



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	18 December 2012	B2	Caledonian

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION  
RE: THE PRINCE OF WALES, 342 CALEDONIAN ROAD, LONDON N1 1BB**

**1. Synopsis**

- 1.1 This is an application by the Environmental Health (Noise and Nuisance) 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) Prevention of Public Nuisance

**2. Recommendations**

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
  - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;

- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

### **3. Background**

- 3.1 The premises is currently licensed for the sale of alcohol for consumption on the premises Sunday to Thursdays and from 10:00 to 00:00, Friday & Saturday 10:00 to 01:00, for regulated entertainment (films (karaoke only) live music and performance of dance) Sunday to Thursday, from 20:00 to 00:00 and from Friday & Saturday 20:00 to 01:00 and late night refreshment Sunday to Thursday from 23:00 to 00:30 and Friday & Saturday 01:30.
- 3.2 The ground floor plan has been attached to the Premises Licence since September 2006. At some point unknown to the Licensing Service, just under half of the pub was converted into a residential property. The ground floor plan does not reflect the current layout of the pub. Health & Safety have required the licensee to supply an up to date plan of the premises (see Annex 4).
- 3.3 On 19 October 2012 the Council's Planning Team served an Enforcement Notice regarding the residential property and the Notice took effect on 23 November 2012. The Enforcement Notice requires that the residential property cease to be used for residential purposes and that all kitchens, utility rooms, bathrooms and shower rooms be removed from the property and dispose of all the materials resulting from that removal.
- 3.4 Papers are attached as follows:-
  - Appendix 1: application form and Environmental Health (Noise and Nuisance);
  - Appendix 2: current premises licence and plan;
  - Appendix 3: resident and Environmental Health (Health and Safety) representations;
  - Appendix 4: suggested conditions and map of premise location.
- 3.5 The Licensing Authority has received 2 letters of representation from local residents and one representation from the health and safety team.

### **1. Planning Implications**

No restrictions regarding the hours or class use.

### **2. Conclusion and reasons for recommendations**

- 4.1 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 5/12/12

**Received by**

Head of Scrutiny and Democratic Services

Date

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# 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 on behalf of the Noise Patrol Team**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

The Prince of Wales Public House, 342 Caledonian Road,

Post town **London**

Post code (if known) **N1 1BB**

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

Eileen Boratac

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

LN/4761-140711

**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**

**Chapter 2 Post Code**

**Chapter 3 Daytime contact telephone number**

**Chapter 4**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>Chapter 5</b>
<b>E-mail address (optional)</b>

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b> Anne Brothers, Noise Patrol Team, Public Protection Division, 222 Upper Street, London N1 1XR
<b>Telephone number (if any)</b> Chapter 6 020 7527 3047
<b>E-mail address (optional)</b> 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

## Chapter 7

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 the Prince of Wales P.H. 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 2011 – 2014.

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

There are noise conditions on the premises licence as follows:

- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.
- Customer activity shall be monitored inside and outside the premises with a view to preventing public nuisance.
- The licensees shall take appropriate steps to reduce the effects of light and noise pollution from the premises.
- No person shall be permitted to leave the premises with any alcoholic beverage after 21.00 on any day.
- The tables and chairs shall be removed from the outside area by 21.00 and no person shall be allowed to be in this area after 21.00 with any beverage purchased from the premises prior to or after this time.

Eileen Boratac took over as licensee in March 2011, since that time we have been in receipt of noise calls from local residents consistently. A Section 80 noise abatement notice was served on 2 October 2012. Ms Boratac took over as DPS in July 2011.

In order to illustrate the noise reported and findings of visiting officers I have attached details of calls to the out of hours Noise Service received over the past 12 months in list form on a separate sheet.

I also attach the following correspondence sent to Ms Boratac in relation to noise and other issues from the premises since she took over in March 2011.

- Noise warning 12 April 11
- Noise reminder 17 May 11
- Noise warning 26 May 11
- Smoking warning 13 June 11
- Minded To warning 24 November 11
- Sound setting 14 December 11
- Noise Issues 19 June 12
- Smoking warning 1 October 12
- Section 80 Noise Abatement Notice with covering letter, 1 October 12
- S.80 Further advice 3 October 12
- PACE invite letter 4 October 12



## Recommendations

There are options available to Committee at a review hearing in order to abate the nuisance reported by residents and witnessed by Noise Patrol.

Noise nuisance is being reported and witnessed prior to 23:00. We have no confidence in the Licensee that noise will be controlled at the premises in future.

Committee may consider that in order to abate the nuisance the first option may be appropriate:

1. Revocation of the premises licence

An alternative to the above may be considered by Committee as appropriate:

2. Removal of the following regulated entertainments from the premises licence:

The provision of regulated entertainment by way of:

The exhibition of films – karaoke only

The performance of live music

The playing of recorded music

The performance of dance

The provision of entertainment facilities for:

Making music

Dancing

In order to reduce the likelihood of further calls to the Noise Patrol Service and further enforcement action we seek to have these provisions removed.

The opening hours of the premises are specified on the premises licence as follows:

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

Friday and Saturday 10:00 to 01:30 the following day

Sunday 10:00 to 00:30 the following day.

We seek to reduce the hours for bar sales to:

Monday to Saturday 10:00 to 23:00

Sunday 12:00 to 22:30

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

**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)

**Chapter 8 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 Bremer  
**Date** 8 October 2012  
**Capacity** Principal Technical Officer, Noise Patrol

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Chapter 9 Post Code
Chapter 10 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.

Please tick ✓ yes

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

If yes please state the date of that application

Day		Month		Year			

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

Please tick ✓ yes

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

Details of Noise Patrol calls and outcomes regarding The Prince P.H. 342 Caledonian Road, London N1 1BB

17/9/11. Officer Notes

Call to comp 22.11, visit arranged. Visited 22.39, listened in comp's lounge, FFF, music audible intermittently at low level, drowned by passing traffic, comp professed to be unwell and wanting to sleep so listened in adjoining bedroom, same scenario, no nuisance. Returned to car after 15 mins, it was parked c. 70 M away from the source pub, while inside it sorting o/s jobs I heard LAM from pub at level warranting a word with DPS. Went to pub, Prince of Wales at 342, door to Caledonian Road wide open, karaoke music booming out. Went inside, middle aged white female ID'd herself as the DPS, gave her name as Eileen Boratac, she came outside, I discussed the situation with her, outlining the above and my concern that further complaints were likely and that nuisance may well be witnessed. EB was a bit blasé about the incident, saying that she had a sound limiter installed and was currently having dealings with Anne Brothers about noise issues re. the pub's operations. I pointed out that the wide open door was probably a big factor in the music being so audible in the street - she said that it needed to be open for ventilation. She said that the karaoke was finishing at 23.00 ( a few mins away at this point) after which she would be closing the door and putting on just background music at a lower volume level. I advised EB that I'd be informing AB about this incident. (RWA)

22/10/11. NP report. (ALO) 22:40. Informed noise stopped on arrival.

24/3/12. Proactive visit. Prince of Wales, Caledonian Road, 22:40. Recent anonymous complaint regarding VLM. Passed by and premises closed. Had a look at notices in the window that stated they were out on their annual beano and premises would re-open on Sunday. (ABR)

19/5/12. 23:18. "Loud music from the Prince P.H." tctc 00.29, noise stopped. (RWA)

10/6/12, 19:31 "Loud music and people shouting noise coming from outside "The Prince" pub on Caledonian Road" .

~~██████~~ called back @ 19:55 - noise is now lower, advised to back if noise goes back up again. (ASB team)

17/6/12, 19:33. "The Prince pub - loud music & people screaming". Motts called complainant @ 19.46.

