

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	18 April 2013	31	Highbury East

<b>Delete as appropriate</b>		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: THE WHITEHOUSE, 313 HIGBURY NEW PARK, LONDON, N5 2LB**

**1. Synopsis**

- 1.1 This is an application by the Licensing Authority for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
  - i) The prevention of public nuisance.

**2. Recommendations**

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

2.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

### 3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, Sunday to Thursday from 10:00 until 01:00, and Friday and Saturday from 10:00 until 03:00 the following day.
- ii) The performance of dance, on Sunday to Thursday from 10:00 until 01:00, and Friday and Saturday from 10:00 until 02:00 the following day.
- iii) The performance of live music, on Monday to Thursday from 19:30 until 01:00, Friday from 19:30 until 02:00, Saturday from 12:00 until 02:00, and Sunday until 01:00 the following day.
- iv) The playing of recorded music Monday to Sunday for 24 hours a day.
- v) The provision of late night refreshment, on Sunday to Thursday from 23:00 until 01:00, Friday and Saturday from 23:00 until 03:00 the day following.

3.2 Papers are attached as follows:-

- Appendix 1: application form, current premises licence and supporting documents;
- Appendix 2: representations;
- Appendix 3: correspondence from licence holders agent and a copy of the acoustic report..
- Appendix 4: suggested conditions and map of premise location.

3.3 The Licensing Authority has received six supporting letters of representation, five from local residents; and one from the Councils Noise Team.

3.4 The relevant licensing and Noise history at the premises are contained in the Licensing Authority review application and responsible Authority representation. The licensing Authority and the Council's Noise Team have requested three conditions be placed on the licence in order to prevent public nuisance, two of these conditions have been agreed by the licensee. These are listed below.

- Television screens and speakers shall not be permitted in the garden at any time. (Agreed)
- There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is use. (Agreed)

3.5 The Licensing Authority and the Councils Noise Team have also requested that the rear garden area be closed at 21:00, the licensee wishes to use the garden area until 23:00, so is unwilling to agree to this condition. The licence holder has produced an acoustic report as mitigating evidence against this review; this report is attached as Appendix 3.

**4. Planning Implications**

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

**5. Conclusion and reasons for recommendations**

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

**Background papers:**

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

**Signed by**

  
Service Director – Public Protection

Date 9/4/13

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

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E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)





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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

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

**I Licensing Authority**

.....  
*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Whitehouse 313 Highbury New Park	
<b>Post town</b> London	<b>Post code (if known)</b> N5 2LB
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Yasar Akin	
<b>Number of premises licence or club premises certificate (if known)</b> LN10415 – 250612	

**Part 2 - Applicant details**

**I am**

**Please tick ✓ yes**

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

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

**Please tick**

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

**Surname**

**First names**

**Please tick ✓ yes**

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

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

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

<b>Name and address</b> Janice Gibbons Service Manager Commercial Environmental Health, Licensing & Emergency Planning Islington Council Public Protection Division 222 Upper Street London N1 1XR
<b>Telephone number (if any)</b> 020 7527 3212
<b>E-mail address (optional)</b> licensing@islington.gov.uk

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

Please tick one or more boxes

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

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

This review is made on the grounds of the prevention of public nuisance and is made to regulate the licence conditions at the premises and to prevent further disturbance to local residents.

The licence enforce at the premises has noise conditions which have only been partially discharged. The council is in receipt of substantiated noise complaints in respect of the use of the premises, and although the licensee has been afforded every opportunity to discharge the noise condition, they have failed to do so.

The most appropriate way forward is to amend the licence as follows:

1. Remove conditions 16 and 17 from annexe 2 of the licence
2. Attach the following conditions:
  - a. Television screens and speakers shall not be permitted in the garden
  - b. There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is in use.
  - c. The rear external area shall not be used by patrons after 9pm
3. The bar installed in the garden shall be removed
4. A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of this review application.



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

On the 28 August 2012 the Licensing Team received a telephone complaint from a local resident regarding noise from customers, television screens and amplified music in the premises rear garden area. This telephone complaint was followed up by a number of e-mails including attached video clips taken by the local resident of the garden being used on some occasions past 00:30.

Licensing checked the premises licence and noted the premise was subject to two conditions in relation to noise which specifically related to the use of the garden. The licence conditions are Annex 2 conditions 5 and 6 of the current licence. I have attached copy of the licence as JG01.

The Noise conditions had not been discharged and the Council's Noise Teams opinion was that the smoking area of the premises could only be used based on quiet supervised use with amplified noise levels up until 21:00. I have attached a copy of this correspondence as JG02.

I have attached a copy of an e-mail from a Council Noise Officer Nicholas Clarke dated the 9 June 2011 setting out these opinions including the attachments as part of this review.

On 28 August 2012 Licensing Team wrote a letter to Mr Yasar Akin advising him that the Council was in receipt of complaints and also highlighting that the licence conditions regarding use of the garden had not been discharged and also setting out the restrictions on the use of the garden smoking area. A copy of this letter is attached as exhibit JG03.

On the 30 August 2012 the Licensing Team received a separate complaint from a different resident regarding noise and the use of the garden at the premises. On the 31 August 2012 Licensing Team visited the premises at 21:45pm. At the time of the visit the garden was being used by approximately 20 customers. The Licensing Team spoke to Mr Engin Akin and went over the conditions of the licence and stressed that the garden could not be used after 21:00 until agreement had been reached with the Councils Noise Team.

Mr Engin Akin introduced himself that evening as the responsible person at the premises. Officers advised Mr Engin Akin that the television could only be used without sound and that the reason you do not see other licensed premises with screens in the garden is because they would likely cause a noise nuisance to local residents and Islington Council would get complaints. A copy of the notes of this visit, are attached as exhibit JG04.

On the 6 September 2012 Licensing Officers again wrote to the licensee of premises about the restriction on the gardens use as I was still in receipt of complaints about the use of the garden. In addition these complaints had been verified by the Council Noise Team. A copy of this letter is attached as exhibit JG05.

On 7 September Licensing Officers visited with the Police and Fire Brigade. There was a stocked bar in the garden area. Officers advised that this bar was not on the authorised plan for the premises and a closure notice was served on this area. A copy of the officer notes of this visit are attached as JG06, and the closure notice served is attached as JG06.

In September the licensee indicated his intention to appoint a noise consultant to comply with conditions 16 and 17 of annexe 2 of the premises licence. As no further progress appeared to have been taken to implement this intention the Licensing Officer e-mailed the licence holders solicitor on 23 October 2012 to advise that Licensing had not heard anything from them, or their client nor the premises acoustic consultant who was due to be appointed.

The licensee solicitor was advised that the Licensing Team were still receiving reports of the garden at the premises being used after 11pm and including further complaints about noise

nuisance at the premises from the televisions outside.

The Environmental Health Officer has visited the premises to inspect the garden area and has found that the smoking area is substantially enclosed under the Health Act 2006. A copy of this letter is attached as JG07.

This e-mail advised that the Licensing Authority would be likely to be submitting a review of the premises in order to tighten up the conditions on the garden in line with the previous noise management plan, substantiated complaints and EHO recommendations and requested an update on these premises by return so that I am able to advise her before any review application is submitted. I copy of this e-mail is attached as JG08.

The Licensing Officer and I meet with the licence holder, his son and their solicitor on 22nd November 2012. At the meeting it was agreed to give them the opportunity to submit a schedule of works to deal with the outstanding issues at the premises.

The licensee agreed to submit the schedule by 3/12/12 but to date it has not been submitted.

On 11 January 2013 Licensing Officer wrote to the licensee reminding him of his verbal agreement to submit a schedule of work and invited him to submit a minor variation to rectify the outstanding issues with the licence at the premises. A copy of this letter is attached as JG09.

To date a minor variation application has not been submitted.

### **Summary and Recommendations**

The Licensee is breaching the terms of the premises licence in that conditions 16 and 17 have not been complied with. Having considered our Enforcement Policy the most appropriate course of action is to submit a review application to request the following amendments to premises licence LN/10415-250612:

5. Remove conditions 16 and 17 from annexe 2 of the licence
6. Attach the following conditions:
  - a. Television screens and speakers shall not be permitted in the garden
  - b. There shall be no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is in use.
  - c. The rear external area shall not be used by patrons after 9pm
7. The bar installed in the garden shall be removed
8. A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of this review application.

In my opinion these recommendations are appropriate to promote the Licensing objectives.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

**Signature** Julie Gibbons

**Date** 12 Feb 2013

**Capacity** SERVICE MANAGER ON BEHALF OF LICENSING AUTHORITY

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

**Notes for Guidance**

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



## Premises Licence Summary

### Licensing Act 2003

**Premises licence number** LN/10415-250612

#### Premises details

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

**THE WHITE HOUSE  
313 Highbury New Park**

<b>Post town</b>	London	<b>Post code</b>	N5 2LB
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<b>Telephone number</b>	07810 716 181
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#### Where the licence is time limited the dates

Not Applicable

#### Licensable activities authorised by the licence

##### Ground Floor only

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

#### The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

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

Monday	19:30	to	01:00	the following day
Tuesday	19:30	to	01:00	the following day
Wednesday	19:30	to	01:00	the following day
Thursday	19:30	to	01:00	the following day
Friday	19:30	to	02:00	the following day
Saturday	12:00	to	02:00	the following day
Sunday	12:00	to	01:00	the following day

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

Monday	00:00	to	24:00	the following day
Tuesday	00:00	to	24:00	the following day
Wednesday	00:00	to	24:00	the following day
Thursday	00:00	to	24:00	the following day
Friday	00:00	to	24:00	the following day
Saturday	00:00	to	24:00	the following day
Sunday	00:00	to	24:00	the following day

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

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	02:00	the following day
Saturday	20:00	to	02:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of entertainment facilities for making music:

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	02:00	the following day
Saturday	20:00	to	02:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of entertainment facilities for dancing:

Monday	20:00	to	01:00	the following day
Tuesday	20:00	to	01:00	the following day
Wednesday	20:00	to	01:00	the following day
Thursday	20:00	to	01:00	the following day
Friday	20:00	to	03:00	the following day
Saturday	20:00	to	03:00	the following day
Sunday	20:00	to	01:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	01:30	the following day
Tuesday	23:00	to	01:30	the following day
Wednesday	23:00	to	01:30	the following day
Thursday	23:00	to	01:30	the following day
Friday	23:00	to	03:30	the following day
Saturday	23:00	to	03:30	the following day
Sunday	23:00	to	01:30	the following day

• The sale by retail of alcohol:

Monday	10:00	to	01:00	the following day
Tuesday	10:00	to	01:00	the following day
Wednesday	10:00	to	01:00	the following day
Thursday	10:00	to	01:00	the following day
Friday	10:00	to	03:00	the following day
Saturday	10:00	to	03:00	the following day
Sunday	10:00	to	01:00	the following day

Except on:

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

Live music from 12pm until the time authorised on bank holidays

**The opening hours of the premises:**

Monday	10:00	to	01:30	the following day
Tuesday	10:00	to	01:30	the following day
Wednesday	10:00	to	01:30	the following day
Thursday	10:00	to	01:30	the following day
Friday	10:00	to	03:30	the following day
Saturday	10:00	to	03:30	the following day
Sunday	10:00	to	01:30	the following day

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

On and off supplies

**Name, (registered) address of holder of premises licence**

Yasar Akin

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

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

Saadettin Akin

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

There shall be no unaccompanied children on the premises at any time.

There shall be no persons under the age of 18 on the premises after 9pm.

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)



## 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:
    - (1) 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
    - (2) 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:
    - (1) the outcome of a race, competition or other event or process, or
    - (2) 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:
    - (1) beer or cider: ½ pint;
    - (2) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (3) still wine in a glass: 125 ml; and
  - b) customers are made aware of the availability of these measures.

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

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
  - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
  - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - h) the taking of alcohol from the premises by a person residing there; or
  - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:
  - a. He is the child of the holder of the premises licence.
  - b. He resides in the premises, but is not employed there.
  - c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

### **On licence with children's certificate**

3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
  - Children and Young Persons Act 1933
  - Cinematograph (Safety) Regulations 1955
  - Sporting Events (Control of Alcohol Etc) Act 1985
5. All vents facing nearby residential properties shall be fully sealed and windows shall be double glazed to prevent any public nuisance from music noise at the premises.
6. When the premises is used after 11pm for any event activity SIA registered door supervisors shall be employed inside and outside the premises.
7. The premises shall enforce a proof of age scheme, which is approved by the Licensing Authority and by the Local Police.
8. There shall be no unaccompanied children on the premises at any time.
9. There shall be no persons under the age of 18 on the premises after 9pm.
10. On days when Arsenal Football Club are playing home matches the start time for the sale of alcohol should be 10 am on Monday to Saturday and 12 midday on Sunday, unless otherwise agreed with the police.
11. Unless otherwise agreed with the police on days when Arsenal Football Club are playing home matches and between the times commencing 4 hours before the advertised start of the game and until 1 hour after the game finishes alcohol may not be sold in glass containers for consumption either on or off the premises, save for in an area set aside from the main bar area for the consumption of food as agreed in consultation with the police.
12. For the sake of clarify Arsenal Football Club means the male adult first team.
13. When alcohol and/or public entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 9 pm until closing time at the rate of one door supervisor for every one hundred customers
14. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the

premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

15. Premises to adopt Bill Challenge 21 The National Proof Of Age Standards Scheme.
16. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
17. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.
18. The premises shall not be used under the variation to the licence until the requirements specified in the schedule dated 30 September 2008 have been completed and approved in writing by the responsible authority for health and safety.

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

### **Annex 4 – Plans**

Reference Number: 025604/73 Date: 15/11/04

**Forde, Niall**

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**From:** Clarke, Nicholas  
**Sent:** 09 June 2011 12:19  
**To:** Licensing  
**Subject:** Acoustic Report Review 070611 (2)

**Importance:** High

Licensing

Regarding the acoustic report and discharge of conditions 16 and 17. Please see my response below, in which I do not believe that the conditions have been satisfactorily discharged. Please notify the applicant, who is required to comply with the licence condition until such time as the conditions are discharged as outlined.

---

Acoustic Report Review

The White House Highbury New Park Islington N5

Tim Lewers Acoustics 21st September 2009

Noise Team has reviewed the above report and has taken into consideration recent complaint received by the Council's Noise Patrol regarding noise disturbance arising from the Smoking Area.

An application was made by the Premises to remove Condition 6 from Premises Licence Number 129799 'Customers shall only smoke within a specified area at the front of the premises'

Condition 6 was lifted from the Premises Licence and replaced by Condition 16 and 17

16. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.

17. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

Noise Team has been sent a copy of an acoustic report submitted to satisfy Condition 16 and 17.

Having reviewed the report Noise Team has a number of concerns:

1. It is noted that the noise survey was undertaken between Monday 24th and Wednesday 26th of August 2009. We are concerned that noise measurements were not undertaken over what is likely to be more busy days i.e. Friday and Saturday.
  
3. Having considered the noise measurements and assessment made, whilst we can accept the acoustic consultants conclusions regarding the background LA90 levels, we do not feel that a thorough assessment has been made of potential noise impact. We would have expected average levels for the noise source (LAeq) to have been compared with the existing measured (LAeq) noise levels, having regard to the IEMA document 'Guidelines on Noise Impact Assessment'.
  
4. We have undertaken prediction calculation based on people noise levels published by the ASA and noise levels published by Defra (the London Noise Map). It is our conclusion given loud voices within the smoking area that there is the potential for noise disturbance.
  
