

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

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

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

- 3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
- 4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
 - Children and Young Persons Act 1933
 - Cinematograph (Safety) Regulations 1955
 - Sporting Events (Control of Alcohol Etc) Act 1985
- 5. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
 - ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
 - ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.
 - ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
- 6. When the premises are occupied, the kitchen door shall be held open on the automatic release mechanism and the kitchen extract ventilation shall be in operation.
- 7. The licensee shall provide SIA approved Door Supervisors to patrol outside the premises to minimise the impact of patrons arriving and/or departing.
- 8. Twenty minutes after the club has closed, staff shall collect and dispose of any litter attributable to the club and its patrons.
- 9. The maximum number of persons accommodated at any one time in the premises shall not exceed:
 - Basement - 100.
- 10. The licence shall be subject to the Council's standard conditions for Places of Entertainment
- 11. The licence shall be subject to the Council's technical standards for Places of Entertainment

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

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

None

Annex 4 – Plans

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