Motts & Paul arrived @20.11 witnessed noise but not enough to call it a disturbance as I could not compare noise against anything e.g tv advised to call noise team if causing a problem still (ASB Team)

17/6/12, 21:04 "ASB Officer already attended but noise still ongoing The Prince pub - loud music & people screaming" .

Officer notes

Vst 21:30 From Cs property only occasional outbreak of music and voices. Not a nuisance. Listened from his bedroom/livingroom with no background noise. Spoke to landlady of pub anyway as when I was passing I could hear the jukebox from the street but the doors were

open. She said she had already called last orders and was closing. She turned off the jukebox immediately. CN02 (ALO)

4/8/12 01:17. Anon. "Noise from drunk people standing outside the pub. There is additional loud music from the pub." Vst @ 0141 pub in total darkness no one outside.(RWA)

25/8/12, 00:24 "loud music talking from pub". No outcome noted (PBA)

26/8/12, 21:19 "Loud music from pub called the Prince".

Officer notes

22:15. no nuisance at complainants property however several outbreak points from noise premises patrons outside making noise spoke to DPS gave advice closed doors advised report will be written for licensing officer. (JEL)

23/9/12. Proactive pass-by. 01:00. Noticed this place appeared busy on pass-by to somewhere else. Door was open – could have just been opened as we passed by. Amplified sound apparent from within on pass-by. No calls received though. Therefore did not visit. Noticed T&C's had not been disabled outside. (ABR)

30/9/12. 22:00. "loud music".

Officer Notes

Call to comp 22.17, visited 22.32. Music was playing inside The Prince PH but was barely audible on the street. Karaoke music from the pub was clearly audible throughout the comp's flat at a level that was a significant interference with its quiet enjoyment and that would prevent sleep. Highly intrusive, the lyrics of all songs were clearly audible - "You Are So Beautiful" and "Young Hearts Run Free" for example. Nuisance witnessed. Went to The Prince PH at 22.48, a lock-in was evident, looked through a window, about ten people inside, several smoking. Eventually the door was opened by a blonde haired female, late 50s? worse for drink, named [redacted] - barmaid? She called out the DPS, Eileen Boratac, who had been talking with the next karaoke performers. I explained to EB that the music noise was causing a nuisance to the occupiers of flats above the pub. EB said that the event was a private wake and that the pub was not open to the public. EB was argumentative and focused on the volume of music audible outside in the street, which was negligible. "[redacted]" kept interrupting and running interference to the conversation with EB. I advised that it seemed to me that there might well be a problem with the adequacy of SI to the floor/ceiling partition with the flats above the pub. EB said that the pub had a sound limiter installed; I suggested that if the sound equipment in use for this event was wired through the SLD then perhaps it wasn't working properly. I reiterated that a noise nuisance was being caused and asked EB if she would lower the volume to abate it.; she said that she would turn the music off after the next track. I told her that we had seen people smoking inside; she at first indicated that this had been tolerated because the people were in mourning, and then said that she hadn't noticed it happening (note: that contention was not credible). We returned to our car on Caledonian Rd, from where "You'll Never Walk Alone" from the pub was clearly audible over the traffic noise. That was taken to be a defiant gesture. no music was audible after that song finished. Phoned comp at 23.05, who confirmed that the noise had abated. (RWA)

30/9/12, 23:19. "2ND CALL - loud music"

Officer notes

Call to complainant 23.32. Comp confirmed noise now stopped after a short relapse since our monitoring call to her at 23.05. (RWA)

3/10/12. "Noise is still intrusive from Prince of Wales Pub".

Officer Notes:

Call to complainant 21.56, comp reported that music from the Price of Wales Pub was audible at an intrusive level throughout her flat and that she could feel the music bass through the floor. Visited site 22.11, listened immediately outside the side elevation of the pub, music was audible from within. 22.12. In the FFF(student bedsit room) of comp's flat, LAM from the pub was clearly audible at a loud level. 22.13 - Michael Jackson "Rock with You" , lyrics clearly audible. 22.16 - Bob Marley "Jamming", vibrations of bass tangible though the floor of the room. The comp said that the music had been on at this level since she arrived back at her flat at 20.30 hours. The music stopped at 22.21 for 30 secs then resumed with a powerful loud ballad - " A Man Without Love". At 22.23 I listened briefly in the second (student bedsit) room at the rear of the flat ; the noise scenario was almost identical to that in the FFFR, if anything the lyrics were clearer than in the FFFR. I returned to the FFFR. At 22.27 there was a very strong bass beat which accompanied a ballad - possibly Frank Sinatra - the bass could be clearly felt through the floor. At 22.31 - Peter Sarsted "Where Do You Go To My Lovely?" - lyrics again clearly audible word for word. The music was unreasonably loud, highly intrusive and a significant interference with the quiet enjoyment of the complainant's flat and I deemed it to be a SN on that basis. Left at 22.32, went straight to the Prince of Wales PH where the same Peter S track was playing inside. There was about ten people inside; the music was very loud. I approached a woman who I recognised from previous visits to the pub as Eileen Boratac, the DPS. I showed her my Council ID and invited her to step outside. She showed me an "In Memorium" card before stepping outside with me. Once outside, she said that the event inside the pub was a wake. I told Ms Boratac that the music inside the pub was causing nuisance to residents living above the pub. Ms Boratac was unaccepting of that, and argued that the music was not loud and could hardly be heard outside in the street. Ms Boratac referred to having been served with a Noise Abatement Notice the previous day and professed to be feeling victimised by the Council and indicated that she did not care about the possible consequences of this incident, including prosecution and seizure of her sound equipment. I told Mrs Boratac that her music was causing a noise nuisance and asked her if she would turn the volume down; she said that she would not and made to go back inside the pub. She then changed her mind and launched into a tirade about being victimised by the Council, the noise not being loud, there being a brothel down the road and other irrelevances. When the tirade had subsided, I told Ms Boratac that the music being played in her pub was too loud and was causing a nuisance to residents and that I was asking her for the last time if she would go inside and turn the music down. She said that she would do so and went inside the pub. We left site at 22.42 hours, returned to my car parked on Caledonian Road and drove away. I parked up a short distance away and completed my notes on the incident. I phoned the complainant at 22.50 hours; they reported that the music volume had dropped a little but that they could still feel a bass beat from the music through the floor of their flat. I invited them to call back at a later time that night if they continued to be disturbed by music from the pub. (RWA)

5/10/12 01:46 "Pub staying having lock in after hrs, The Prince is name of the pub, ongoing until 4am"

Officer notes

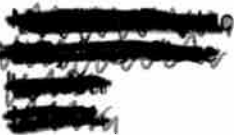
Visit 02:20. From C's bedroom area I witnessed music at an intrusive level along with vibration under foot. I was clearly able to make out the songs and lyrics, first being Elvis Presley then Robbie Williams singing 'Feel' there was also occasional sound of raised male voices. The noise in the Cs bedroom was also clearly audible above vehicle noise from the fairly busy Caledonian Rd. I approached the pub and all doors were locked and the grate to one was also locked. I banged on the main door and a woman I know as Eileen opened it. I know her as being the person in charge as I have spoken to her on previous occasions regarding noise nuisance. I asked to see a copy of her licence. Eileen attempted to close the door but I stopped it closing and took a quick look inside. I observed more than 5 white males standing at the bar drinking and also a woman behind the bar. I then let the door close as I did not want any altercations. Eileen came out with a copy of the licence which she was clearly in breach of. I advised her she was breaching her licence and also contravening the S80 notice that was served last week. Also advised her this was not the first contravention witnessed. I explained the music was a nuisance and that she also needed to get the people inside the pub to leave. She told me it was a private party for her sister who is dying of cancer. I explained that it was still a nuisance and a breach of her licence. She also kept saying the complaints are malicious and that its only a juke box and it cant be heard outside. Towards the end of our conversation when I pointed out the time Eileen said 'I know I dont know why Im still here'. This made me think even more that it was not a private party. Eileen also asked how long it takes for the council to take her to court. I told her I could not answer this. She then made a comment like 'I may as well let the council shut me down'. I left asking her to get the people out of the pub and to make sure they leave quietly. I did not wait for this to be done as I felt there may be a risk to officer safety. (ALO)

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

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F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/1006757  
Your ref:

Date: 12 April, 2011



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

Dear 

**ALLEGED NOISE NUISANCE FROM AMPLIFIED MUSIC AND CUSTOMER NOISE OUTSIDE. THE PRINCE OF WALES P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB. ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003.**

Noise Patrol was called late on Saturday 9 April by multiple residents in the vicinity of the Prince of Wales. The residents were reporting disturbance from music noise from inside the premises and customer noise outside.