5. It is noted that the condition required that 'a scheme of noise control works and measures' were to be recommended. The Acoustic Consultant has not made any proposals in this regard. It is our view that the smoking area could be used based on quiet supervised use, with amplified noise levels at background up until to 21:00.
  
6. Paragraph 5. above is further reinforced by a recent Noise Patrol visit in response to the use of the premises smoking area earlier this year. Complaint has been received regarding amplified noise from television screens, the Noise Patrol has also witnessed people noise some 50 metres away after midnight, this may be due, or at least exacerbated due to a building being demolished between smoking area and the Complainant.

Should the above not be accepted for the discharge of condition 16 and 17, the Noise Team will require a further assessment in line with Guidelines on Noise Assessment IEMA., demonstrating a change noise level in not greater than a slight impact.



# ISLINGTON

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

Mr Yasar Akin  
[REDACTED]

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

This matter is being dealt with by:  
**Niall Forde**

Our ref:  
Your ref:

Date: 28 August 2012

Dear Mr Akin,

## Licensing Act 2003

### RE: The Whitehouse, 313 Highbury New Park, London, N5 2LB

I am writing to you, as the licence holder for the above premises, regarding the operating of the premises.

I have received a complaint about the use of garden during licensable hours and also after midnight and for regulated entertainment.

When the licence was granted the following conditions were placed on Annex 2 of the premises licence issued by the Council's Licensing Committee in respect of the use of the garden of your premises.

5. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
6. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted by the previous licensee to the Council's Noise team on the 26<sup>th</sup> August 2009 in respect of the garden. Unfortunately this report only partially de-charged the condition in respect of the use of the garden, and the following agreement was reached in respect of the use of the garden at the premises.

- **That the smoking area could only be used for quiet supervised use, with noise levels up until 21:00.**

Therefore any use of the garden for any regulated entertainment or amplified use of TV would be unauthorised at any time, and the garden must be closed and not used after 9pm on each day.

In addition I should remind you to make yourself fully familiar with all your licence conditions as members of the Councils and Police licensing team will be inspecting your premises for compliance full licensing compliance now that we are in the receipt of complaints.

As you are the licence holder should we find you premises breaching its licence conditions you could be liable to prosecution. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

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

Yours sincerely

**Niall Forde  
LICENSING OFFICER**

**Sources of additional information:**

[www.islington.gov.uk/Business/Licences/](http://www.islington.gov.uk/Business/Licences/) - Guidance on operating schedules, etc.

[www.culture.gov.uk](http://www.culture.gov.uk) - the Department for Culture, Media and Sport

[www.hmsq.gov](http://www.hmsq.gov) - "Licensing Act 2003"

**Cc Anne Brothers, Islington Noise Team**



Licensing OOH visit.

30 August 2012

**Whitehouse, 313 Highbury New Park, London, N5 2LB**

Dan Whitton (DW) & Niall Forde (NF) in attendance.

Arrived at the premises at approx. 21:45 and entered. Garden was open and in use at the time of our visit. There was a bar in use in the rear garden (Niall Forde to check plan to so if permitted) and approximately 20 customers. There was a TV on and music playing in the garden area and alcoholic drinks were being consumed, in addition to this Shisha pipes were being smoked.

We spoke to the DPS, Engin Akin (EA), outside on the frontage of the premises. NF went through the licence conditions with EA and advised that the rear garden area of the premises must close at 21:00 unless an extension to this is agreed with the Council's Noise team. EA wanted to have customers and entertainment in the rear garden area until 23:00, NF stated that he could not authorise that but that he would come to premises with Anne Brothers of the Noise team to discuss the options in the week.

On leaving the premises we stated the importance of not causing a noise nuisance over the coming weekend and the possible consequences of doing so.

We left the premises at approx. 22:10.





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

Mr Yasar Akin



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

This matter is being dealt with by:  
**Niall Forde**

Our ref:  
Your ref:  
Date: 6 September 2012

Dear Mr Akin,

**Licensing Act 2003**

**RE: The Whitehouse, 313 Highbury New Park, London, N5 2LB**

Further to me letter of 28 August 2012 and my subsequent visit on 31 August 2012.

I need to advise you that we are still in receipt of complaints about the use of garden during licensable hours and also after midnight and for regulated entertainment.

As I previously advised when the licence was granted the following conditions were placed on Annex 2 of the premises licence issued by the Council's Licensing Committee in respect of the use of the garden of your premises.

- 5. The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
- 6. Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the speicfied area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted by the previous licensee to the Council's Noise team on the 26<sup>th</sup> August 2009 in respect of the garden. Unfortunately this report only partially de-charged the condition in repect of the use of the garden, and the following agreement was reached in respect of the use of the garden at the premises.

- **That the smoking area could only be used for quiet supervised use, with background noise levels up until 21:00.**

Therefore any use of the garden for any regulated entertainment or amplified use of TV would be unauthorised at any time, and the garden must be closed and not used after 9pm on each day.

You have a large outside area at the front of the premises and you need to utilise this area from customers wishing to smoke after 9pm. If you continue to use the garden in breach of the licence you could be liable to prosecution. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

In addition as the Licensing Authority should you be found to be using the garden after 9pm we will consider applying for an application for review of the licence in order to get the condition regarding hours of use for the garden formally applied to your licence. Should an application for a review be submitted, then any other interested parties could make a representation about any aspect of activities permitted by the licence at this premise, including your trading hours and permitted activities.

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

Yours sincerely

**Niall Forde**  
**LICENSING OFFICER**

**Sources of additional information:**

[www.islington.gov.uk/Business/Licences/](http://www.islington.gov.uk/Business/Licences/) - Guidance on operating schedules, etc.

[www.culture.gov.uk](http://www.culture.gov.uk) - the Department for Culture, Media and Sport

[www.hms0.gov](http://www.hms0.gov) - "Licensing Act 2003"

**Cc Anne Brothers, Islington Noise Team**

Licensing OOH visit.

7 September 2012

**Whitehouse, 313 Highbury New Park, London, N5 2LB**

Visited premises accompanied by Don Stewart and an officer from the fire brigade. We entered the bar and introduced ourselves. Yasar Akin, DPS, came and spoke with us; I suggested we moved out to the rear garden for more privacy. There were approx. 6 - 8 customers in the rear garden some had drinks. I explained that I was there to serve a closure notice on the rear garden and then made it clear that the bar in the garden could no longer serve alcohol as was not on plans. Mr Akin then asked his staff to remove the optics.

Mr Akin seemed to have difficulty in understanding the requirements of the closure notice so Don Stewart spoke with him. Fire officer undertook a brief inspection of the upper floors of the premises, when this was complete we left the premises.





# ISLINGTON

## CLOSURE NOTICE

**Section 19 of the Criminal Justice and Police Act 2001  
(as amended by Sections 126 & 127 of Schedule 6 of the Licensing Act 2003)**

Date of the Closure Notice: 7 <sup>th</sup> September 2012	Time Served:
Local Authority: London Borough of Islington	22.55 <sup>HR</sup>
Person issuing the Notice:	Signature: <i>[Handwritten Signature]</i>

Name (if applicable) & address of the affected Premises:

**THE WHITE HOUSE PUBLIC HOUSE, 313 Highbury New Park, London, N5 2LB.**

The grounds for this notice are that the above premises are being used or have been used within the period of 24 hrs preceding service of this notice for the unauthorised sale of alcohol on or in the vicinity of the said premises and there is a reasonable likelihood that the premises will be so used again in the future.

**The specific alleged use of the premises to which these grounds apply are:**

Knowingly allowing or carrying on an unauthorised licensable activity, contrary to section 136 of the Licensing Act 2003:
a) the sale of alcohol at the premises without authorisation.

Under Section 20(6) (b) of the Criminal Justice and Police Act 2001, an application for a section 21 closure may be made to Highbury Corner Magistrates Court, unless the above use of the premises has ceased and there is no reasonable likelihood of it re-occurring or being prevented.

**Steps which may be taken to end the alleged unauthorised use of the premises, or prevent it from re-occurring (Section 19(6) (c) of the Criminal Justice and Police Act 2001):**

The licence holder shall submit to cease the use of the premises for all licensable activities until such time as the un-authorised bar in the garden area of the premises is closed and no longer used for the sale of alcohol.
--

A closure order may be applied for requiring the premises to be physically closed (boarded up) and/or all sales of alcohol to stop, and/or an unlimited amount of money to be deposited with the court that will only be returned when the court is satisfied that the illegal use of the premises has ceased.

The Person (if applicable) on whom the Closure Notice has been served:

Name: ENGIN AKIN Signature: *[Handwritten Signature]*  
 Date: 7/9 SEPT 2012 Time: 22.55HR

## Notes

1. This notice has been issued by an authorised officer from London Borough of Islington Council under the terms of Section 19 of the Criminal Justice and Police Act 2001 (CJPA).
2. The Notice alleges that the said premises have been operating otherwise than in accordance with an authorisation granted in respect to the sale or supply of alcohol. The Notice alleges that the said premises has been operating illegally without authorisation to sell alcohol in compliance with the Licensing Act 2003 ('the Act') or as set out at section 18 of the Licensing Act 2003 and the mandatory conditions under section 19 of the Licensing Act 2003 and/or licensable activity within the meaning of Sec. 14 of the Act.
3. It also mentions the actions that may be taken by the licence holder, owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

### **Section 20 of the 2001 Act – Closure Orders**

4. Your attention is drawn to Section 20 of the 2001 Act. This provides that the Council can apply to the local Magistrates' Court for a Closure Order if the unauthorised sale of alcohol (as alleged in this Closure Notice) continues, or there is a reasonable likelihood that the premises will be so used in the future. Your attention is drawn to Section 20 of the 2001 Act. The application for a Closure Order must be made not less than 7 days, and not more than 6 months, after the date on which this Closure Notice was served.
5. Upon an application for a Closure Order being made, the Court may issue a summons requiring the applicant, and also the person or persons on whom the Closure Notice was served, to attend a hearing at the Court on a specified date and time. At the hearing the Court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.
6. In accordance with the Magistrates' Court Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the Court before any decision is taken.

### **Appeals – Section 24 of the 2001 Act**

7. An appeal against a decision by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order, can be made by an affected person to the Crown Court within 21 days.

### **Enforcement Powers and Offences – Section 25 of the 2001 Act**

8. It is an **offence** for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
9. It is also an **offence** for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
10. Police Officers and authorised officers from the Local Authority have the power to enter the said premises at 'any reasonable time', and do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However, when exercising this power, the Constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or person in charge of the premises).
11. It is an **offence** for a person to intentionally obstruct Police Officers or authorised Local Authority officers from exercising these powers. Any person convicted of obstructing an authorised Local Authority officer is liable to a fine not exceeding £5,000.





Commercial Environmental Health  
Public Protection  
3<sup>rd</sup> Floor  
222 Upper Street  
London N1 1XR

T 020 7527 3857  
F 020 7527 3057  
E [andrew.walker@islington.gov.uk](mailto:andrew.walker@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: 121365214  
Your ref:  
Date: 29 October 2012

Mr Yasar Akin  
The White House  
313 Highbury New Park  
London N5 2LB

This matter is being dealt with by:  
**Andrew Walker**

Dear Mr Akin

**HEALTH ACT 2006 SECTION 8 (OFFENCE OF FAILING TO PREVENT SMOKING IN A SMOKE-FREE PLACE )**

**THE WHITE HOUSE, 313 Highbury New Park, London N5 2LB**

I carried out a visit to your above premises on 18 October 2012 with Mr Doug Love, Trading Standards Officer. The purpose of the visit was to provide you with a copy of the council's guidance on the provision of shisha. I am attaching a copy of that guidance.

We found that the rear covered area is "substantially enclosed" under the above legislation. It is therefore illegal for people to smoke there. I pointed this out to your staff.

A structure is "substantially enclosed" if it has a roof or ceiling, and more than half of the area of its walls is enclosed.

This a formal warning that you must take steps to prevent people smoking in the enclosed and substantially enclosed parts of your premises. Please note that council officers will be monitoring the use of the rear covered area, and they may not necessarily reveal their identities at the time of their visit. If they gather evidence that you are failing to comply with your duty to prevent smoking in a Smokefree place, you may be prosecuted.

There is a maximum fine of up to £2, 500 upon conviction for each and every offence.

Please contact me if you have any questions.

**Yours sincerely**

**Andrew Walker**  
**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 3857.



**Forde, Niall**

---

**From:** Forde, Niall  
**Sent:** 23 October 2012 15:21  
**To:** 'office@dadds.co.uk'  
**Subject:** The Whitehouse, 313 Highbury New Park, London, N5 2LB

Dear Mr Dadds,

I refer to our conversation in respect of the licence at the above premises. I haven't heard anything from you, your client or the premises acoustic consultant who was due to be appointed since this phone call.

I have though received reports of the garden at the premises being used after 11pm and including further complaints about noise nuisance at the premises, especially from the televisions.

In addition our Environmental Health has visited the premises to inspect the garden area and has found that the smoking area is substantially enclosed under the Health Act 2006.

I have been advised by the Service Manager for Licensing that she is likely to be submitting a review of the premises in order to tighten up the conditions on the garden in line with the previous noise management plan, substantiated complaints and EHO recommendations.

I therefore would request an update on these premises by return so that I am able to advise her before any review application is submitted.

Regards

Niall Forde

Licensing Officer

Licensing Team

Environment and Regeneration

Islington Council

222 Upper Street

N1 1XR

0207 527 3227

Alternative contact: Terrie Lane 0207 527 3233

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

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**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority Environmental Protection

<b>Your Name</b>	Anne Brothers
<b>Job Title</b>	Principal Technical Officer, Noise Liaison
<b>Postal and email address</b>	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk
<b>Contact telephone number</b>	020 7527 3047

<b>Name of the premises you are making a representation about</b>	The White House
<b>Address of the premises you are making a representation about</b>	313 Highbury New Park, London N5

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
<b>To prevent crime and disorder</b>	No	
<b>Public safety</b>	No	
<b>To prevent public nuisance</b>	Yes	See attached sheet
<b>To protect children from harm</b>	No	

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	<ol style="list-style-type: none"> <li>1. The rear garden must be cleared of all customers and staff by 21:00.</li> <li>2. There shall be no amplified sound in the outside areas at any time.</li> <li>3. There shall be no screens in the outside areas at any time.</li> </ol>
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Signed: Anne Brothers Date: 8 March 2013

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 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**

The Noise Team supports the review application in relation to the White House P.H. at 313 Highbury New Park submitted by the Licensing Team.

Calls have been received by the Noise Patrol service from local residents in relation to noise from the use of the rear garden at the White House since last August.

I attach the following letters to the licensee in relation to noise from the rear garden to support this representation:

1. Warning letter dated 31 August 2012
2. Section 80 Noise Abatement Notice served 20 September with covering letter.
3. Warning letter dated 10 December 2012
4. Reminder letter dated 8 January 2013
5. Final Warning letter dated 30 January 2013.

The licensee has never responded to any of the letters sent.

I also attach a copy of a witness statement by me in defence of their appeal against the Section 80 noise abatement notice served on 20 September. The witness statement details my contact with this premise. I also attach two further witness statements from Noise Patrol colleagues Andrew Mitchell and Patrick Bangura describing their visits that were also included as part of the defence of the Section 80. The appeal was dismissed by the District Judge at Tottenham Magistrates Court in Lordship Lane on 25 January this year.