I visited in response to the complaints and on approach I noted some noise from your customers outside the premises and loud music from karaoke inside. I spoke to you at the time of the visit.

We discussed a number of issues with regard to noise conditions on the premises licence. Unfortunately you did not have a copy of the premises licence as you had surrendered it to licensing as part of your application process for a transfer of the premises licence.

There are noise conditions on the premises licence for the Prince of Wales, 342 Caledonian Road as follows:

- On occasions that a Disk Jockey is used, they shall be instructed to ask customers to leave quietly.
- Customer activity shall be monitored inside and outside the premises with a view to preventing public nuisance.
- The licensees shall take appropriate steps to reduce the effects of light and noise pollution from the premises.
- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.

- Notices shall be displayed at exits requesting patrons to disperse quietly and respect neighbouring residents and to use the sanitary facilities prior to leaving the premises.
- Save for private functions, no persons under the age of 16 years old are to be permitted access or to remain on the premises after 21.00.
- No person shall be permitted to leave the premises with any alcoholic beverage after 21.00 on any day.
- The tables and chairs shall be removed from the outside area by 21.00 and no person shall be allowed to be in this area after 21.00 with any beverage purchased from the premises prior to or after this time.
- On any day when the premises remain open until 01.00 or beyond, no person shall be admitted or readmitted to the premises after 00.00.

As you will see, there are a lot of noise conditions. We need to come to an agreement on maximum music levels inside the premises and the first step is for a noise limiter to be installed. You will need to appoint an accredited sound engineer or acoustic consultant to source, install and set a limiter. This must be carried out in conjunction with the Noise Team.

In the meantime, you need to moderate the music volume at the premises in order to reduce the likelihood of further complaints. Please also pay regard to the conditions regarding the use of the outside areas. You must control noise from your customers outside the premises in accordance with the licence conditions listed above.

In addition, my colleague spoke to you about a door to the right hand side of the frontage from the bar area that a male member of staff used several times while we were outside speaking to you. The door is slamming very loudly. You need to fit a self-closing device on the door to control the close of the door so it does not fall closed with a big slam.

Please contact one of the organisations listed below to appoint a suitable person that is experienced in licensing noise issues and contact me back to discuss when you are ready for a sound assessment:

Institute of Acoustics

77A St Peter's Street  
St Albans  
Herts  
AL1 3BN  
Tel: 01727 848 195  
Fax: 01727 850553  
[www.ioa.org.uk](http://www.ioa.org.uk)  
email : [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)

The Association of Noise Consultants

105 St Peter's Street  
St Albans  
Herts  
AL1 3EJ  
Tel: 01727 896 092  
Fax: 01727 896 026  
[www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk)  
Email: [maikl@anc](mailto:maikl@anc)

In addition, there is a condition with regard to age-restricted products as follows:

- The "think 21" policy shall be employed at the premises.

Since the Licence was issued, the current policy on age-restricted products now refers to "Challenge 25". You told me you wanted the premises to cater for an older age group. The party on Saturday night was a 21<sup>st</sup> birthday party and there were a lot of young people present.

I enclose an information folder produced by Islington Council Trading standards that explains the current Challenge 25. The folder includes posters to display, a training CD ROM for staff, a refusals book and a training record book for you to note all staff who have received training from

you on the topic of age restricted products. I also enclose some spare badges for your staff to wear when working behind the bar.

We look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the above legislation. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is £20,000. In addition, your premises licence may be called in for review if the Noise Team is satisfied that it is necessary in order to prevent a public nuisance

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

Yours sincerely



**Anne Brothers**

**Principal Technical Officer**

cc.  e mail: 

Louise Norris, Noise Patrol Manager  
Licensing



# ISLINGTON

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

T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/1006757  
Your ref:

Date: 17 May, 2011

[REDACTED]  
[REDACTED]  
[REDACTED]

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

Dear [REDACTED]

**ALLEGED NOISE NUISANCE FROM AMPLIFIED MUSIC AND CUSTOMER NOISE  
OUTSIDE. THE PRINCE OF WALES P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB.  
ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003.**

I wrote to you in April with regard to the above noise issues that were being reported. I enclose a copy of the letter sent previously for your ease of reference.

I have not heard back from you with regard to the requirement to comply with the noise condition that requires a limiter to be installed and set.

Please contact me back urgently to discuss your intentions with regard to the control of sound at the premises.

Yours sincerely

*Anne Brothers*


**Anne Brothers**

**Principal Technical Officer**

Encl: letter dated 12 April 2011

cc. [REDACTED] via email: [REDACTED]

Louise Norris, Noise Patrol Manager  
Licensing



Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757

Your ref:

Date: 3 October 2012

Dear 

**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990 IN RELATION TO AMPLIFIED MUSIC. THE PRINCE P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB.**

In relation to the above and the Notice served on 1 October you need to inform us of your noise management proposals for the Prince so as to reduce the likelihood of future incidents of noise nuisance being witnessed.

I have to reiterate my previous advice to you given during the sound setting exercise last December. I refer you to my letter of June this year which I enclosed with the Notice which detailed the advice given.

I have to warn you that should we continue to witness noise nuisance from the premises you could be prosecuted for contravening the Notice served. This would be a criminal matter. Current levels of fines are up to £20,000 per offence. In addition in the event of further noise nuisance being witnessed, the Council's Noise Team may apply for a review of the premises licence on grounds of public nuisance. This could have a serious effect on your business as the Licensing Committee could modify the premises licence at a review hearing.

Please contact me to discuss how you intend to control sound levels at the premises in future.

Yours sincerely,

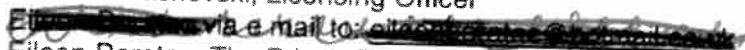


**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Katie Tomashevski, Licensing Officer



Eileen Boratac, The Prince P.H. 342 Caledonian Road, London N1 1BB



# ISLINGTON

Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 Ext  
F 020 7527 Fax  
E em@islington.gov.uk  
W www.islington.gov.uk

Our ref: abr/201006757

Your ref:

Date: 4 October 2012

**FIRST CLASS POST**

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

Dear [REDACTED]

**The Prince P.H. 342 Caledonian Road, London N1 1BB. Police and Criminal Evidence Act (PACE) 1984**

**RE: Section 80 Environmental Protection Act 1990.**

The council is now considering legal action following a visit to The Prince P.H. on 3/10/12 at 22:00 onwards.

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

As part of ongoing investigations and evidence gathering I am inviting you to attend an audio-taped interview under the Police and Criminal Evidence (PACE) Act 1984 at 12 midday on **Thursday 11 October** at the council offices, 222 Upper Street, London, N1 1XR. Please confirm who will be attending the interview, whether they are authorised to speak on behalf of the business **by Monday 8 October**.

This will be your opportunity to present evidence of any best practicable means defence and other information you want the council to consider concerning the alleged offences. You are entitled to have legal representation at the interview should you wish to do so, and you may also wish to obtain legal advice prior to the interview.