I have briefly looked at the acoustic report prepared for the licensees by RBA Acoustics. Noise Team will judge a noise nuisance by visiting a resident and assessing noise from their perspective, not by measuring sound levels. I would comment that for the monitoring periods noted in the report the occupation of the garden was very low in comparison to what I noted on the night of 19 September when I visited a resident at home and witnessed noise nuisance from the use of the rear garden while a football match was being screened. At that time the garden was absolutely packed with customers, the manager, Engin Akin claimed at the time that there were only about 50 customers in the garden at the time of my visit; I would estimate there were at least 100 customers in the garden, if not more on that night. There was no spare room in the garden at all when I looked out from the premises after stepping out there briefly in the company of Engin Akin. It was packed with customers. The type of noise generated by crowds of people cannot be adequately represented by tables of sound measurements as detailed in the acoustic report.

The type of noise experienced by the residents is very disruptive and is different to ordinary environmental noise such as passing traffic. There are peaks of noise generated by a crowd of people enjoying a football match or by amplified commentary and/or music noise which is very different to environmental noise even including the occasional noise from passing traffic such as sirens etc. The residents were aware of a pub garden to the rear of their homes when they moved in and anticipated a degree of noise from the garden. The point is that the type of noise generated by the use of the back garden at the White House is unreasonably loud and the noise from patrons cannot be limited.

We have a DVD to show Committee as part of our representation. This film was taken from the resident's home on the night of 19 September at approximately 21:15 hours while a football match was being shown. This film was taken after a visit had been carried out to the premises and the manager had been made aware of the noise nuisance being caused to the residents. At the time the garden was very full of customers enjoying the match being screened. We feel that the short clips on this film are a better illustration of the type of noise that has been suffered by residents than the acoustic report submitted.

Noise Team previously considered that there may be some amplified sound at low levels in the rear garden until 21:00. We have no confidence that the management at the premises will control sound from any screens or speakers that Committee may be minded to permit in the garden in future. Further screening of football matches in the rear garden will attract

large crowds of people; the noise from the customers as they are enjoying a football match cannot be limited by any machinery. The screams and loud cheers from customers are very disruptive to the residents and were considered to be a Statutory Noise Nuisance at the time of the visit on 19 September and subsequently. Management at the premises have indicated that the screening of football matches will continue in the rear garden area.

Therefore Noise Team recommends that all speakers and screen should be removed from the outside areas and amplified sound in any outside areas should be prohibited at all times.

I refer Committee to the reports from Noise Patrol pasted below that detail the noise generated in the rear garden when they have screened football matches there.

#### **29/8/12 22:55 NP notes of visit**

"Loud noise coming from the TV in the back garden of 'The White House Pub'. Noise started at 17:00. Comp would like to know licensing agreement for have TV screens in the back garden. Comp also has video evidence and can send it if required."

Visited at 2255hrs. Noise from loud TV (football match) was a nuisance in comps bedroom. Went to the pub and noted football match on TV in the beer garden. Advice given to the manager, Engin Akin. He said he is the son of the owner of the pub, Yasar Akin.  
CM08. Noise Wit. Pot SN.

#### **23:20 8 September 2012. Proactive visit. (ABR)**

Visited, the garden was in use. Saw Engin and some of his friends – I recognised a couple of them from previous visit. Tables under the shelter were in use – approx 15 people outside – didn't notice any customers inside as we went in. Shisha pipes in use in the garden – shelter needs to be re-checked for compliance with smoking shelter rules? Discuss with Andrew Walker.

They said the pay bar outside was not in use, but I saw bottles of lager in the fridges (which they said were locked). I tried the doors and they were open.

Asked them how people seated outside were getting their drinks and they told me they were going to the main bar inside but I saw 3 hand written receipts on the counter on the bar outside – one for Corona lager, others for more booze – but they still insisted that people were going inside to buy their drinks. I told them I didn't believe them and I thought a closure notice had probably been served regarding the garden bar the previous night (Niall told me he would do that). I asked them if I could take the hand written receipts but they said they needed them, I told them I considered them to be proof they were still selling from the bar outside.

Engin told me I had told him they could use the garden until; 23:00. I had said I had been mistaken when I told him at the time of my previous visit that I had needed to check permitted timings and that he had now been corrected by letter from me and Niall besides which it was 23:20 when we arrived.

We went out to the street and I told Engin that people should be inside and the garden should be cleared of customers.

He said he knew of only one person in the block overlooking them that had complained. Told him I knew of more than that. He said the people from the block to the rear were customers at the pub and they were OK about the garden being used. Told him not so according to people that had been in touch with us.

People noise from the garden could be heard from outside the premises on arrival. While in the garden the customers were chatting with some peaks of noise – laughter etc. No music or TV screen in use noted.

Told them that if they want to use the garden after 21:00 they need to apply for a variation. If the people in the block were OK with the use of the garden, they could write in and support the variation – but that I doubted they would.

Kevin told them at one stage to stop crowding me when I was talking to Engin outside – four or five men gathered around listening to the conversation I was having with him. I told them they have a terrace at the front that is ideal for their customers to use at night but they said their customers don't like to use it as it's on the street and men could be seen by their wives when out with their girlfriends. I told them that was too bad - "tough". The open area facing Green Lanes was much less likely to cause any noise disturbance to residential neighbours and they should use that area.

Saw some people coming up to the bar area before we left.

Licence contravention.

### **19/9/12 ASB Report**

"loud noise from music, tv and amplifier."

Motts & Az called complainant @ 19.43 arrived at complainants address witnessed noise from living room noise coming from rear of building I believe it used to be called the white house pub. noise was coming from the tv I think a big football game is on.

Noise Wit. Pot SN CM08.

### **19 September 2012 NP Report (ABR)**

Visited resident at 20:50. Could hear some noise from rear of the building housing residents on approach. Quite warm night and windows open. Very loud commentary and crowd noise from football match being broadcast - Turkish commentary. Customer noise also constant but broadcast was dominant affecting both bedroom and living room of resident affecting daytime activity. Peaks of noise from customers noted in the garden at 20:52 and at 20:55 there were huge cheers from customers in the garden. Then applause. 21:00 another huge cheer from the customers in the garden. Loud commentary and broadcast football crowd noise continuous, customers noise also became more noticeable.

Visited premises and spoke to Engin Akin, licensee. DOB 06/06/88. He said he was just making money and doing nothing wrong with people watching the match. Discussed noise etc, incl. Correspondence re: no use of garden after 21:00. Need to control noise at all other times and he is showing he is not willing to co-operate with us because of the screen and speakers in the garden and he knew it would go on after 9 and he can't clear the garden now - too many people. He said he would clear it at 21:30 at the end of the match.

RV'd residents and noise including loud commentary continued until 21:38. Some peaks of noise with customers screaming and shouting before the end of the broadcast.

N.B. The pub and garden were both absolutely packed, Standing room only in the pub. Engin said there were about 50 people in the garden. I would estimate at least 100 outside when we looked, possibly up to 150 out there. It was completely packed out with customers watching the football.

S.80 to be served. Stat nuisance from both customer noise and amplified sound. Also licence contravention.

### **20/11/12 NP**

Call received 20:16 " The White House - loud TV in garden"

Rang comp at 2022 hrs. Noise ongoing.

Visited at 2035 hrs. On arrival, could hear loud voices/conversations through the complainant's window. Also heard noise from possibly loud radio/TV in the background The noise was coming from the beer garden of the White house pub below. The complainant said that it was half-time in champion's league match between Galatasaray football club and Manchester United.



At 2047hrs, the voices quietened down except for occasional shouting but the football commentary from the radio TV and chanting from fans became more audible. There was also occasional clapping of hands by the patrons in the beer garden. The noise was a statutory nuisance. Left comps flat at 2116hrs with this noise continuing.

2120hrs - visited the White House Pub and spoke to a man who was standing outside the entrance door. He gave his name as Erhan Jeneci and phone number as XXXXXXXX and said he was in charge at the time. He apologised for patrons being in the rear garden and watching football match on TV at that time. He said that they have paid about £10,000 pounds in legal fees and needed to recoup that money. Left the area about 21.35hrs.



AB1

**COPY**

**ISLINGTON**

Yasar Akin



Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/111223868

Your ref:

This matter is being dealt with by:

**Anne Brothers**

Date: 31 August 2012

Dear Mr Akin

**NOISE NUISANCE FROM USE OF THE GARDEN AREA, THE WHITE HOUSE, 313  
HIGHBURY NEW PARK, LONDON N5 2LB. ENVIRONMENTAL PROTECTION ACT 1990.  
LICENSING ACT 2003**

We are in receipt of calls from local residents in connection with noise from the garden at the White House. Noise Patrol were contacted on Wednesday 29 August and visited a local resident. At the time of the visit at 22:55 they report intrusive noise arising from a loud football match being screened in the garden. They stated the noise was sufficiently loud to be a noise nuisance to the bedroom of the property they visited.

There is a noise condition on the premises licence for the White House as follows:

- The Licensee to appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with a brief to undertake an acoustic survey for the use of the outside areas for smoking and their impact with regard to noise sensitive premises. The survey to identify representative existing background, ambient and source noise levels during times of use.
- Using the results of the acoustic survey, a scheme of noise control works and measures to be recommended. The areas, other than the specified area at the front of the premises, shall not be used as smoking areas until such time that the Council has approved the works and measures and they have been implemented. The Licensee shall demonstrate that the use of the concerned outside areas with mitigation will have a basic noise change of no greater than a slight impact in accordance with appropriate acoustic guidance.

An acoustic report was submitted but Noise team did not consider the survey was sufficient to discharge the condition. The Noise Officer as part of his conclusion stated

it is our view that the smoking area could be used based on quiet supervised use with amplified noise levels at background up until to 21.00."

Therefore at present until a scheme of noise control works and measures is devised and approved by the Noise team in accordance with the conditions on the premises licence, the garden must not be used after 21:00.

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

Yours sincerely



**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Saadettin Akin, DPS, 12 Breerton Road, London N17 8DA

Yasar Akin, Licensee, The White House P.H. 313 Highbury New Park, London N5 2LB

AB2



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/111223868  
Your ref:

Yasar Akin  
Licensee  
The White House P.H.  
313 Highbury New Park  
London  
N5 2LB **BY HAND**

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

Date: 20 September 2012

Dear Mr Akin

**SECTION 80 ENVIRONMENTAL PROTECTION ACT 1990. THE WHITE HOUSE P.H. 313  
HIGHBURY NEW PARK, LONDON N5 2LB**

**This letter does not form part of the attached Notice**

Please find enclosed a Notice served on you today under the above Legislation. The Notice is self-explanatory. Please refer to the notes attached to the Notice.

This Notice is served after I visited the White House last night and witnessed a statutory noise nuisance arising from amplified sound from a live broadcast and customer noise during a football match that was being screened in the rear garden. The noise was witnessed from a nearby residential dwelling. I also enclose a letter I sent previously in connection with noise issues at the premises for your ease of reference.

In order to comply with the Notice, I advise you to remove all speakers and the screen from the rear garden area. In future if you want to show sporting events or have any functions involving amplified sound, you should restrict these to the inside of the premises.

In addition, you have been advised that in order to comply with the noise condition on the premises licence, the use of the garden should cease at 21:00 and before that time, any noise in the garden should be kept at low levels.

Yours sincerely,

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





**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80  
ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED  
SOUND AND/OR PEOPLE**

To **Yasar Akin**  
**The White House P.H.**  
**313 Highbury New Park**  
**London N5 2LB**

An identical copy of the Notice has also been served on:  
Yasar Akin, 12 Brereton Road, London N17 8DA  
Saadettin Akin, 12 Brereton Road, London N17 8DA

**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 **amplified sound and/or people's voices**.

at premises known as **The White House Public House, 313 Highbury New Park, London N5 2LB**

**HEREBY REQUIRE YOU** as the person responsible for the nuisance, owner and/or occupier of the premises from which the noise is or would be emitted to abate the nuisance immediately and to prevent its likely recurrence. You are therefore required to:

**Take all reasonable steps to ensure that no amplified sound or noise from people present at the above premises, including the gardens, are 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.

DATED: 20 September 2012

(Signature)

Address to which all communications should be sent:

(Name) Anne Brothers

Noise Patrol Team, Public Protection, 3<sup>rd</sup> Floor

25 Upper Street, London N1 1XR

(Title) Principal Technical Officer

Phone: 020 7527 7972

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 1990 Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-



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.

with respect to the parts of the work to be abated and the production of a copy of the abatement notice to the appellant.


- (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

 **COPY**

 **ISLINGTON**

Yasar Akin  


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

T 020 7527 3047

F 020 7527 3057

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

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

Our ref: WK/111223868

Your ref:

Date: 10 December 2012

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

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990**

**PREMISES: The White House Public House, 313 Highbury New Park, Islington, London, N5 2LB**

I am writing following a visit to the above premises to investigate a noise complaint. Noise Patrol officers visited at 21:20 on 20 November 2012 and witnessed amplified sound from a football commentary and loud voices from customers due to a football match being screened in the rear garden. Officers spoke to a man who gave his name as Erhan Jeneci, he stated he was managing the premises on your behalf at the time.

The officers visiting considered the noise heard from a nearby resident's home to be a statutory nuisance and a contravention of the Section 80 noise abatement notice served on you.

I have to remind you that the Notice is not suspended during the appeal you have made.

The effect of serving an abatement notice is to make it a criminal offence to breach its requirements. Failing to comply with the requirements of a statutory notice carries a maximum fine of £20,000 for each offence. In addition, if the nuisance continues we may apply to a magistrate for a warrant to enter your premises and remove any noise making equipment. Any equipment that we seize is likely to be retained until the case goes to court, and we may then apply for a forfeiture order, so that the equipment would not be returned to you.

We are considering prosecuting you for this apparent breach, and would therefore wish to ask you the following questions. You do not have to answer these questions but it may harm your defence if you do not mention something which you later seek to rely on in court. Any answers that you give may be given in evidence.

1. Were you occupying the premises at the time of the alleged offence?
2. Why was loud music being played in apparent contravention of the notice?
3. Are there any mitigating circumstances which you wish to state?

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

In addition to the above action, 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 questions about the noise incident witnessed at night or if you want to discuss any steps you propose to take to prevent a recurrence of the problem my contact details are at the top of this letter.

Yours sincerely

*Anne Brothers*

**Anne Brothers  
PRINCIPAL TECHNICAL OFFICER - NOISE LIAISON**

**If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.**

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Quentin Paterson, LBI Legal Division via e mail.


Saadettin Akin, DPS, [REDACTED]

Yasar Akin, Licensee, [REDACTED]

[REDACTED] ark, London N5 2LB

 **COPY**

 **ISLINGTON**

Yasar Akin  


Noise Patrol Team  
222 Upper Street  
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Our ref: abr/111223868

Your ref:

Date: 8 January 2013

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

Dear Sir

**ENVIRONMENTAL PROTECTION ACT 1990**

**PREMISES: The White House Public House, 313 Highbury New Park, Islington, London, N5 2LB**

I refer to the previous letter sent on December 10. I enclose a copy for your ease of reference. To date I have not received any response.

This matter requires your urgent attention and I would appreciate a response to the following questions in relation to further noise nuisance witnessed by Noise Patrol on 20 November within the next 7 days. :

**Please note the following caution:**

You do not have to say anything but it may harm your defence if you fail to mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.

1. Were you occupying the premises at the time of the alleged offence?
2. Why was loud amplified sound being played in apparent contravention of the notice?
3. Are there any mitigating circumstances which you wish to state?

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

I have to inform you that we are now considering making an application for a review of the premises licence on grounds that such action is necessary in order to prevent a public nuisance.

If you choose not to answer, I would appreciate an acknowledgement of receipt of this letter.