If we do not hear from you by **Monday 8 October** I will assume that you do not wish to take advantage of this opportunity. A decision on what action to take will be made on the available evidence.

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

Yours sincerely

*Anne Brothers*

**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Katie Tomashevski, Licensing Officer

~~Please email to:~~

~~Principal Technical Officer, The Prince P.H. 342 Caledonian Road, London N1 1BB~~

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

Our ref: 121362211

Date of offences: 3 October 2012

Place of offences: The Prince P.H. 342 Caledonian Road, London N1 1BB

Brief circumstances of the offences:

1. On 3 October 2012, Noise Patrol Officers visited residents in the vicinity of the licensed premises known as The Prince at 342 Caledonian Road, London N1 1BB and witnessed amplified music played at the licensed premises at such levels that caused a noise nuisance to the residents. This was contrary to the section 80 noise abatement notice served on 1 October 2012

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



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W [www.islington.gov.uk](http://www.islington.gov.uk)

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

Our ref: abr/201006757

Your ref:

Date: 26 May 2011

Dear 

**NOISE NUISANCE FROM AMPLIFIED MUSIC, PRINCE OF WALES P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB. MINDED TO, SECTION 80, ENVIRONMENTAL PROTECTION ACT 1990. LICENSING ACT 2003.**

I visited on Saturday 21 May at 23:50 and as discussed with you I had visited a local resident and witnessed music noise from the Prince of Wales at levels that were intrusive. If the music noise was not a one-off occurrence it was likely to be a noise nuisance as defined by the above legislation.

I have a note from a colleague that he visited you on 20 May at 23:15 in response to another call from a resident nearby and again heard music noise at intrusive levels to the resident's home. In his notes he states that you said the resident that called was resident in a flat that does not have planning permission. I have to state that I visited the same resident on Saturday night and the flat is legal, it is not on the rear ground floor but above the premises. He also reports that you were not able to control the volume of sound that had been playing out that night as the performer had brought his own amplification in with him.

The amplified music that I heard on Saturday was clearly audible in the bedroom of the flat I visited. I spoke to you after I visited the resident and explained our position with regard to the noise nuisance I witnessed that night. You told me that you were cancelling all performers and events you had planned until the noise condition on the premises licence could be settled.

Even though the music volume inside the premises was not particularly loud, I have to state that it was at levels sufficient to be a noise nuisance to the resident and I must now advise you that any music at the premises must be restricted to background levels until we can discharge the noise condition which is as follows:

- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.







# ISLINGTON

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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757

Your ref:

Date: 13 June, 2011

~~XXXXXXXXXX~~  
London  
~~XXXXXXXXXX~~

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

Dear ~~XXXXXXXXXX~~

**RE: HEALTH ACT 2006, SECTION 7 (SMOKING IN A SMOKE-FREE PLACE). SECTION 8 (FAILING TO PREVENT SMOKING IN A SMOKE-FREE PLACE). HEALTH AND SAFETY AT WORK (ETC) ACT 1974. PRINCE OF WALES P.H. 342 CALEDONIAN ROAD, LONDON N1**

I visited the above premises at approximately 22:35 on 4 June. While at the premises I noted a number of people including yourself were smoking inside

I enclose a leaflet on the smoke free legislation for your information. It has been illegal since 1 July 2007 to allow smoking in any enclosed or substantially enclosed workplace or place to which the public have access. Your premises falls into this category of premises, and so must be smoke free at all times. As the person in control of the premises you are committing offences by allowing people to smoke.

This letter is a **formal and final warning**. Council officers will monitor the premises for Smoke free offences and they may not necessarily reveal their identities at the time of their visit. You must ensure that any enclosures are compliant with the above legislation.

Should officers find evidence of offences, the Council may prosecute you at Highbury Corner Magistrates' Court. There is a fine of up to **£2,500 for each incident of failing to prevent smoking**. Individuals found smoking may also be prosecuted, or else receive Fixed Penalty Notices. Please contact me should you have any questions.

Yours sincerely

*Anne Brothers*

**Anne Brothers**

**Principal Technical Officer**

Encl: "Your Guide to the New Smoke Free Law"

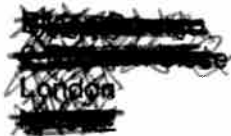
~~cc: [REDACTED]~~

Louise Norris, Noise Patrol Manager

Licensing

Andrew Walker, Commercial Section, Environmental Health

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



FIRST CLASS POST

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

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F 020 7527 3059  
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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757  
Your ref:

Date: 24 November, 2011

Dear ~~Ms Brothers~~

**NOISE NUISANCE FROM AMPLIFIED MUSIC AND CUSTOMER NOISE OUTSIDE. PRINCE OF WALES P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB. ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80 "MINDED TO", LICENSING ACT 2003.**

I visited on Sunday 20 September at 00:10 and as discussed with you I had visited a local resident and witnessed music noise from the Prince of Wales at levels that were a noise nuisance to the resident. I also witnessed significant noise from customers who were outside the premises using tables and chairs. I noted that a lot of customers had drinks with them outside.

I have seen notes of recent visits to the premises by my colleagues in Noise Patrol.

On 17/9/11 at 22:39 noise patrol visited after hearing music noise from the premises inside a nearby resident's home. They report that while outside they heard karaoke booming out from the premises and that the door was wide open. They report they spoke to you during their visit to the premises and you told them that you had a sound limiter installed at the premises and that you were in touch with me. They state that you told them the door needed to be open for ventilation.

On 13/10/11 at 22:55 noise patrol visited again due to a call from a local resident about noise from the premises. They report they spoke to ~~Ms Brothers~~ at the premises. NP witnessed customers seated at tables outside with drinks at the time of the visit and pointed out to Ms ~~Brothers~~ that tables and chairs should be disabled at 21:00. ~~Ms Brothers~~ informed them she was not aware of the requirement. They report they passed by the premises again that night at 00:50 and they saw 5 customers seated outside with drinks at that time.

There are noise conditions on the premises licence as follows:

- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.

- Customer activity shall be monitored inside and outside the premises with a view to preventing public nuisance.
- The licensees shall take appropriate steps to reduce the effects of light and noise pollution from the premises.
  - No person shall be permitted to leave the premises with any alcoholic beverage after 21.00 on any day.
  - The tables and chairs shall be removed from the outside area by 21.00 and no person shall be allowed to be in this area after 21.00 with any beverage purchased from the premises prior to or after this time.

You must ensure you comply with noise conditions on the premises licence.

I regret to inform you that we must now warn you that if we witness noise nuisance from amplified sound again we are minded to serve an abatement notice on you under the provisions of the Environmental Protection Act 1990 with regard to noise nuisance from amplified sound at the premises without further warning.

Contravention of such a Notice is a criminal offence. Current maximum fines are £20,000 per offence. In addition other enforcement action may be taken such as seizure of noise making equipment in the event of contraventions of any Notice served.

We intend to visit the premises on **Tuesday 13 December at 22:30** in order to agree maximum music volume that can be played out at the premises that will be less likely to be subject of noise complaints from residents. Please confirm your sound engineer will be available to visit on 13 December from an earlier time that night as he will need to ensure the limiter is set-up for the setting by 22:30 when we plan to arrive. You must ensure the limiter is in working condition prior to the appointed date for the visit.

In addition, should complaints of noise nuisance continue to be received and witnessed by authorised officers from the Council we may seek a review of your premises licence in order to curb permitted activities and permitted hours of trading. This could have serious implications for your business.

**Please inform me in writing within 7 days of the date of this letter about your intentions with regard to the control of noise.**

Yours sincerely



**Anne Brothers**  
**Principal Technical Officer**  
cc. Louise Norris, Noise Patrol Manager  
Dan O'Sullivan

~~Enquiries to: Licenses/DPS, Tel: 01223 212 000~~



# ISLINGTON

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

T 020 7527 3047  
F 020 7527 3059  
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757  
Your ref:

Date: 14 December, 2011

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

Dear 

**SOUND LEVEL SETTING AT THE PRINCE, 342 CALEDONIAN ROAD, LONDON N1 1BB.  
ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.**

I attended the Prince last night with my colleague Mr O'Sullivan, acoustics officer. The purpose of the visit was to determine maximum music levels to be permitted at the premises in accordance with the following conditions on the premises licence:

- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.

The levels that were deemed to be less likely to cause a noise nuisance to your near neighbours were as follows:

76.3 dB Linear (1 minute)  
66.5 "A" weighted (1 minute)  
73.5 dB @ 125 Hz (1 minute) in the octave band  
70.3 dB @ 63 Hz (1 minute)

The above levels are not viable for public entertainments; the cut out sentry limiter that has been installed could not be set as the levels are so low. In addition, the house speakers and TV were not wired into the limiter as is required by the above conditions.

I advised you at the end of the visit that due to the limiter not being set, you should restrict sound levels so that 2 people when standing at a full arms length from each other should not have to raise their voices to be heard in conversation with each other. Unfortunately this means that the low music levels will quickly be drowned out by customer noise of normal conversations inside the premises.

In order to increase sound levels, substantial works of sound insulation need to be carried out to the ceiling and the rear wall. In order to carry this out, you need the advice of an independent acoustic consultant to inspect and specify appropriate works.

An accredited acoustic consultant can be found at the two organisations listed below:

Institute of Acoustics

77A St Peter's Street  
St Albans  
Herts  
AL1 3BN  
Tel: 01727 848 195  
Fax: 01727 850553  
[www.ioa.org.uk](http://www.ioa.org.uk)  
email : [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)

The Association of Noise Consultants

105 St Peter's Street  
St Albans  
Herts  
AL1 3EJ  
Tel: 01727 896 092  
Fax: 01727 896 026  
[www.association-of-noise-consultants.co.uk](http://www.association-of-noise-consultants.co.uk)  
Email: [maikl@anc](mailto:maikl@anc)

In addition, I advised you to check the conditions of your lease in order to determine who would be responsible for any structural works that may be necessary after a survey has been carried out. I also advised you to seek legal advice with regard to these matters.

We are now considering whether to make an application for a review of the premises licence at The Prince at 342 Caledonian Road as the structure is not suitable in its current state for the permitted entertainments specified on the premises licence. Any review application would be to insert an additional condition on the premises licence to require an acoustic survey and appropriate works of sound insulation to be carried out to the Noise Team's satisfaction prior to any further regulated entertainments being permitted. Any survey and works of sound insulation would be very expensive to carry out.

I am very sorry to have to write in these terms but I would refer you to my previous letter dated 24 November in relation to recent witnessed noise nuisance from the premises. I enclose a copy of that letter for your ease of reference.

Please inform me of your intentions with regard to this matter.

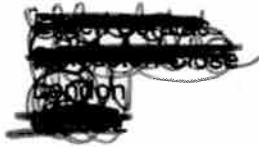
Yours sincerely



**Anne Brothers**  
**Principal Technical Officer**  
cc. Louise Norris, Noise Patrol Manager  
Dan O'Sullivan

~~105 St Peter's Street, P.H. 105, Caledonian Road, London, N1 3BB  
mail: [maikl@anc](mailto:maikl@anc)~~

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



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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757

Your ref:

Date: 19 June, 2012

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

Dear Ms Boratac

**ALLEGED NOISE NUISANCE FROM MUSIC AND CUSTOMER NOISE, THE PRINCE P.H.  
342 CALEDONIAN ROAD, LONDON N1 1BB. ENVIRONMENTAL PROTECTION ACT 1990,  
LICENSING ACT 2003**

As you are aware I visited on 13 December last year and tested the volume of sound so as to be able to come to an agreement in relation to maximum music levels to be permitted in connection with the following condition on the premises licence:

- The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 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 licensees or a designated manager.

The eventual levels that were determined to be unlikely to cause a noise nuisance to residents nearby were so low the limiter installed could not be set. I advised you at the time that music levels should be restricted to ambient background levels in order to reduce the likelihood of further calls to the Council and establishment of a noise nuisance in connection with the premises. I offered some guidance that in order to control this, a simple rule could be applied in that two people standing at full arms length from each other should not have to raise their voices in conversation to be heard.

We have recently received calls from local residents in connection with music and people noise from the Prince P.H.

During the most recent visit by Noise Patrol last weekend the officer commented that she could hear the juke box music from outside in the street – but the doors were open. She said she spoke to you and you stated that you had already called last orders and were closing shortly. You turned off the jukebox while she was there.

I am very sorry to have to write to you in these terms but, the level of sound heard from outside is possibly indicative that sound levels are in excess of the levels that were agreed. The final sets of measurements I took last December were as follows:

Ref	Linear	"A" weighted	125 Hz	63 Hz
1	74.6	66.5	71.0	68.2
2	74.7	65.7	72.0	67.7

We will permit the higher of each measurement above therefore the agreed maximum sound levels for the premises in its current state are as follows:

74.7 dB Linear (1 minute)

66.5 dB(A) (1 minute)

72 dB at 125 Hz (1 minute)

68.2 dB at 63 Hz (1 minute)

The measurement point was in the centre of the premises.

Please note: the levels quoted above are the average sound levels of a one minute measurement.

The premise has changed significantly from when I first had contact in the mid 90's. At that time it was twice the size it is currently. It had a horseshoe bar in the centre and the then licensees installed significant sound insulation to the ceiling to the rear and the rear external flank wall to Bridgeman Road in order to reduce the outbreak of sound and minimise disturbance to local residents by managing the sound output, restricting it to the rear of the premises only. The front of the bar was limited to ambient background levels of sound only and the regulated entertainments permitted by the premises licence were carried on in the rear area only.

Unfortunately, the changes to the bar have left you with the area that is not sound insulated; hence the low levels of sound quoted above that you have to be restricted to until further substantial works of sound insulation are carried out.

There are further noise conditions on the premises licence as follows:

- The licensees shall take appropriate steps to reduce the effects of light and noise pollution from the premises.
- Customer activity shall be monitored inside and outside the premises with a view to preventing public nuisance.
- No person shall be permitted to leave the premises with any alcoholic beverage after 21.00 on any day.
- The tables and chairs shall be removed from the outside area by 21.00 and no person shall be allowed to be in this area after 21.00 with any beverage purchased from the premises prior to or after this time.

In relation to these conditions, we must urge that you take the following measures:

1. Keep doors and windows closed except for access and egress.
2. Monitor customers outside ensuring they are orderly while outside and not likely to cause any disturbance to residents nearby.
3. You must ensure that drinks are not taken outside beyond 21:00 and that the tables and chairs are taken out of use by that time.





Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

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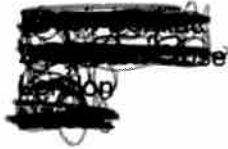
E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/121361919

Your ref:

Date: 1 October 2012



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

Dear 

**RE: HEALTH ACT 2006. SECTION 7 (SMOKING IN A SMOKE-FREE PLACE). SECTION 8 (FAILING TO PREVENT SMOKING IN A SMOKE-FREE PLACE). THE PRINCE P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB.**

Noise Patrol have reported that customers of yours were seen smoking inside the Prince P.H. last night. They report they saw people from outside the premises smoking inside and that they spoke to you with regard to smoking and noise nuisance. You told them the event was a private wake and the pub was not open to the public. At first you told the officers that you were tolerating smoking because those present were in mourning, you then claimed that you had not seen the customers were smoking.