Yours sincerely,

*Anne Brothers*


**Anne Brothers**

**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer


Quentin Paterson, LBI Legal Division via e mail.

Saadettin Akin, DPS, 

Yasar Akin, Licensee, White House P.H. 313 Highbury New Park, London N5 2LB



# ISLINGTON

Yasar Akin  


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Our ref: abr/111223868

This matter is being dealt with by:

**Anne Brothers**

Your ref:

Date: 30 January 2013

Dear Sir

**THE WHITE HOUSE P.H. NOISE FROM AMPLIFIED SOUND AND CUSTOMER NOISE ARISING FROM THE USE OF THE GARDEN AREA. ENVIRONMENTAL PROTECTION ACT 1990, LICENSING ACT 2003.**

I write further to my letter dated 8 January to which I note I have not received any reply from you. I enclose a copy of that letter along with the previous letter referred to dated 10 December for your ease of reference. I have to inform you we are again in receipt of calls in relation to a noise event at the premises on Sunday 27 January. The noise reported was witnessed by ASB officers and they report the noise was arising from a football match that was being screened in the rear garden area.

You will be aware the appeal was heard last week and your appeal against the Section 80 noise abatement notice was dismissed by the District Judge. This means the Section 80 noise abatement notice is now enforceable and we are now considering further enforcement options against you in relation to noise being reported from the premises and witnessed by officers. The notice was not suspended during the appeal period and contraventions of the notice have already been witnessed.

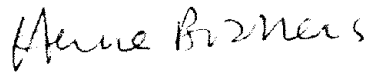
The contravention of the Section 80 noise abatement notice is a criminal matter for which you could be prosecuted. Current fines for contraventions of notices in relation to commercial premises could be as much as £20,000 per offence. I cannot emphasise how serious this matter is and must reiterate previous advice to you and urge you to remove all noise making equipment from the garden. This means you could remove any screens and speakers from the garden area and cease the screening of events via the screen and speakers in the garden area. This could reduce the likelihood of further noise nuisance being witnessed from the premises. In addition I take this opportunity to remind you to of previous advice to cease the use of the garden area after 21:00. This is the recommendation of the Noise Team based on the old acoustic report commissioned by the previous licensee that was shared with you. I am aware you commissioned a new acoustic report but to date I have not had sighting of it.

I must warn that Noise Team as one of the Responsible Authorities as defined by the Licensing Act 2003 is currently considering making an application for a review of the premises licence on grounds of the prevention of public nuisance. I am aware you have been in touch with the

Licensing Team in relation to issues at the premises and they are also considering making an application for a review of the premises licence.

I strongly advise you to seek legal advice regarding this letter. I look forward to receiving the new acoustic report in due course.

Yours sincerely,



**Anne Brothers**  
**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

Niall Forde, Licensing Officer

Saadettin Akin, DPS

Yasar Akin, Licensee, White House P.H. 313 Highbury New Park, London N5 2LB

**If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.**



**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);*

*Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Anne Brothers**

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Principal Technical Officer – Noise Liaison**

This statement, consisting of 6 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: Anne Brothers Date: 5/11/12

My name is Anne Brothers and I have been employed as Principal Technical Officer by the Public Protection Division of Islington Council since 1988. I hold the BTEC Ordinary and Higher Certificates in Environmental Health Studies and the Higher EHORB Certificate in Food Inspections. I also have a BSc (Hons) Degree in Environmental Health Studies. I have worked as the Principal Technical Officer – Noise Liaison dealing with reports of unwanted noise from licensed premises for the past eight years. The post involves the investigation of noise complaints about licensed premises and ensuring licensed premises are complying with noise conditions on their premises licences. This involves some night work assessing noise nuisance from licensed premises and taking any necessary action in relation to reports from colleagues who have visited licensed premises at night in response to calls to the ASB Hotline. In addition I have worked intermittently on the reactive Noise Patrol Service for the past 20 years. I have assessed hundreds of reports of noise nuisance from residents in a variety of situations over the years. In my current

Dated the 11 day of November

Signed Anne Brothers

**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF Anne Brothers**

post I carry out regular night time shifts. I am authorised as first officer during the shifts and am responsible for assessing the extent of any noise witnessed from licensed premises and follow-up actions in relation to noise nuisance issues with licensees.

I first visited The White House P.H. at 313 Highbury New Park this year at 22:45 on 2 June 2012. I visited to establish who was running the premises as I had bumped into the old Licensee in the street one afternoon and he told me that he had sold the premises and was no longer connected to it. While there I noted the premises was very quiet and the staff told me the licensee would come and speak to me. I waited for 10 minutes and a man who introduced himself as Engin Akin came to speak to me. He told me he was the new licensee and I informed him that there was no premises transfer on file and that he should contact the Licensing Section the following week to discuss the transfer of the premises licence to his name as a matter of urgency.

We discussed the limits on the use of the garden and I told him it has to be cleared by a certain time every night. I told him we had an informal agreement with the old licensee that he could use the garden quietly until 23:00 but at the time of that agreement the flats that overlook the garden were not occupied; they were due for demolition and a new block was proposed for the site. Any informal agreement was made only to last for the period of time that the flats were not occupied, after that time the permitted hours for the night time use of the garden would be reduced. Engin Akin wanted to use the garden to its full extent and I repeated it had to be cleared by a certain time but I needed to check the noise team's report, I was not sure of the agreed times as I did not have any paperwork on me in relation to any agreements. Engin Akin asked about any possibility of an extension to midnight and I told him there was no chance of any extension to the hours of the use of the garden. I pointed out that new flats have been built that overlook the garden, Engin Akin told me he had already established contact with the residents there - but the block looked barely occupied (if at all) at the time, the flats were all in darkness and it looked like kitchens were being installed as I could see some fittings through the windows to the blocks. Engin Akin told me they wanted to develop the business to

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Sign

### **Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

#### **STATEMENT OF Anne Brothers**

be led by food and they are not planning to be a music-led business although he did say they would have some functions there. I went through the provisions of the licence as I had a copy of it on me and discussed that they have wide range of permitted entertainments. I discussed a staged closing down after any parties they may have there to promote a quiet dispersal of customers.

At the end of August I was alerted to noise complaints that were being received by the Licensing Officer, Niall Forde. I e mailed both the residents and advised them to call the ASB Hotline in the event of any intrusive noise to their homes from the premises.

On 31 August I was copied to a report from a Noise Patrol Officer in relation to a visit carried out to the pub in response to a call from a local resident. The Noise Patrol Officer reported that he visited the pub and advised Engin Akin with regard to noise that had been witnessed arising from the screening of a football match in the garden area that night at 22:55.

On 31 August I wrote to the Licensee Yasar Akin at his given address in relation to the noise incident witnessed by the Noise Patrol Officer a couple of days earlier. I attach a copy of the letter sent as Exhibit AB1.

On 8 September at 23:20 I visited the White House P.H. as part of a proactive noise and licensing out of hours shift. I found the garden to the rear was in use at the time of my visit. I did not note any customers inside the bar area of the premises on my way through to the garden but I noted approximately 15 people seated in the rear garden. Shisha pipes were in use in the rear garden. I knew that Licensing had visited and had issued a closure notice in relation to a pay bar that had been set up in the rear garden. I could see there was a bar area still in the garden. Engin Akin and his staff told me the bar area was not in use. I saw bottled beers in the display fridges and Engin Akin told me the fridges were locked so they would not be used. I tried the doors to the fridges and they opened freely. The men working there claimed that people were going to the bar inside for their drinks but I saw 3 hand written receipts on the counter of the bar outside in the garden. I told them that I did not believe they were serving drinks inside and that I thought the garden bar was still in

**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF Anne Brothers**

use. They would not let me take the hand written receipts for the drinks as they said they needed them. I noted that one was for some Corona Lager and the others were for more alcohol but I did not note down the details.

Engin Akin claimed that I had told him they could use the rear garden area until 23:00. I told him that I had said I needed to check and I had since written to the licensee about the permitted timings and that I was also aware that Niall Forde, the Licensing Officer had also written to the Licensee. I also stated the time of my arrival was 23:20 and I had found people using the rear garden. At that point we left the garden area and returned to the street outside. I told Engin Akin and his staff that they should clear the rear garden of all people. Engin Akin told me he knew of only one person in the block overlooking them that had complained. He claimed the people from the block to the rear were customers at the pub and they were all happy about the garden being used. I told him this was not so according to people that had been in touch with us.

The people noise from the garden could be heard from the street at the front outside the premises on arrival at 23:20. While in the garden the customers were chatting with some peaks of noise from laughter and loud conversations. I did not note any music or TV screen in use. I told Engin Akin that if they want to use the garden after 21:00 they need to apply for a variation to their premises licence. If the people in the block were alright about the late night use of the garden as he claimed they were, they could write in and support the variation. I told Engin Akin there is a terrace at the front that is ideal for their customers to use at night but Engin Akin said their customers don't like to use it as it's on the street and too public. He told me the male customers could be seen by their wives when they were out with their girlfriends. I told them that was too bad, the open area facing Green Lanes was much less likely to cause any noise disturbance to residential neighbours and they should use that area after 21:00.

I visited the White House P.H. again on the night of 19 September. A call had been received by Noise Patrol via the ASB Hotline from a local resident in connection with noise from the rear garden area. I visited the resident in the company of my

Dated the

day of

Sign

**Statement of witness**

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF Anne Brothers**

on after 21:00 and he would not be able to clear the garden at the time of the visit as there were too many people present. Engin Akin told me he would clear the rear garden area at 21:30 at the end of the match. I told Engin Akin I would discuss possible service of a Section 80 Noise Abatement Notice under the powers of the Environmental Protection Act 1990 with my manager. This was due to the continuing noise from the premises that had been witnessed that night. I revisited the residents after the visit to the pub to check the use of the garden ceased at 21:30 as Engin Akin had promised. Noise including loud commentary and customer noise continued until 21:38. There were some peaks of noise with customers screaming and shouting before the end of the broadcast.

I served a Section 80 noise abatement notice on 20 September 2012. I attach a copy of the Notice served on the Licensee, Mr Yasar Akin along with a covering letter as Exhibit AB2.

### Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

#### STATEMENT OF **Anne Brothers**

colleague, Noise Patrol Officer, Andrew Mitchell. I noted that on approach to the resident's home in Riversdale Road that I could hear a lot of noise from the rear of the White House P.H. even though the blocks of flats in Riversdale Road are taller than the average house around there, from memory I think they are 3 or 4 storeys high and the pub garden is behind them. It was quite a warm night and the windows were open to the flat. I noted very loud Turkish commentary and crowd noise from a football match being broadcast. Customer noise also constant but broadcast was dominant affecting both the bedroom and living room of the resident affecting daytime activity. Peaks of noise from customers in the garden were noted at 20:52 and at 20:55 there were huge cheers from customers in the garden, then applause. At 21:00 there was another huge cheer from the customers in the garden. Amplified loud commentary and broadcast football crowd noise was continuous, the noise from the customers in the garden area also became louder alongside the broadcast crowd noise. I visited the premises in the company of my manager Louise Norris who was observing that night. I spoke to Engin Akin. I noted the pub and garden were both absolutely packed with customers. It was standing room only in the pub and a large screen was showing the football inside. I had to squeeze through the customers to get to the bar to see Engin Akin. He told me there were about 50 people in the garden. I would estimate at least 100 people, possibly more were outside in the rear garden when we briefly looked there. I have never seen it so full of people. It was completely packed with customers watching the football. We left the premises and had a conversation outside in the street where it was possible to talk and discuss the noise issues seen that night. It was not possible to have a conversation inside the premises as there were too many people there and it was too noisy.

Engin Akin told me he was just making money and doing nothing wrong with people watching the match. I discussed the noise I had heard that night from a resident's flat and the correspondence regarding the limits on the use of the rear garden area. I told him about the need to control noise at all other times and said to him that he was showing us that he was not willing to co-operate with us because of the screen and speakers in use in the garden. In addition he knew the football match would go

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Sign

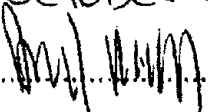
Statement of Andrew John Mitchell

**STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967 s 9,  
Magistrates' Courts Act 1980 s 5B)*

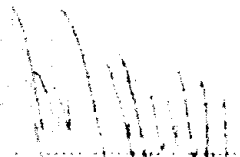
**Statement of:** Andrew John Mitchell  
**Age of witness:** over 18  
**Occupation of witness:** Environmental Health Officer (Noise Patrol)  
**Address & Tel No:** 222 Upper St, London N1 1YA  
020-7527-3229

This statement, consisting of 2 pages, signed by me, is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated: 16 October 2012  
Signed ..........

I am an Environmental Health Officer, employed by the London Borough of Islington and working as a member of their Noise Patrol. I qualified as an Environmental Health Officer in 1983 by obtaining the Bachelor of Science Degree in Environmental Health. Since then I have obtained further qualifications in Acoustics, namely a Diploma in Acoustics and a Master of Science Degree in Environmental Acoustics. Since qualifying I have worked in all of the main specialties of the Environmental Health profession but mostly in the area of Noise and Nuisance.

On Wednesday 19 September 2012 whilst on duty with Islington's night time noise service I received a complaint about loud music coming from The White House Pub, 313 Highbury New Park, Islington, London N5 2LB hereinafter referred to as 'The White House'. I visited the complainant's premises, which was close to The White House, at 20:50hrs.

Signed ..........

Statement of Andrew John Mitchell

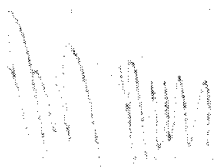
I listened from the complainant's bedroom and heard the sounds of a televised football match. In particular I could hear commentator and the sound of a crowd. From the bedroom window I looked down on the beer garden to The White House, hereinafter referred to as 'the garden'. The garden was covered with an open sided structure and parts of the garden were visible from the complainant's bedroom window. I could see people in the garden. From time to time there were loud cheers and gasps from the crowd in the garden. The noise in the complainant's bedroom in my view caused a material interference with the use and enjoyment of this room, and also with all parts of the flat. I was filming a documentary about Islington's noise service and these events were recorded on camera.

I observed from the front of the source address and could see that The White House was crowded with people watching a football match on a large television. The garden at the rear also had a screen showing the match and was also crowded. The noise reduced at 21:39hrs

The combined effect of the sounds from the television and the patrons in the garden created a very significant and disturbing noise intrusion inside the complainant's flat. In my opinion the noise intrusion was sufficient to prevent a person of average sensitivity from sleeping, relaxing or enjoying normal conversation in this flat, even with the windows closed.

In my opinion the noise constituted a nuisance.

Signed



Page 2



**STATEMENT OF WITNESS**

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Statement of : Patrick Bangura

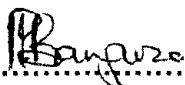
Age of Witness (if over 18 enter "over 18"): **Over 18.**

Occupation of Witness : **Environmental Health Officer**

**Address :**       **Environment & Regeneration  
Consumer Protection Services  
London Borough of Islington  
Municipal Offices  
222 Upper Street  
London  
N1 1XR**

This statement, consisting of 3 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated: 17<sup>th</sup> December 2012**

**Signed:**.....

My full name is Patrick Bangura and I am a qualified Environmental Health Officer I hold a Bachelor of Science Degree, with Honours, in Environmental Health and I am a registered member of the Chartered Institute of Environmental Health. I also hold a postgraduate Diploma in Acoustics and Noise control. I have been working as an Environmental Health Officer since June 2001 and have obtained considerable experience in the investigation of noise complaints and enforcement of noise control legislation under the Environmental protection Act 1990 ( as amended by the Noise and Statutory Nuisance Act 1993) and the Control of Pollution Act 1974. I am currently employed by London Borough of Islington as an Environmental Health Officer in the Council's Noise Patrol Team.