It has been illegal since 1 July 2007 to allow smoking in any enclosed or substantially enclosed workplace or place to which the public have access. The prince at 342 Caledonian Road falls into this category of premises, and so must be smokefree **at all times**. As the person in control of the premises you as licensee and being in charge at the time of the visit are committing offences by allowing people to smoke.

This is not the first time that smoking has been witnessed at the premises in your presence. I refer you to my previous letter dated June last year on the matter and I enclose a copy of that letter for your ease of reference. **In the event of further smoking being witnessed at the premises I am informed that you will be prosecuted for the offence without further warning.**

This letter is a **formal and final warning letter**. Council officers will monitor the premises for Smokefree offences and they may not necessarily reveal their identities at the time of their visit. Should officers find evidence of further offences, the Council will prosecute you and any other persons found to be in control of the premises at the time of any further offences being witnessed at Highbury Corner Magistrates' Court. There is a fine of up to **£2, 500 for each incident of failing to prevent smoking**. Individuals found smoking may also be prosecuted, or else receive Fixed Penalty Notices. Please contact me should you have any questions.

Yours sincerely,



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Andrew Walker, Environmental Health Officer

Ms P Britton PEHO, Commercial West Team

Katie Tomashevski, Licensing Officer



Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047  
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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757  
Your ref:

Date: 1 October 2012



FIRST CLASS POST

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

Dear   
**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990 IN RELATION TO AMPLIFIED  
MUSIC. THE PRINCE P.H. 342 CALEDONIAN ROAD, LONDON N1 1BB.**

This letter does not form part of the enclosed Notice

Please find enclosed an Abatement Notice served on you today under the provisions of the above legislation. This is served due to noise nuisance witnessed last night by the Council's Noise Patrol service.

The Noise Patrol Officer reported that amplified music was clearly audible at levels likely to significantly interfere with the ability of a resident to be able to get to sleep or to have some quiet enjoyment in a nearby dwelling.


The Noise Patrol Officer reports that you claimed a noise limiter was in use at the premises at the time of his visit. I have to refer you to my letter dated June 2012. In the letter I discussed the failure to set the limiter at the premises with my advice to you that any music at the pub should be played out at low ambient levels so as not to cause a noise nuisance to residents nearby. I enclose a copy of that letter for your ease of reference.

The Notice is self-explanatory. I am obliged to draw your attention to the notes on the reverse of the form

Yours sincerely,



**Anne Brothers**  
Principal Technical Officer  
cc. Louise Norris, Noise Patrol Manager  
Katie Tomaszewski, Licensing officer



## ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

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

To

[REDACTED]  
[REDACTED]  
[REDACTED]

An identical copy of this Notice has been sent to:

[REDACTED] Licensee, The Prince P.H.  
342 Caledonian Road, London N1 1BB

**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

**The Prince P.H. 342 Caledonian Road, London N1 1BB**

**HEREBY REQUIRE YOU** as the person responsible for the nuisance and 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:** 1 October 2012

Noise Patrol Team  
Public Protection Division  
3rd Floor, 222 Upper Street,  
London N1 1XR

(Address to which all communications should be sent)

(Signature):



(Name): Anne Brothers

(Title): Principal Technical 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.

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\*  
*Currently £20,000, subject to alteration by Order*

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

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

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

- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
  - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises,
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of an appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court-

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### **SUSPENSION OF NOTICES**

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



Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E [anne.brothers@islington.gov.uk](mailto:anne.brothers@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: abr/201006757

Your ref:

Date: 8 October 2012

[REDACTED]  
[REDACTED]  
[REDACTED]

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

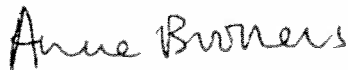
Dear Ms Boratac

**APPLICATION FOR A REVIEW OF THE PREMISES LICENCE. THE PRINCE P.H. 342  
CALEDONIAN ROAD, LONDON N1 1BB. LICENSING ACT 2003**

Please find enclosed an application for the review of the premises licence for your licensed premises, The Prince Public House at 342 Caledonian Road. Also enclosed are a number of documents that will be produced as supporting evidence for the review to the Licensing Committee.

If you have any queries on this matter, please contact me or the Licensing Team at the above office.

Yours sincerely,



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Katie Tomashevski, Licensing Officer  
[REDACTED]

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/4761-140711		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>PRINCE OF WALES</b> <b>342 CALEDONIAN ROAD</b>			
<b>Post town</b>	LONDON	<b>Post code</b>	N1 1BB
<b>Telephone number</b>			

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

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

<b>The times the licence authorises the carrying out of licensable activities</b>				
•	The provision of regulated entertainment for the exhibition of films - karaoke only:			
Monday	20.00	to	00:00	
Tuesday	20:00	to	00:00	
Wednesday	20:00	to	00:00	
Thursday	20:00	to	00:00	
Friday	20:00	to	01:00	the following day
Saturday	20:00	to	01:00	the following day
Sunday	20:00	to	00:00	



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

Monday	20:00	to	00:00	
Tuesday	20:00	to	00:00	
Wednesday	20:00	to	00:00	
Thursday	20:00	to	00:00	
Friday	20:00	to	01:00	the following day
Saturday	20:00	to	01:00	the following day
Sunday	20:00	to	00:00	

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

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

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

Monday	20:00	to	00:00	
Tuesday	20:00	to	00:00	
Wednesday	20:00	to	00:00	
Thursday	20:00	to	00:00	
Friday	20:00	to	01:00	the following day
Saturday	20:00	to	01:00	the following day
Sunday	20:00	to	00:00	

- The provision of entertainment facilities for making music:

Monday	20:00	to	00:00	
Tuesday	20:00	to	00:00	
Wednesday	20:00	to	00:00	
Thursday	20:00	to	00:00	
Friday	20:00	to	01:00	the following day
Saturday	20:00	to	01:00	the following day
Sunday	20:00	to	00:00	

- The provision of entertainment facilities for dancing:

Monday	20:00	to	00:00	
Tuesday	20:00	to	00:00	
Wednesday	20:00	to	00:00	
Thursday	20:00	to	00:00	
Friday	20:00	to	01:00	the following day
Saturday	20:00	to	01:00	the following day
Sunday	20:00	to	00:00	

- The provision of late night refreshment:

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

- The sale by retail of alcohol:

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

**The opening hours of the premises:**

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

**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**

Eileen Boratac

[Redacted address and contact information]

**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**

Eileen Boratac  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

LN/13067 L B Islington

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

  
PP Service Manager (Commercial)

18<sup>th</sup> August 2011  
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

customers are made aware of the availability of these measures

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 Staff shall receive training on the provision of the Licensing Act and they shall be encouraged to obtain personal licences.
- 2 The licensees shall work with the local police and participate in any crime reduction measures.
- 3 Where the premises are booked for private functions a list of guests shall be held at the door.
- 4 The licensees shall work to achieve and maintain regular liaison with local police.
- 5 The licensees shall provide regular appropriate training to all staff employed in connection with the sale of alcohol, including remedial training where required.
- 6 Customers shall not be allowed to remove bottles or glasses from the premises. Whenever possible plastic bottles and toughened glass shall be used at the premises.
- 7 Staff shall be trained on action to be taken in the event of the fire alarm being activated.
- 8 All incidents shall be recorded in an incident log book kept at the premises. Any incidents of crime and disorder shall be reported to the police.
- 9 On occasions that a Disk Jockey is used, they shall be instructed to ask customers to leave quietly.
- 10 Customer activity shall be monitored inside and outside the premises with a view to preventing public nuisance.
- 11 The licensees shall take appropriate steps to reduce the effects of light and noise pollution from the premises.
- 12 Staff shall receive regular training to prevent the sale of alcohol to those under 18 years of age.
- 13 A proof of age scheme shall be in place at the premises.
- 14 The "think 21" policy shall be employed at the premises.
- 15 At anytime that persons under 18 years are permitted on the premises the entertainment provided shall be suitable for young persons.
- 16 Soft drinks and non alcoholic drinks shall be available at all times.

- 17 The licensees shall ensure that at all times 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 approved by and in conjunction with the Council's Noise Team.
- 18 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 licensees or a designated manager.

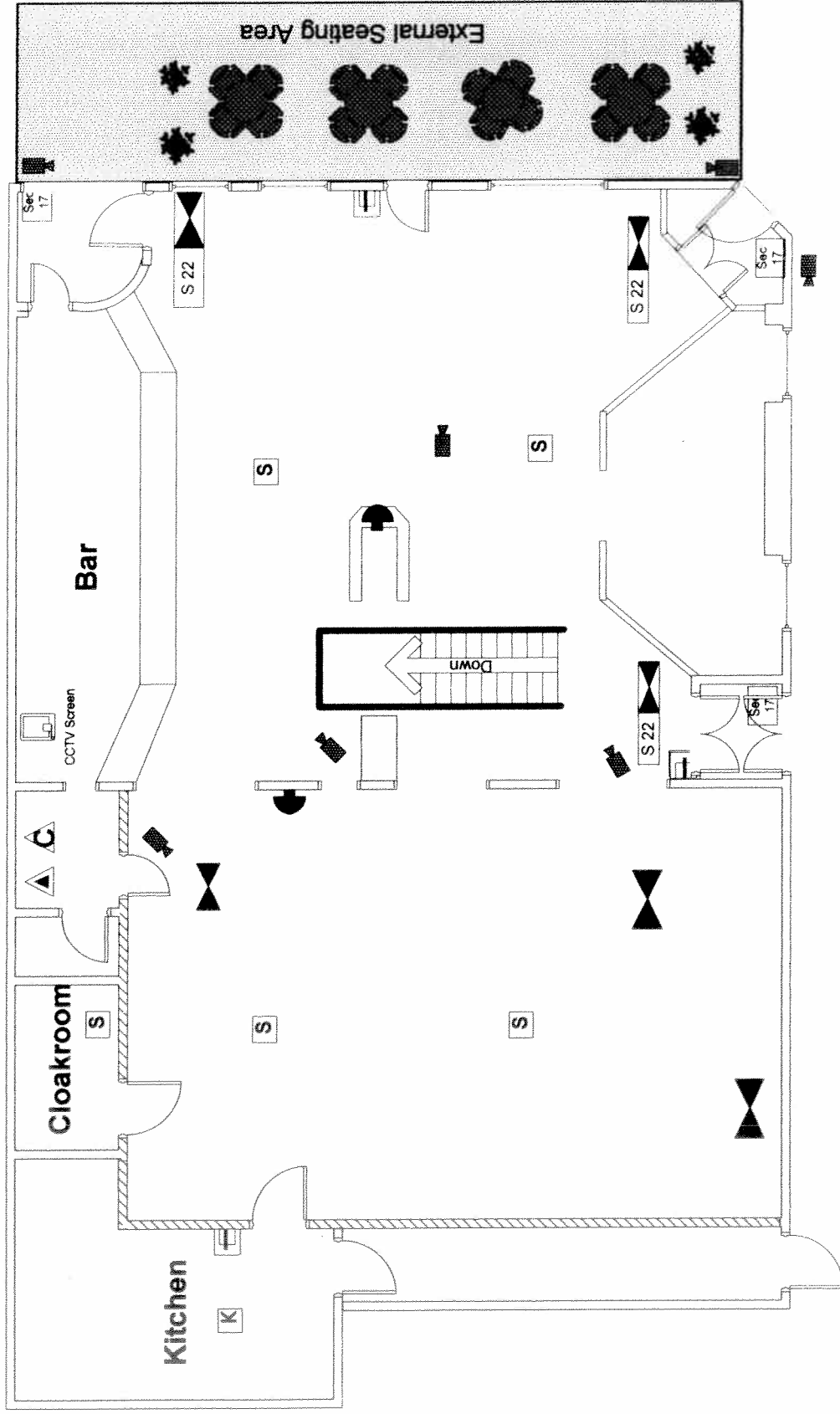
### **Annex 3 - Conditions attached after a hearing by the licensing authority**

1. A CCTV system shall be installed and maintained at the premises to monitor the activities of customers inside and outside the premises. Recordings shall be kept for a minimum of 31 days and to be available immediately upon request by a Council Officer or Police Constable.
2. Notices shall be displayed at exits requesting patrons to disperse quietly and respect neighbouring residents and to use the sanitary facilities prior to leaving the premises.
3. Save for private functions, no persons under the age of 16 years old are to be permitted access or to remain on the premises after 21.00.
4. No person shall be permitted to leave the premises with any alcoholic beverage after 21.00 on any day.
5. The tables and chairs shall be removed from the outside area by 21.00 and no person shall be allowed to be in this area after 21.00 with any beverage purchased from the premises prior to or after this time.
6. There are to be no sales of alcohol for consumption off the premises.
7. On any day when the premises remain open until 01.00 or beyond, no person shall be admitted or readmitted to the premises after 00.00.

### **Annex 4 – Plans**

Reference Number: ISL99652
















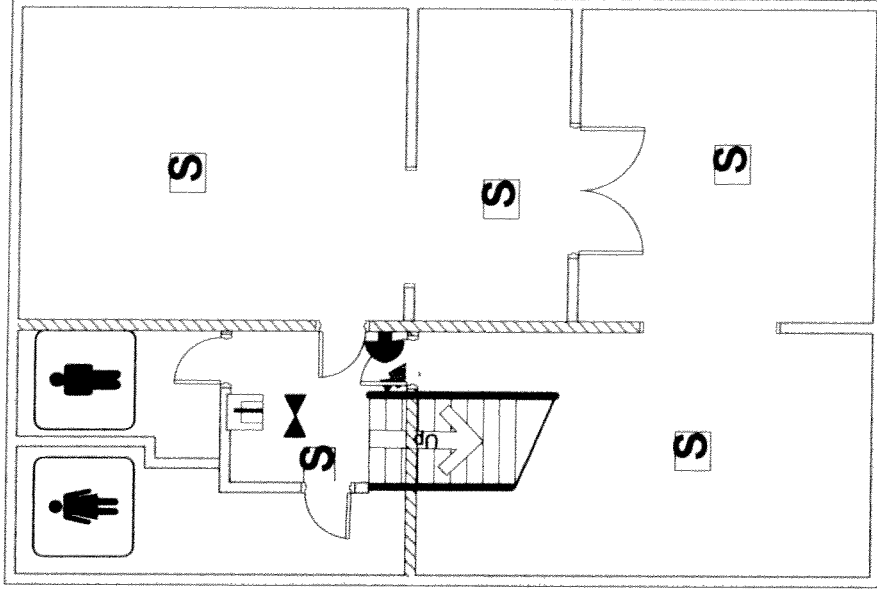


### Ground Floor

Reference Number: ISL-99652  
1/2

Legend

-  CCTV
-  CCTV Screen
-  Fire alarm Call Point with fire action sign adjacent, the contents of which is based on the Fire Safety evacuation plan for the premises.
-  S 17 Secure door open when premises are occupied
-  S 22 Sign Fire Exit or graphic equivalent - Clearly visible from the furthest point along the escape route.
-  S 22 Indicates that the notice is internally illuminated
-  Area covered with system of escape lighting which will illuminate the area upon failure of the normal lighting power supply.
-  K Area covered by automatic heat detector
-  S Area covered by automatic smoke detector
-  Carbon Dioxide Fire Extinguisher
-  Fire Blanket in Container
-  Alarm Sounder
-  Wall with 30 min fire separation



Basement

All furnishing fabrics used in the premises will be of inherently non flammable material or durably flame proofed fabric complying with BS 3120 or the current British Standard applicable.