**Signed:**.....

### STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Continuation of statement of: Patrick Bangura

I was on duty on Tuesday, 20<sup>th</sup> November 2012 when a complaint was paged to me by Islington ASB/Noise controller at 20.20 hours alleging noise nuisance caused by playing loud TV from the beer garden of 'The White House Public House' at 313 Highbury New Park, London N5 2LB. The complainant was a resident in a flat in a purpose built block of flats building in Riversdale Road, London N5 2SU. I phoned the complainant at 20.22 hours on Tuesday, 20<sup>th</sup> November 2012 to inquire if the noise was still occurring. He said that it was on going and he agreed for me to make a visit to his premises to assess the noise. Visited the complainant at 2035 hours and on arrival, I could hear loud voices/conversations through his living room window. Alongside this noise, I also heard noise from possibly loud radio/TV. The noise was coming from the direction of the beer garden of the White house public house at 313 Highbury New Park. The complainant said that the noise was much reduced because it was half-time in the champion's league match between Galatasary football club (Turkey) and Manchester United (United Kingdom). At 2047 hours, the voices quietened down except for occasional shouting but the football commentary from the radio/TV and chanting from fans became more audible. At 2051 hours, there was loud shouting from the patrons in the beer garden and noted that the level of noise from the radio/TV also increased. There was loud cheering and clapping of hands from the patrons in the beer garden at 2055 hours. This continued for about a minute. There was another wave of loud cheering and clapping of hands at 2100 hours and also at 2102 hours. In my opinion, the noise from the loud cheering, clapping of hands, occasional shouting and loud football commentary from radio/TV was at levels that was materially interfering with the complainant's comfort and enjoyment of his home and therefore, constituted was a statutory nuisance. I left the complainant's flat at 2116hrs with the noise continuing.

Signed: .....

*Patrick Bangura*

## STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, Criminal Procedure Rules 2005, r27, 1(1))

Continuation of statement of: Patrick Bangura

At 2120 hours on Tuesday, 20<sup>th</sup> November 2012, I went to the 'The White House Public House' at 313 Highbury New Park, London N5 2LB. I spoke to a man who was standing at outside the one of the entrance doors and requested to speak to the licensee or the person in charge at the time.

He told me he was in charge and gave his name as Erhan Jeneci and phone number as 0207 6016047 and said he was in charge at the time. I told him about the noise nuisance from the loud radio/tv, loud cheering, clapping of hands and occasional shouting from the patrons in the beer garden. Whilst speaking to him, I noted that, there were many patrons inside the pub watching football from a plasma TV that was hung on the wall. He apologised for the nuisance caused and for the patrons being in the rear garden and watching football match on TV at that time. He told me that they had paid about £10,000 pounds in legal fees and needed to recoup that money. As I advised, he agreed to ensure that the level of the noise was reduced so that it did not cause further nuisance.

I left the area about 21.35hrs.

Signed: .....

*Patrick Bangura*

Yasar Akin

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

Noise Patrol Team  
222 Upper Street  
London N1 1XR

T 020 7527 3047

F 020 7527 3059

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

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

Our ref: abr/201303621

Your ref:

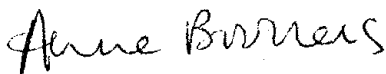
Date: 8 March 2013

Dear Mr Akin

**PREMISES LICENCE REVIEW, THE WHITE HOUSE, 313 Highbury New Park, London N5 2LB. NOISE TEAM REPRESENTATION**

Please find enclosed a copy of the representation from Noise Team in relation to the review called by the Licensing Team for your information.

Yours sincerely,



**Anne Brothers**  
**Principal Technical Officer**

cc. Louise Norris, Noise Patrol Manager

**If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.**

04/03/2012

Whom It May Concern:

**Licence Review,  
The White House Public House  
313 Highbury New Park N5 2LB  
LICENCE NO: LN10415-250612**

PUBLIC PRO  
OFFICER S

Dear Sir / Madam,

I would like to express my full support to Islington Council's Licensing department taking an action to review the terms of Licence of the White House pub. As someone who has been subjected to numerous occurrences of noise disturbance caused by the owners of the White House pub ignoring the terms of their licence and subsequent warnings issued to them by Islington Council Licensing Department, I feel that all in your power should be done to prevent the White House pub owners from continuing to cause noise nuisance.

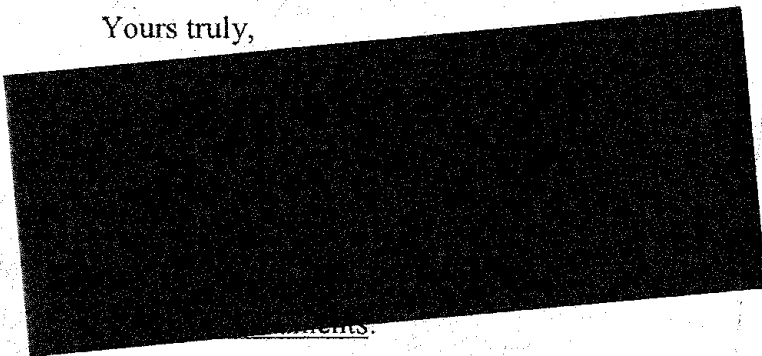
We have reported the disturbances and understand from our correspondence with Anne Brothers that the owners of the White House have been issued with warnings but choose to ignore them. Further, they are currently doing building works to the rear garden, again into late at night (which again causes noise disturbance ref: FI773377. 02/03/2013) which leads me to think they have plans to continue using the rear garden to screen football matches and play loud music there.

It is upsetting to see the owners to act as if they are above the law, having a complete disregard for the court ruling, terms of their licence, and the people living around the pub.

I would like to see the White House pub being forbidden from using the rear garden in any way after 9pm and for them to be forbidden to have and use TV or any form of amplified sound in the rear garden.

Please do not hesitate to contact me should you wish to discuss this further.

Yours truly,



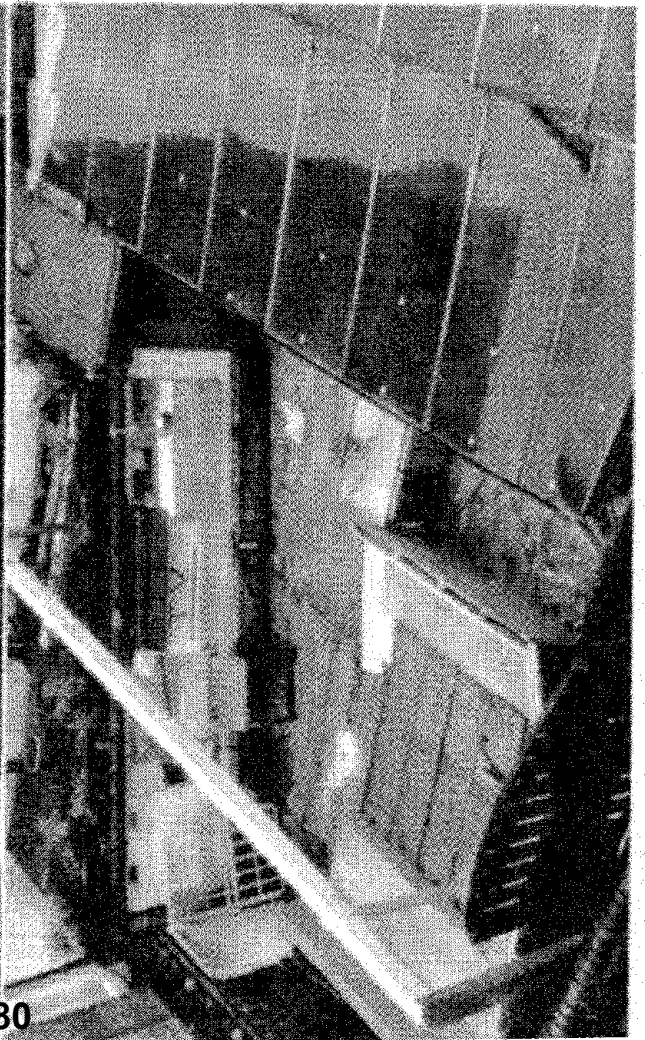
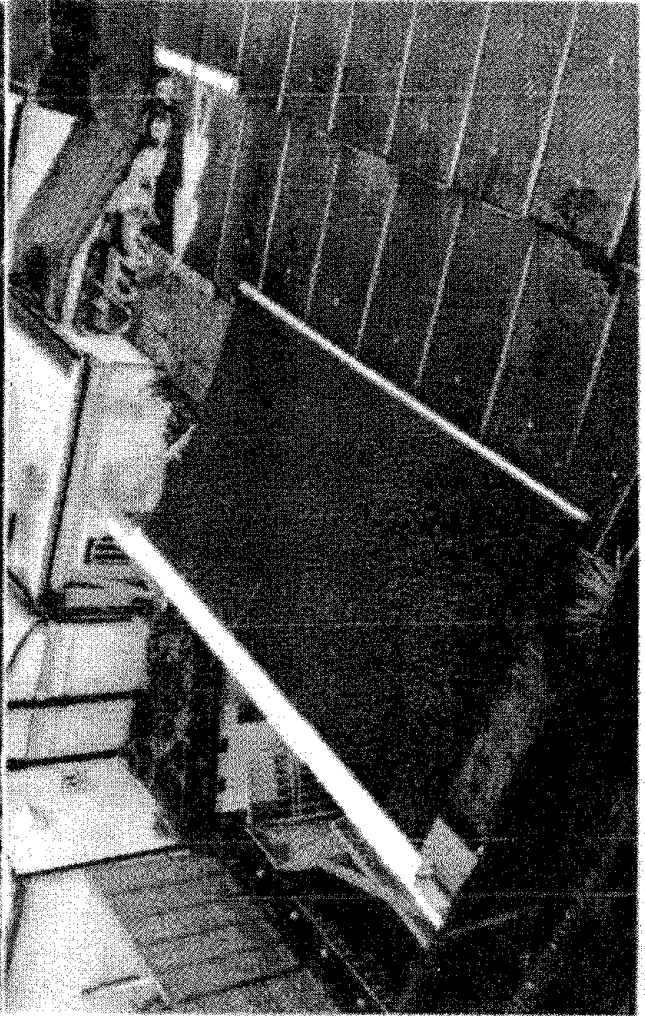
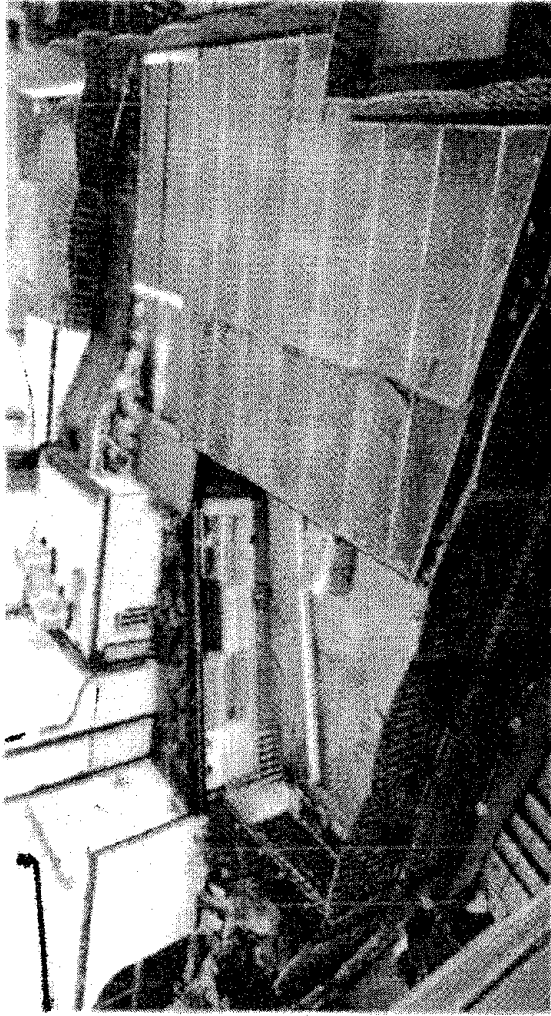
5 MAR 2013

1X BUILDING WORK PICTURES

1X FOLLOWING SOME OF THE DATES NOISE DISTURBANCE - FOOTBALL MATCHES RECORDED VIDEOS  
26/08/12 - 27/08/12 - 29/08/12 - 31/08/12 - 02/09/12 - 07/09/12

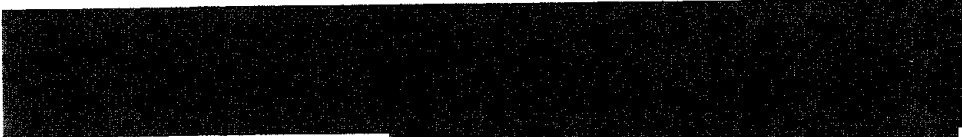
11/09/12 - 18/09/12 - 28/10/12 - 16/12/12 - 27/01/2013

1X WITNESS STATEMENT GIVEN TO COURT ~~MINUTE~~



**Statement of witness**

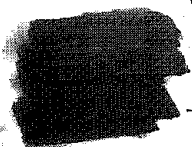
(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)



Occupation of witness

This statement, consisting of 5 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date:

06/12/12

I moved to my current address in Riversdale Road on August 11 2012. My flat has windows that overlook the garden at the rear of the White House P.H. in Highbury New Park.

I started to notice noise from the use of the rear garden in late August and I have kept some notes of significant noise disturbance to me and my family caused by the use of the garden.

I have kept notes as follows:

26/8/12 - 18:00 - 21:40 pm

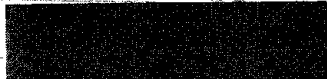
TV in use in the garden. A football match was being shown - lots of noise from the customers and the amplified sound of the commentary. The noise increased when goals were scored.

27/8/12 - 19:00 - 00:30 am

Again a football match was shown, with lots of noise as described above. From 11pm there was live music in the garden area. The music was acoustic but it was very noisy as the customers were singing along to the songs being played. The music was traditional Turkish music. This prompted me to call the council and report

Dated the 6th day of December 2012

Signed



Statement of witness

2

(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF

[Redacted Name]

the noise to their Noise Patrol service. I was so desperate that I called the Police first of all and they gave me the number to call the Council.

29/8/12. 19:00 - 21:30.

Another football match was screened outside in the rear garden. The noise disturbance was the same with lots of people noise, the sound of the commentary that was amplified. The noise increased when goals were scored with the customers cheering etc.

2/9/12. 15:00 - 19:30.

Another football match with noise as described above. Only on this occasion the garden stayed open until about 11pm.

6/9/12. 19:00 - 22:00.

Another football match with the same type of noise as described above.

7/9/12 17:00 - 21:20.

Another football match was shown in the rear garden with a lot of customer noise and amplified sound as described above.

11/9/12. 17:00 - 21:30.

Today was my son's third birthday, we wanted to have a nice birthday gathering of family and friends to celebrate but we were badly disturbed again by noise from the rear garden at the White House when they screened another football match and I ended up having to call the Noise Patrol again which spoilt my plans to celebrate my son's birthday.

Dated the 6th day of December 2012

Signed [Redacted Signature]

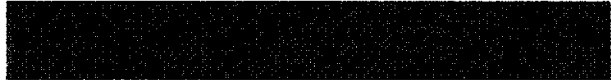


Statement of witness

3

(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF



18/9/12. 17:00 - 20:30.