# ISLINGTON

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

T 020 7527 5986

F 020 7527 5998

E [geoff.weaver@islington.gov.uk](mailto:geoff.weaver@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref : GW

Your ref:

Date: 2 November 2012

[REDACTED]

Dear Madam

**Licensing Act 2003  
Responsible Authority for Health and Public Safety  
Prince of Wales 342 Caledonian Road N1 1BB**

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

At a survey of the above named premises on 1 November 2012 made on behalf of the council as responsible authority for health and public safety, it was found that contrary to the conditions of the Premises Licence and the regulations of the Licensing Act 2003, unauthorised alterations have been carried out without the consent of the council.

You are advised to contact: Licensing Team, 222 Upper Street, N1 1XR, tel: 020 7527 3031, email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk) to make an application to vary the premises licence.

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

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

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

Yours faithfully

Geoff Weaver  
Senior Building Surveyor (Licensing Health and Safety)

[REDACTED]

**Islington Licensing Authority  
Licensing Act 2003**

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

<b>Name</b>	Geoff Weaver
<b>Job title</b>	Senior Building Surveyor (Licensing Health and Safety)
<b>Postal address</b>	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
<b>email</b>	geoff.weaver@islington.gov.uk
<b>Contact telephone number</b>	020 7527 5986
<b>Name and address of the premises concerning the representation</b>	Prince of Wales 342 Caledonian Road N1 1BB
<b>Public Safety</b>	It was found that contrary to the conditions of the Premises Licence and the regulations of the Licensing Act 2003, unauthorised alterations have been carried out without the consent of the council.
<b>Suggested conditions that could be added to the licence to remedy the public safety representation</b>	<p>(1) The premises shall not be used under the licence until and the arrangements at the premises are suitable and sufficient for health and public safety and have been approved in writing by the responsible authority for health and public safety.</p> <p>(2) Plans to a scale of 1:100 of the premises as completed shall be submitted to the responsible authority for health and public safety.</p> <p>(3) Copies of the inspection and test certificates specified below, properly certified by approved competent persons, shall be submitted to the responsible authority for health and public safety.</p> <p>Electrical installation Emergency lighting Fire alarm Fire fighting appliances</p>

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

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

Dear Sir/Madam,

This is a representation in response to the Consultation to review premises licence for the Prince to control public nuisance. The Prince is located 342 Caledonian Road. I live at [REDACTED]  
[REDACTED]

I have been living here for about a year and a half and find quite difficult to endure living in front of the pub.

The pub gets very noisy at night especially on:

- Friday evening/nights
- Saturday evening nights
- Sunday afternoon/evening as they seem to have live music or karaoke sessions that day.

In the night the noise will generally stop around 1 am when the pub shuts down.

Firstly, the pub's doors are normally kept open.

Secondly, I understand that this building has no soundproofing and should not be allowed to play music, or at least not to that level. A few months ago, I read a sign on the window of the pub as I was passing by, asking people to sign a petition. The publican were asking their clients to sign the petition explaining that they had been asked to no longer play music (I presume by the Islington council) in their establishment. The publican also stated that the building did not have the adequate sound insulation and that the owner of the premises kept refusing to do the works to soundproof the pub and allow them to play music. The pub was quiet for a couple of weeks, obviously no works have been undertaken, and the music started again. In a nutshell, the publican themselves recognize that they are not allowed to play music given the lack of soundproofing of the establishment.

Thirdly, I would like to emphasize on the behavior of the patrons and obviously the publican: It seems that there is no concern at all about the tranquility of the neighbors and not even at night when obviously people are trying to sleep. Most of the time (especially on the days mentioned above), people stand outside the pub and speak very loudly when not shouting. When there is music, people tend to sing-along. With the lack of insulation and the doors kept opened most of the time (even in winter) the building acts as an amplifier, and the music and singing is just a rather unpleasant noise from the other side of the road. People also sing outside as if it was completely normal, and nobody working in the pub seems to find that abnormal. When the doors are closed, they only contain a tiny part of the sound. Obviously the publican have a complete lack of respect for the neighbors and show no willingness to control their patrons.

[REDACTED] the music and singing mixed with the shouting and sometimes fighting, sounds like a rather unpleasant and disturbing noise, which given the frequency (every Friday, Saturday and Sunday of every week...) is not bearable.

This representation is submitted in strict confidence and personal details are not to be shared

With regards,

This is a representation in response to the Consultation to review premises licence for the Prince to control public nuisance.

I live [REDACTED] Your records will indicate that I have been living at the above address for about 6 years, a few years before Prince came into existence. There have been other Pubs at the same location before The Prince and The Prince by far has been the noisiest of them all.

The facts are as follows:

- \* The noise coming from inside the Prince is loud enough to be heard clearly two floor above and across the street.
- \* The Prince does not have double doors to keep the noise down and as a matter of routine the side door is almost always left open.
- \* The patrons are almost always drinking outside and loud.
- \* Your records and a look-up on police databases will reveal several fights and calls to Police on a frequent basis.
- \* The publican has failed to implement any meaningful or lasting measures based on earlier notices from the Council (if any were provided).
- \* In the past when we have called to complain and any noise violation from Prince, almost immediately following visit from Noise Patrol the sound level has gone back up. This is total disregard of Council officials and advise from Noise Patrol.
- \* Noise levels are particularly bad on Friday and Saturday nights. On Sunday day time there isn't even the slightest pretense on behalf of the Publican in trying to reduce / control Noise.


The Prince seems to have become a focal point for unruly behaviour and unsavoury characters as evidenced by frequent fights and police visits.

A widely accepted interpretation of Public Nuisance under the law is that members of the public suffer a common injury through interference with rights which they enjoy as citizens. Specifically, Archbold (2005) paras 31-40 states:

"A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property, morals, or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects."

We strongly contend that The Prince flagrantly violates the aforementioned statute relating to Public Nuisance and as such urge the Committee to act decisively. An additional consideration is the fact that previous advise / notification to The Prince has not resulted in any meaningful or lasting change in behaviour. We also request the Committee to disregard lack of noise complaints about the Prince in the last week or two since this the notice was served to Prince.

Should The Committee/ Council decide to not withdraw License for the Prince, then please consider this a formal request under the Freedom of Information Act for all available information in relation to complaints and noise at The Prince. Please include copies of emails, notes, minutes, reviews undertaken, notes from officers, decisions made, and transcripts of calls, if any. I would like the above in writing and will not accept placating phone calls. If any forms required completing and costs associated, please advise of this as well.

  
The information previously provided to us under FOI is grossly incomplete. We have logged more call ourselves on a single weekend than those outlined in the table provided to us. We are also aware that other neighbours have logged calls with Noise Patrol regarding noise from The Prince. This leads to one of two conclusions: your records are incorrect or you have not shared the information requested.

This representation is submitted in strict confidence and personal details are not to be shared.



**Suggested conditions**

As per current licence

**Conditions Suggested by Environmental Health (Health and Safety)**

1. The premises shall not be used under the licence until and the arrangements at the premises are suitable and sufficient for health and public safety and have been approved in writing by the responsible authority for health and public safety.
2. Plans to a scale of 1:100 of the premises as completed shall be submitted to the responsible authority for health and public safety.
3. Copies of the inspection and test certificates specified below, properly certified by approved competent persons, shall be submitted to the responsible authority for health and public safety.

Electrical installation  
Emergency lighting  
Fire alarm  
Fire fighting appliances