Another football match was screened in the rear garden of the White House. The noise disturbance to my home was as described above.

I was away from home from 21/9/12 until 7/10/12. On my return on 7/10/12. I was again disturbed by noise from the rear garden between the hours of 17:00 - 20:30 when another football match was screened. Again the noise disturbance to me and my family was as described above.

23/10/12. 19:00 - 21:30.

Noise disturbance again from the screening of a football match in the rear garden of the White House. Again, the noise disturbance to my home and family was as described above.

20/11/12. 19:30 - 21:40.

The same again, another football match was shown. The noise disturbance to me at home was the same with lots of people noise with raised voices, screaming, shouting and swearing to each other. I understand the Turkish language so I could tell they were using bad language. There was also noise from the commentary and the people noise increased when goals were scored.

I have noticed the garden is in use on most nights after 9pm. The noise is not as bad when there is no football being screened but I can still hear customers talking and laughing outside and sometimes this is quite noisy and it still

Dated the 6th day of December 2012

Sign

Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF [REDACTED]

disturbs me and my family at home. This noise from the rear garden can go on until 11pm and sometimes it continues to later on.

The noise has got less since the cold weather has set in but I dread next spring and summer when the weather gets warmer again.

As well as the noise, the pub garden is used for the smoking of shisha pipes. The tobacco smoked in the pipes is very fragrant and aromatic. It has quite a destructive smell which is not nice. The smell from the shisha gets into my flat which overlooks the garden.

The noise disturbance from the use of the garden has had a big effect on my family. I had chosen to put my son's bedroom at the rear of my flat as I thought any traffic noise outside could disturb him. I have now had to swap bedrooms and he now sleeps at the front of the flat and my wife and I sleep in the bedroom that overlooks the garden to the pub.

This noise has put a strain on my relationship with my wife. We worry about when the noise is going to happen again and we have to call the Noise Patrol to come and visit us to witness the noise again and we have to wait for them to come. This makes us very short tempered with each other and fed-up with our situation.

We were very happy when we moved into our flat but our happiness has been spoilt by this terrible noise nuisance. We both feel very angry

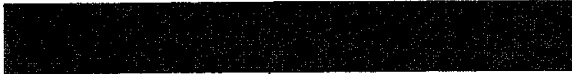
Dated the 6th day of December 2012

Signed [REDACTED]

Statement of witness

(Criminal Procedure Rules 2005, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

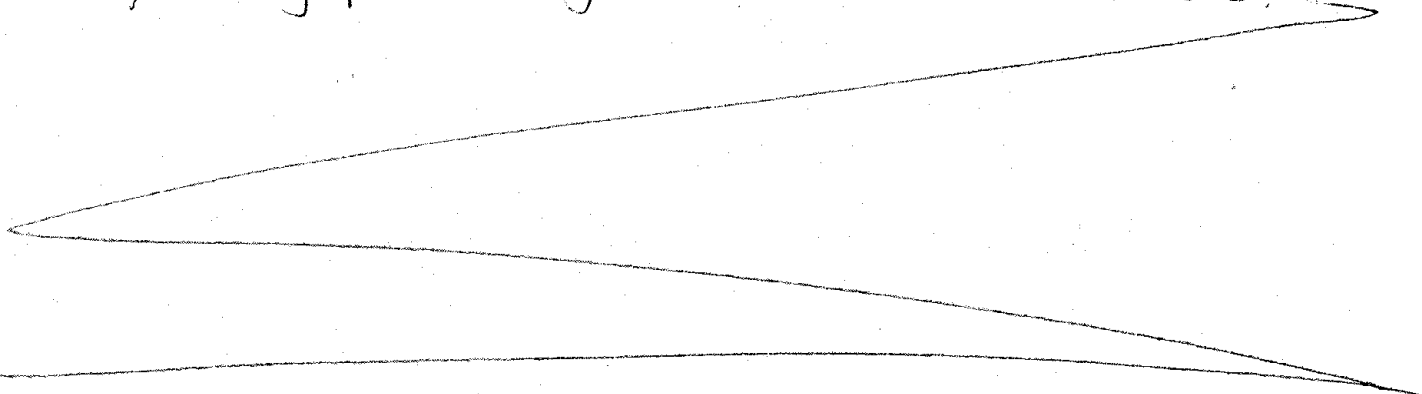
STATEMENT OF



that our peace and quiet at home has been ruined by the noise from the garden with lots of people crowding in it and making a lot of noise. The TV and the amplified sound in the garden is too loud.

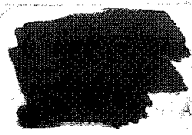
At the time of writing this to my knowledge the garden at the rear of the pub has not been used since last Thursday. I have not noticed any people or amplified sound in the garden at all. I have some video recordings of some of the noise from the events in the rear garden of the White Horse. Sometimes I have made recordings rather than make notes.

I have short clips of recordings that I made on my mobile phone at the window to my flat that overlooks the garden. I recorded noise on 26/8, 27/8, 29/8, 31/8, 2/9, 6/9, 7/9, 11/9, 18/9 and 23/10. I will make a disk of these recordings and would like to use these recordings as evidence of the noise that is affecting me and my family from the garden at the White Horse.



Dated the 6th day of December 2012

Signed



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

From: [REDACTED]

Sent: 15 February 2013 09:20

To: Brothers, Anne; Forde, Niall; Licensing

Subject: Spam: The White House Public House Licensing Application 12/02/2013

Dear Anne Brothers, Nial Forde

I hope this finds you well? Today I have checked Islington Council Licensing applications, I have found The White House Public House(313 Highbury New Park N5 2LB) licensing application dated 12/02/2013 and Licensing Application Review Waiting Issue! the information supplied seems to cover only the general terms of alcohol license. My main concern is what exactly is meant by 'Ground Floor'. Does this include the rear garden? I would like to know if their applications can cover using the back garden to screen TV Football events and / or music? If the answer is yes should we appeal or is Islington Council already aware of the current situation and prepared to take their unacceptable behaviour the past month into account when considering their application?

As you know we have had problems with them ignoring the terms of their current licence and all warnings given to them so this really is a concern.

If they do get this licence, I fear there will be nothing to stop them from escalating the noise and all sorts of trouble related to drunken behaviour and gambling (allegedly taking place in the White House).

This will make living in the area very hard. They seem to have already started building works to the rear garden, which appear quite significant, perhaps getting ready for screening football matches.

Please see attached pictures taken by day by.

As always, I await your response in anticipation.

Kind Regards

[REDACTED]

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[REDACTED]

**Fitzsimons, Aiden**

---

**From:** Forde, Niall  
**Sent:** 08 March 2013 14:36  
**To:** Fitzsimons, Aiden  
**Subject:** FW: Spam: The White House Public House Licensing Application 12/02/2013  
**Attachments:** App\_Review\_WhiteHouse\_12Feb13.pdf;  
060918GuidanceforInterestedPartiesReviews2007.pdf

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

**From:** [REDACTED]  
**Sent:** 05 March 2013 15:31  
**To:** Forde, Niall  
**Cc:** Brothers, Anne  
**Subject:** Fwd: Spam: The White House Public House Licensing Application 12/02/2013

Dear Niall,

I would like to express my full support to Islington Council's Licensing department taking an action to review the terms of Licence of the White House pub. As someone who has been subjected to numerous occurrences of noise disturbance caused by the owners of the White House pub ignoring the terms of their licence and subsequent warnings issued to them by Islington Council Licensing Department, I feel that all in your power should be done to prevent the White House pub owners from continuing to cause noise nuisance.

We have reported the disturbances and understand from our correspondence with Anne Brothers that the owners of the White House have been issued with warnings but choose to ignore them. Further, they are currently doing building works to the rear garden, again into late at night (which again causes noise disturbance), which leads me to think they have plans to continue using the rear garden to screen football matches and play loud music there.

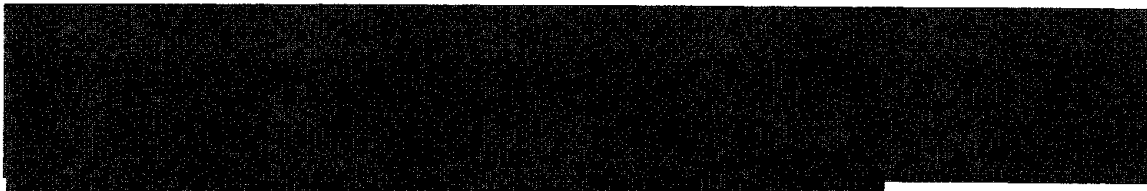
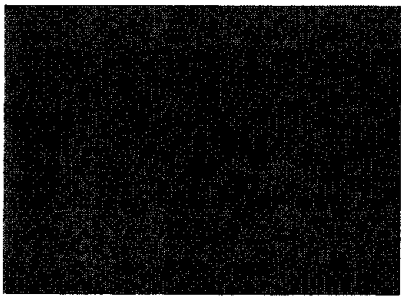
It is upsetting to see the owners to act as if they are above the law, having a complete disregard for the court ruling, terms of their licence, and the people living around the pub.

I would like to see the White House pub being forbidden from using the rear garden in any way after 9pm and for them to be forbidden to have and use TV or any form of amplified sound in the rear garden.

Please do not hesitate to contact me should you wish to discuss this further.

Yours truly,

[REDACTED]



13

The application submitted was made by Janice Gibbons on behalf of the licensing authority. The review is to tighten up the conditions in respect of the garden area, and also to add a condition to remove screen and speakers from the garden.

As the review has now been submitted any other interested parties including residents and the noise team can make comment on any issues relating to licensing objectives at the premises within the 28 day deadline. I have attached a copy of the review and the DCMs guidance on reviews for your information.

The last date for representations is 12 March 2013.

Regards

Niall Forde  
Licensing Officer  
Licensing Team  
Environment and Regeneration  
Islington Council  
222 Upper Street  
N1 1XR  
0207 527 3227  
Alternative contact: Terrie Lane 0207 527 3233

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## Fitzsimons, Aiden

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**From:** Forde, Niall  
**Sent:** 08 March 2013 14:35  
**To:** Fitzsimons, Aiden  
**Subject:** FW: Licence review for the White House Pub.

[REDACTED]  
Sent: 05 March 2013 22:07  
To: Forde, Niall  
Cc: Brothers, Anne  
Subject: Licence review for the White House Pub.

Dear Niall,

Please can you accept this email as a formal representation in support of the review of the licence for the White House Pub, 313 Highbury New Park, London, N5 2LB.

I would prefer it if I was not named in the papers that are published as part of this review. I would love to be able to speak at the hearing for this review but the disrespect that the owners have shown their neighbours thus far leads me to believe that I may face recriminations if I do so. This is a great shame.

### Context

I purchased my flat, which is situated near the pub garden, in August 2012 - moving in on the 20th of that month. I understood that there would be some noise as a result of living next to the pub, and felt that under normal circumstances this wouldn't be a problem (I have previously lived in a flat that was situated in the middle of Camden under a railway bridge, opposite a popular pub, with no problem).

However since moving into the flat the level of disruption experienced has been, in my opinion, completely unacceptable. Additionally the level of disrespect the owners have shown for their neighbours and the degree to which they have blatantly disregarded the terms of their licence leads me to believe that the problem will only continue and possibly even get worse.

So that my representation can be considered, I will describe my experiences in the past 7 months under three key headings:

#### 1) Unacceptable noise out of hours.

I understand that the agreement attached to the current licence states that the garden should not be used after 9pm. This is certainly not adhered to.

The garden is regularly open past 9pm and often stays open until the early hours of the morning. Friday, Saturday and Monday seem to be the worst days for this.

When the garden is being used late at night it is impossible to sleep and disruptive to our general living conditions. The noise has been so bad that I have reported it to the Council's noise team on several occasions and they have visited my flat to witness it.

My temperament is mild mannered, considered and calm. I try to avoid confrontation. However, the late-night noise from the garden has resulted in me shouting out of my window on two occasions (both resulted in the noise stopping immediately). The first of these was in August, shortly after I moved in, when the pub had a band with

several instruments playing and singing at 3am. The second is linked to the current building works and is detailed in point 3 below.

This is an ongoing problem that shows no sign of abating.

## 2) Music and football.

I understand that the agreement attached to the current licence states that the garden should only be used for background music and drinking only. This is certainly not adhered to.

The garden is equipped with large speakers and a huge flatscreen TV. This is used on regular occasions to screen foreign football (the european fixtures when the noise takes place leads me to believe that it is the Turkish league). When the football is screened, the garden is packed. All of the patrons spend the entire time of the game (2 hours or more) singing and chanting loudly. This is audible in every room of my flat, is therefore inescapable and is simply unbearable.

My understanding is that the pub have been informed by the Council that a TV and speakers are not permitted in the garden and they have continued since then. On nights when there is no football but the garden is open, the pub play loud music through these speakers.

This is an ongoing problem that shows no sign of abating.

## 3) Building works.

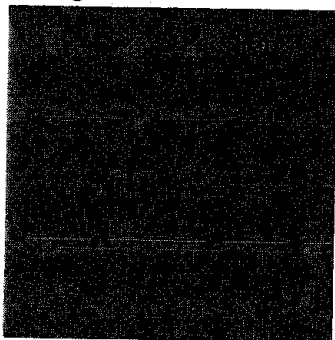
The garden is currently undergoing substantial building works. (I have been told that it is to create 'terracing' facing the TV so that more people can fit in when they screen football matches, however, I have not been able to confirm this).

Hammering and drilling are audible throughout my flat when the works take place.

The works do not generally take place during the day, but begin at around 6pm in the evening. I understand that this is not within the Council's stipulated hours for building work that can be heard outside of the site.

At 1:30am on the morning of Sunday 3 March the building work was taking place. 1:30am! I could not sleep due to the hammering and drilling and had to resort to shouting out of the window to tell them to 'shut up'. They stopped immediately, which to some extent indicates that they know they are in the wrong in the first place. This behaviour shows total lack of respect for their neighbours, which I can only imagine is going to continue unless suitable intervention takes place.

Regards,







## Fitzsimons, Aiden

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**From:** Forde, Niall  
**Sent:** 11 March 2013 10:21  
**To:** Fitzsimons, Aiden  
**Subject:** FW: The White House Pub

Another one

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

**From:** [REDACTED]  
**Sent:** 08 March 2013 17:02  
**To:** Forde, Niall  
**Subject:** The White House Pub

Dear Niall,

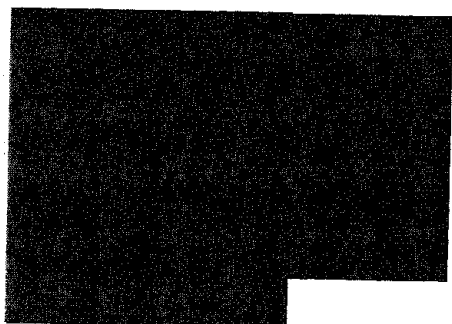
I am a resident of Riversdale Road, residing in very close proximity to The White House Pub on Highbury New Park. A neighbour of mine made me aware of the impending licence review facing the pub and I would like to make some comments.

I am in favour of any proposals which will result in the reduction of noise levels from the pub, particularly in the late evening/night time. There have been a few occasions, on Sundays if I recall correctly, where noise from the pub has prevented me from sleeping or has woken me up. I must say in their defence, it's not a constant problem, it doesn't occur week in week out. However, when they do screen football, it tends to be quite loud. I am surprised to learn that they don't in fact have a licence to screen sport in the rear garden.

Also, I'd like to point out that on Sat 2nd March, I did have an early night and was awoken past 11pm by what sounded like hammering and DIY. I cannot be certain that it was coming from the pub but it seemed to be coming from that direction.

I hope this information is of use. Please feel free to get in touch if you have any questions about my comments above.

Kind regards,



**Fitzsimons, Aiden**

---

**From:** Forde, Niall  
**Sent:** 07 March 2013 14:20  
**To:** Fitzsimons, Aiden  
**Subject:** FW: White House pub 313 Highbury New Park N5 2LB

For the file.

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

**From:** [REDACTED]  
**Sent:** 08 March 2013 21:25  
**To:** Forde, Niall  
**Subject:** White House pub 313 Highbury New Park N5 2LB

Dear Niall

I'm writing you in regards to the Application For The Review Of A Premises License for the White House pub.

Living in very close proximity to the outdoor rear garden of the pub, we often have experienced noise disturbances in the evening after 21:00, and at many times after midnight. Including amplified music and live football matches.

I have just learned that there is a review of their license, and I strongly feel that the proposed terms and conditions are fair and reasonable, and hope they are applied.

If you have any questions, please do not hesitate me.

Kindest regards





**Forde, Niall**

---

**From:** Suna Hazar <suna@archgatelaw.com>  
**Sent:** 03 April 2013 15:00  
**To:** Forde, Niall  
**Subject:** FW: Whitehouse Notice of hearing

Dear Naill,

I have been corresponding with Janice and she has today advised me to e-mail you with our clients proposal for consideration by individuals that have made a representation.

Our client proposes the following;

1. Television screens and the speakers to be removed from the rear garden.
2. No amplified music in the rear smoking area.
3. Rear garden shall not be used by patrons after 11pm.
4. Rear garden shall be supervised at all times whilst in use.

The fact that my client is now willing to remove the television and speakers should address the residents' complaints as there will be no matches shown at the rear garden.

As you are aware the committee hearing is on the 18th April and I hope that this matter can be resolved without going to the hearing if all parties are happy with the compromises my client is willing to make to minimize the destruction to the residents.

I look forward to hearing from you.

Regards,

Suna Hazar

Solicitor  
cid:image001.jpg@01CDAAC9.A73577E0

FAX: 020 8809 9645

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THE WHITEHOUSE  
313 Highbury New Park  
LONDON  
N5 2BL

Acoustic Consultant's  
Report

REPORT 5356/AR1  
Prepared: 25 February 2013  
Revision Number: 0

The Whitehouse  
313 Highbury New Park  
London  
N5 2BL

THE WHITEHOUSE  
313 HIGHBURY NEW PARK  
LONDON N5 2BL

REPORT 5356/AR1  
Prepared: 25 February 2013

Revision	Comment	Date	Prepared By	Approved By
Zero	First issue of report	25 February 2013	Torben Andersen	Francis Kneller

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## 1.0 INTRODUCTION

- 1.1 The Whitehouse is a licensed premises at 313 Highbury New Park, which benefits from a late night planning permission until 1am Monday to Saturday. On Sundays there is planning permission until 00:30am although at present the venue only opens until 11:30pm.
- 1.2 There have been problems relating to the use of the beer garden at the rear of the premises due to the proximity of recently constructed residential properties which now overlook the garden.
- 1.3 A Section 80 Notice has been served by London Borough of Islington's Environmental Health Department and as such monitoring of noise levels over a typical weekend period has been undertaken.
- 1.4 The results of the monitoring have been compared to the prevailing noise levels (with no patrons in the external area) and also guidelines given within various relevant documents.
- 1.5 In summary, it is concluded that use of the beer garden (within certain constraints) can be considered acceptable.
- 1.6 With this in mind, we would recommend the following Conditions be applied to the premises licence regarding use of the beer garden:
  - A dedicated member of SIA staff to be within the beer garden at all times of occupation
  - No amplified music to be played within beer garden after 6pm
  - Televisions within beer garden to be altered such that there is no "sound" after 6pm
  - A noise limiting device to be installed to the sound system such that both amplified music and television noise are controlled to acceptable levels as assessed at the nearby residential properties

## 2.0 NOISE MEASUREMENTS

- 2.1 Unattended noise measurements at The Whitehouse premises were undertaken between Friday 30<sup>th</sup> November to Monday 3<sup>rd</sup> December 2012.
- 2.2 The survey period covered a typical weekend period when The Whitehouse venue was operating under normal conditions. The beer garden was open until 9pm.
- 2.3 Contemporaneous notes were also made by the premises management of the number of patrons within the rear beer garden area over each 15 minute period between 17:00 and 21:00 hours.
- 2.4 Weather conditions over the monitoring period were considered to be generally good, being predominantly dry and still, although there may have been light rainfall during the night-time period. As such, the measurements can be considered to give a satisfactory representation of the prevailing noise climate
- 2.5 A microphone was fixed to a boom and extended 3m above ground level on the Western perimeter of the beer garden. This position was selected to yield representative background noise levels as experienced at the worst-case noise sensitive receptor overlooking the beer garden.
- 2.6 Continuous measurements of the background noise climate were made throughout the weekend and were considered representative of the typical conditions. This location is shown on the attached Site Plan 5356/SP1.
- 2.7 The measurements were made using the following equipment, which was calibrated prior to and on completion of each survey period with no significant drifts being observed.
- 2.8 The following equipment was used for the measurements.

Table 5356/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
01dB A&V Type 1 Sound Level Meter	Solo 01	11298	U11335	28 May 2014
01dB A&V Pre Amplifier	PRE 21 S	12021		
G.R.A.S. 1/2" Microphone	40AE	151019	U11333	28 May 2014
01dB-Stell Calibrator	Cat 21	51231453		

The sound level meter was calibrated both prior to and on completion of the survey with no calibration drift observed.

### 3.0 MEASUREMENT RESULTS

- 3.1 The results of the measurements in terms of both  $L_{Aeq}$  noise levels and the  $L_{Amax}$  values made during our survey are detailed in the attached graphs 5356/G1-G3. These also include an indication of the number of people within the beer garden area.
- 3.2 As can be seen from these graphs, the noise levels at the measurement position over the key evening periods are consistent across each day on monitoring. The following table summarises the measured levels for the Friday night.

Table 5356/T2 – Measured Levels for 30 November 2012

Measurement Period	No. Patrons in Garden	$L_{Aeq}$ (dBA)	$L_{Amax}$ (dBA)
17:00	2	55.8	70.7
17:15	4	55.9	73.1
17:30	4	55.8	66.9
17:45	6	57.2	70.6
18:00	13	59.5	75.9
18:15	17	57.1	64.7
18:30	23	63.1	85.0
18:45	24	59.5	78.8
19:00	28	58.4	66.3
19:15	25	58.7	67.9
19:30	34	60.5	83.7
19:45	26	58.5	77.1
20:00	2	56.4	72.0
20:15	2	55.0	64.8
20:30	3	55.6	64.5
20:45	2	55.2	63.6
21:00	1	55.1	63.6
21:15	0	55.5	66.1
21:30	0	54.7	64.0
21:45	0	53.9	64.0
22:00	0	57.1	78.3
22:15	0	53.0	62.2
22:30	0	53.5	60.0
22:45	0	53.2	61.3
23:00	0	56.3	77.7
23:15	0	52.9	58.5
23:30	0	53.0	60.4

## 4.0 DISCUSSION

- 4.1 As can be seen from the attached graphs and Table 5356/T2, noise levels at the measurement location do increase slightly when there are patrons within the external garden.
- 4.2 It should also be noted that, during each of the days of the monitoring, the tv within the beer garden area was switched on and showing football matches.
- 4.3 We understand however, that one of the residents of the flats overlooking the beer garden has suggested that there were no patrons within the garden for the duration of the monitoring. This is not the case (our client has CCTV footage which can demonstrate this to be the case) although it could also be inferred from this allegation that received noise levels at the flats were not problematic over these periods.
- 4.4 Worst case levels of around 60dBA were recorded when there were 34 patrons in the garden area.

## 5.0 GOOD PRACTICE GUIDE

- 5.1 In March 2003, the Insitute of Acoustics published the "Good Practice Guide on the Control of Noise from Pubs and Clubs".
- 5.2 In Section 2.2 of the document, it is advised that "The purpose of this Guide is to assist local authority officers and venue management and their staff in the prevention of noise disturbance and in the investigation and resolution of noise complaints".
- 5.3 With regard to the use of Gardens and Play Areas, it is advised (Paragraph 7.8) that "The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and should normally cease at dusk or at 21:00 hours, whichever is the earlier.
- 5.4 It should also be noted that the draft version of the Good Practice Guide (and a subsequent Working Draft Annex to the Good Practice Guide) both included potential "prescriptive criteria" for the assessment of this type of noise.
- 5.5 These documents suggested a level of 55dBA  $L_{eq}$  at the noise sensitive premises could be considered a reasonable target criterion. It should however be noted that this criterion was suggested as being applicable for extremely quiet (rural) locations aswell as urban locations (where background noise levels are inevitably higher).
- 5.6 To compare the results of the noise monitoring exercise with the above suggested criterion, it is important to note the presence of background noise sources (such as local road traffic movements). As can be seen from Graphs, background noise levels immediately before and after the periods when there are no patrons within the beer garden are in the region of 55/56dBA.
- 5.7 It is also important to note that the measurement location used for the assessment is on the boundary of the Whitehouse beer garden area. As a result, measurements of noise due to patron activities will inevitably be marginally higher than those incident on the façades of the nearby residences. From our experience, the level difference is likely to be around 2dBA.
- 5.8 Taking the above into account, a level of (say) 60dBA as assessed at the measurement position, could be approximated as being 58dBA at the residential façade. When considering the cumulative effect of all background noise, this suggests noise due to the garden alone would be 55dBA. Therefore, a measured level of 60dBA could therefore be considered as being compliant with the target levels suggested in the draft Guide and Working Draft Annex.

- 5.9 With reference to Table 5356/T2, it can be seen that, during the Friday evening period generally (for 15 out of the 17, 5 minute periods in which there were patrons within the beer garden) measured noise levels were within this suggested limit.
- 5.10 The marginal exceedance (by less than 1dBA) at 19:30 is likely to have been a result of a large group leaving the garden area. The exceedance at 18:30 hours is likely to have been related to a group of patrons laughing.
- 5.11 Although such noise sources are normal (and do not relate to unacceptable behaviour), the fact that for such a high proportion of the time, compliance with the suggested limits was achieved, suggests that use of the beer garden (within certain constraints) can be considered acceptable.

## 6.0 OTHER CONSIDERATIONS

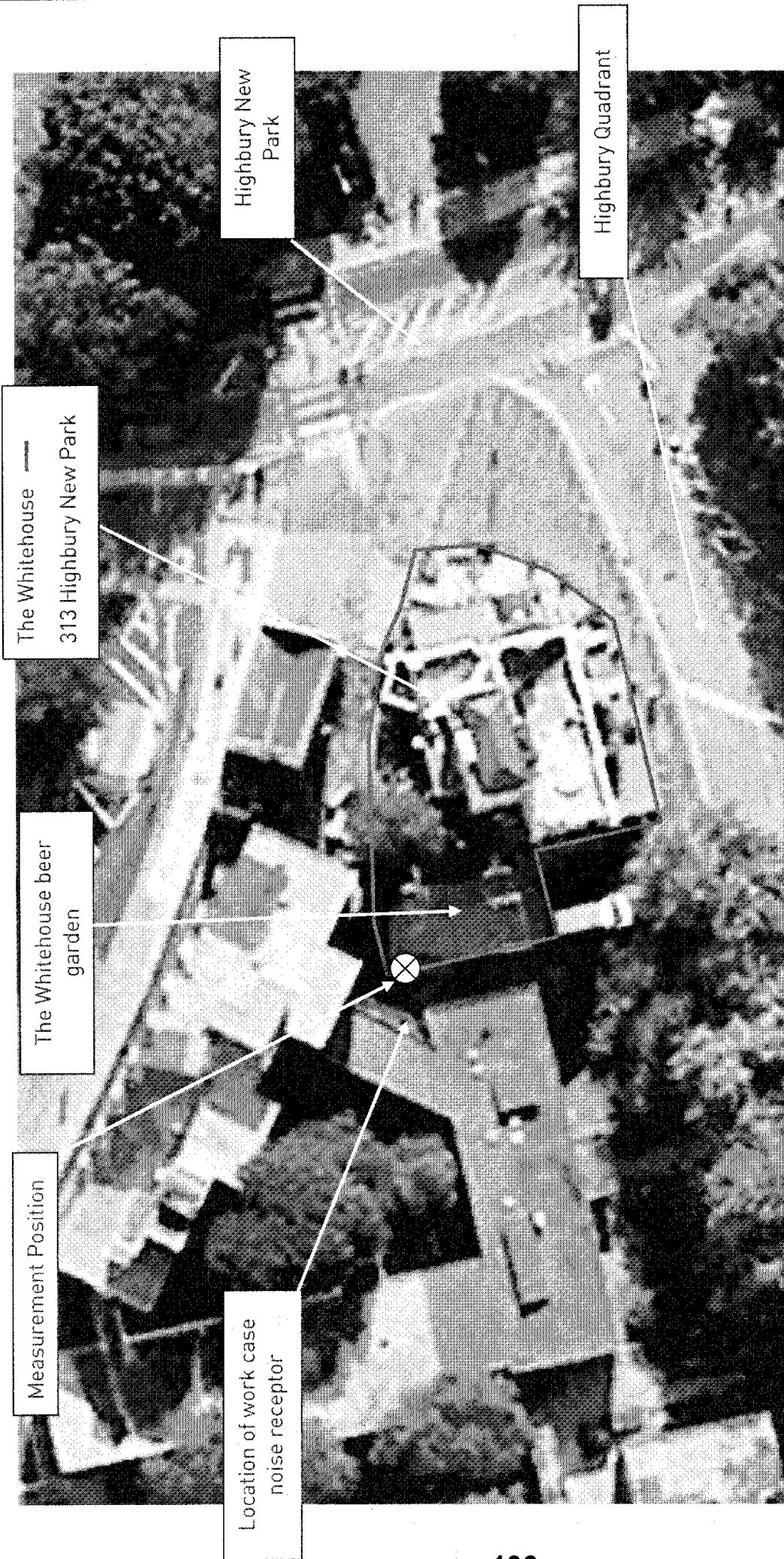
- 6.1 It should also be noted that the Whitehouse premises is a longstanding licensed venue and the properties from which the complaints have arisen are part of a recently constructed residential development.
- 6.2 While it is no defence to state that these residents have moved into the area, it could be expected that residents moving into a local area would fully appraise themselves of the local amenities (including licensed premises). Furthermore, the newly built residential properties should (under planning guidance for this area) be provided with sufficient sound insulation to adequately control pre-existing noise sources (such as road traffic along Highbury New Park and commercial premises such as the Whitehouse).

## 7.0 RECOMMENDATIONS

- 7.1 Measurements of the noise climate over a typical weekend period within the beer garden at the Whitehouse premises, have established that, even in the absence of noise associated with the beer garden itself, noise levels due to road traffic noise sources etc. are relatively high. With up to 34 patrons within the beer garden,  $L_{eq}$  levels increase only very slightly.
- 7.2 Generally, noise levels (when factored for increased distance to residential receptors and the prevailing background noise climate) due to the beer garden were below 55dBA.
- 7.3 With the above in mind, it is our professional opinion that use of the garden to the rear of the Whitehouse premises can be considered to be in accordance with the recommendations of the Good Practice Guide under certain constraints.
- 7.4 It must also be acknowledged that, although not a reason for defence, the beer garden was used for this purpose long before the residential development was constructed. There must therefore be some degree of "relaxation" to typically adopted standards to recognise this fact.
- 7.5 Notwithstanding the above the presence of such a beer garden in close proximity to residences inevitably has the potential to lead to disturbance to local residents. With this in mind, we would recommend the following Conditions be applied to the premises licence regarding use of the beer garden:
- A dedicated member of SIA staff to be within the beer garden at all times of occupation
  - No amplified music to be played within beer garden after 6pm
  - Televisions within beer garden to be altered such that there is no "sound" after 6pm
  - A noise limiting device to be installed to the sound system such that both amplified music and television noise are controlled to acceptable levels as assessed at the nearby residential properties

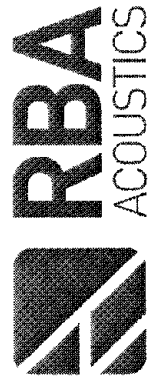
## Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
$L_{eq}$	$L_{eq}$ is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
$L_{Aeq}$	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
$L_n$ (e.g. $L_{A10}$ , $L_{A90}$ )	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The $L_n$ indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence $L_{10}$ is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, $L_{90}$ is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the $L_{eq}$ value.



The Whitehouse, Highbury New Park, London, N5  
 Site Plan 5356/SP1  
 25 February 2013

Site plan showing measurement position

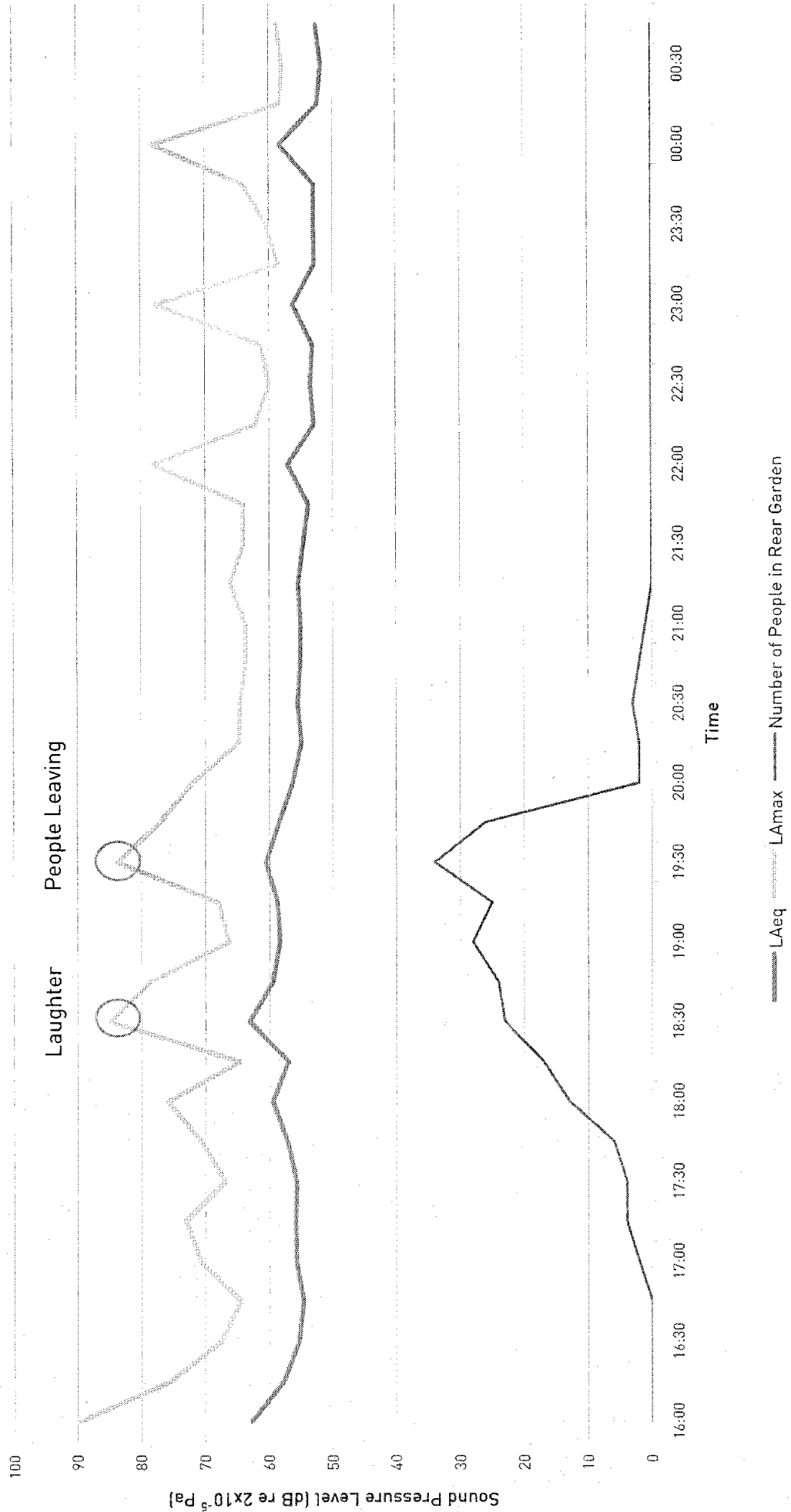






White House  
15 minute LAeq & LMax Time History  
Friday 30 November 2012

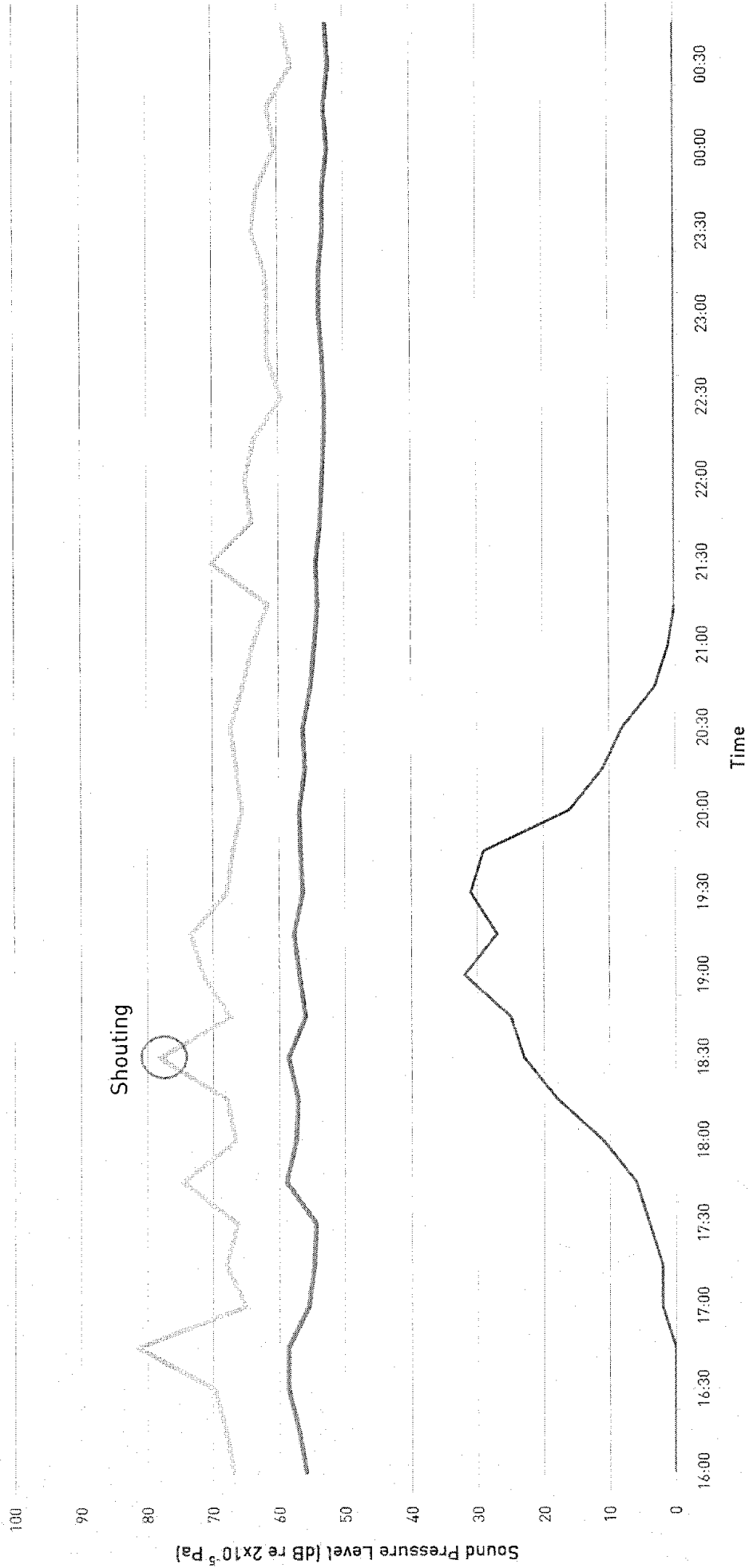
Graph 5356/01





White House  
15 minute LAeq & LAmx Time History  
Saturday 1 December

Graph 9356/G2

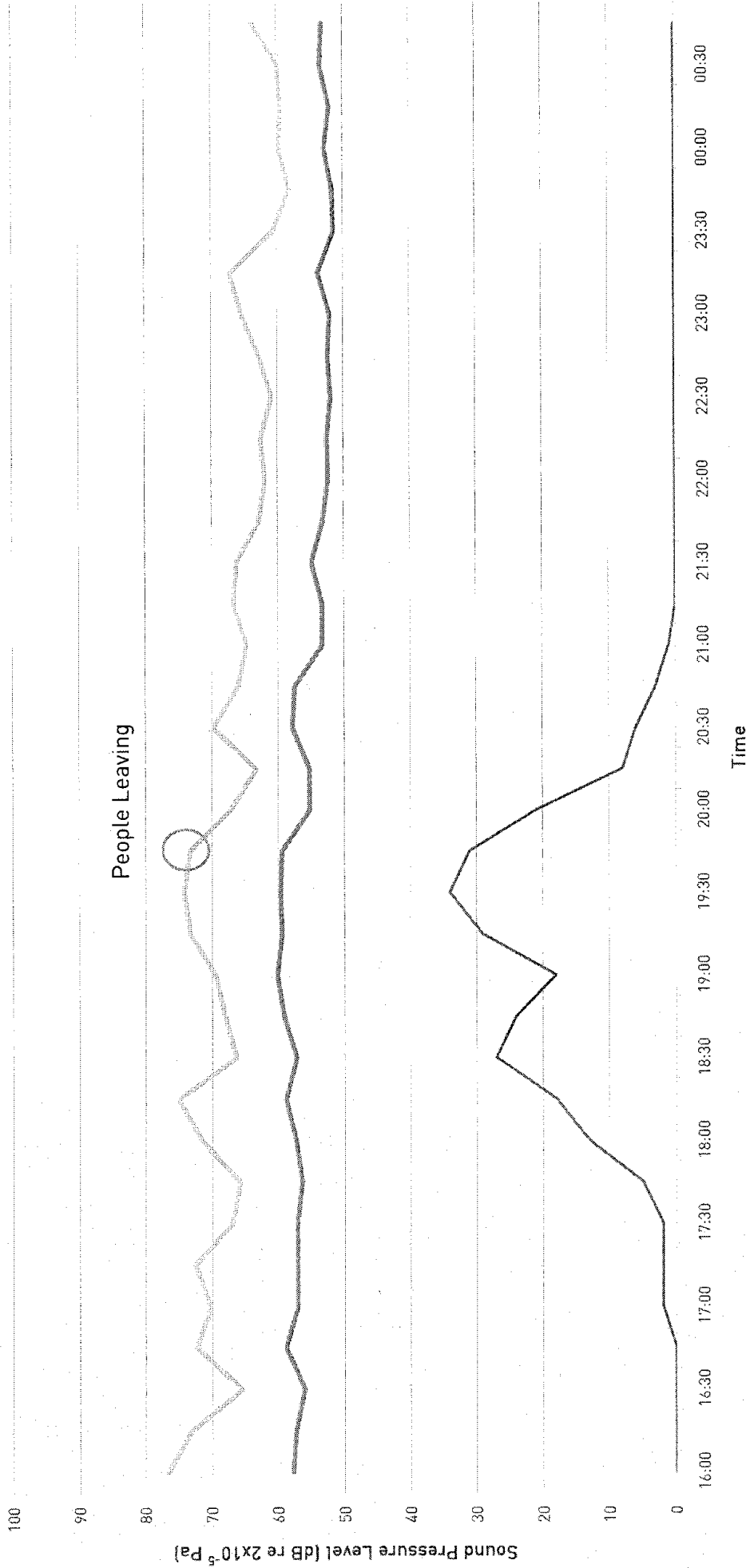


LAeq LAmx Number of People in Rear Garden



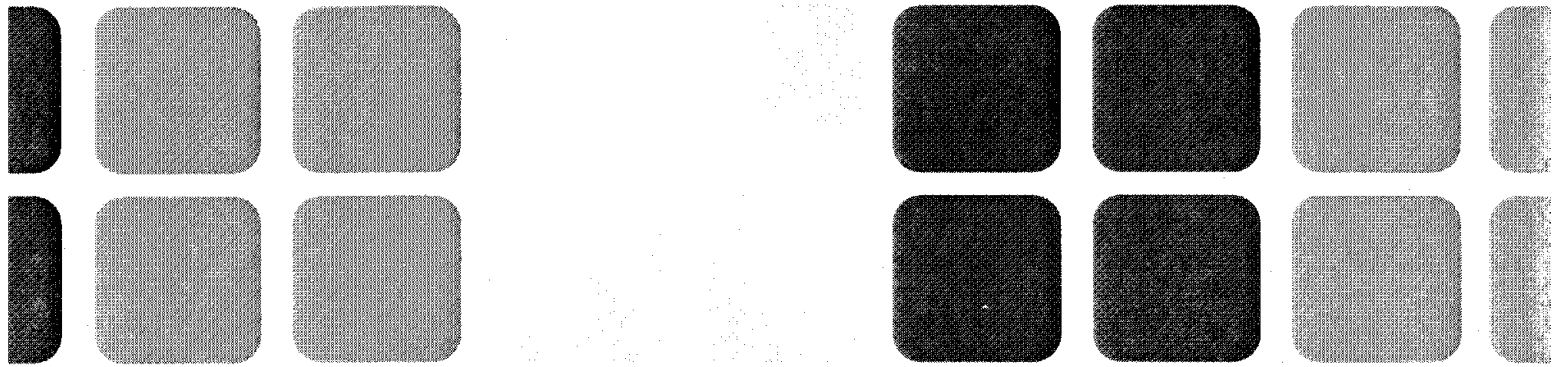
White House  
15 minute LAeq & LAmax Time History  
Sunday 2 December

Graph 5356/03



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**As per current licence**

As outlined in Appendix 2 on the current premises licence.

**Suggested conditions recommended by Council's Licensing Authority and the Noise Team**

Remove conditions 16 and 17 from Annex 2 of the current licence.

Attach the following conditions

1. Television screens and speakers shall not be permitted in the garden at any time. **(Agreed)**
2. There shall no amplified music in the rear smoking area and the area shall be supervised at all times whilst it is use. **(Agreed)**
3. The rear garden area shall not be used by patrons after 21:00.

The bar installed in the garden shall be removed.

A revised layout plan of the premises that reflects the current arrangements be submitted within 4 weeks of the determination of the review application.

**Suggested conditions offered by licence holder**

- 4 Rear garden area shall not be used by patrons after 23:00

