



Report of: Service Director, Public Protection

Meeting of:	Date:	Ward(s):
Licensing Sub-Committee - C	21/03/2019	Finsbury Park

		Non-exempt
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**SUBJECT: PREMISES LICENCE VARIATION APPLICATION
RE: ISLINGTON SPORTS BAR AND GRILL, 274
HOLLOWAY ROAD, LONDON, N7 7NE**

1. Synopsis

1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.

1.2 The premises currently holds a licence allowing:

- The sale by retail of alcohol on and off the premises on Monday to Sunday from 10:00 until 00:00
- The provision of late night refreshment on Monday to Sunday from 23:00 until 00:00
- The opening hours of the premises on Monday to Sunday from 10:00 until 00:30 the day following.

1.3 The variation application is to:

- Amend the premises licence so as to enable the premises to sell alcohol other than as an ancillary to a meal. This will be achieved by deleting Conditions 1 & 2 from Annex 2 of the premises licence, detailed below:

Annex 2 - Conditions consistent with the Operating Schedule

1. The premises shall only operate as a restaurant which provides food in the form of substantial meals that are prepared on the premises; and

2. Alcohol shall not be sold or supplied otherwise than to persons who are purchasing a meal from the advertised menu displayed at the premises and the consumption of alcohol by such persons is ancillary to taking such meals.

- Amend Condition 17 of Annex 2 of the premises licence from:
 - The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme;
 - to
 - The premises shall operate "Challenge 25" which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Note:

All currently authorised licensable hours and activities to remain unchanged.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Four local residents
Other bodies	No:

3. Background

- 3.1 This is an application to amend the licence conditions to enable the premises to operate as a traditional public house / sports bar.
- 3.2 The applications are subject to representations from the Police, the Licensing Authority, and Noise Team, as well as four local residents. In addition, the Noise Team have served an abatement notice on the premises licence holder for people and music noise.

- 3.3 The premises were originally licensed by Islington Council from 2016 as The Study and latterly as the Herbert Chapman. These premises had a licence to provide regulated entertainment and alcohol on Monday to Saturday from 11:00 until 02:00 the day following, and on Sunday from 12:00 until 02:00 the day following.
- 3.4 This licence was allowed to lapse in 2015.
- 3.5 The current licence was applied for in December 2015, and was granted under delegated authority on the 3rd February 2016.
- 3.6 This licence was for granted for a chicken restaurant called the Chicken Shop. The main two conditions restricting the sale of alcohol at the premises to accompany food as set out below.
- 3.7 The premises shall only operate as a restaurant which provides food in the form of substantial meals that are prepared on the premises
- 3.8 Alcohol shall not be sold or supplied otherwise than to persons who are purchasing a meal from the advertised menu displayed at the premises and the consumption of alcohol by such persons is ancillary to taking such meals.
- 3.9 In addition, the layout of the premises was for a sit down restaurant.
- 3.10 The current licence holders transferred on to the licence in November 2018. This was after a period where the premises had been completely closed. On the 18th November 2018 the current licence holder submitted a minor variation to amend the layout plan of the premises.
- 3.11 The licence holder consulted with the Police and Licensing Authority and they were advised that any application to amend the conditions of the present licence, to change the nature of the business from a restaurant to a public house, would have to be made by a full variation application.
- 3.12 The Police and Licensing Authority met with the applicants on 16 January 2019 and agreed conditions to be imposed on the variation application. It was stressed at that meeting that until the variation was granted, the premises must operate under the terms of the current licence. They were also advised they could operate on occasions as a public house by applying for temporary event notices. These temporary event notices have primarily been focused on Arsenal FC home match days.
- 3.13 The licence holder used their full allocation of temporary event notices of 21 days in 2018, and have applied for 16 temporary event notices in 2019. Whenever the premises have not had a temporary event notice in effect the premises have to legally be operating as a restaurant.
- 3.14 The premises were found to operating without a temporary event notice until 6am on 2nd December 2018, when they were open to the public serving alcohol for the Fury v Wilder boxing match in the USA.

- 3.15 There has been very little evidence that the licensee has been fully complying with the condition in respect of substantial meals on dates when there is no TEN in force. Officers witnessed the premises full to capacity, with customers standing drinking right up to the entrance door on 10th March 2019 the day Arsenal were playing Manchester Utd. There was a “one in one out” being operated at the door. So clearly in breach of their licensing conditions.
- 3.16 The licence holder had submitted a temporary notice for 10th March but submitted it too late so it was automatically rejected. The licence holder was advised by the licensing authority that they had to strictly comply with the restaurant conditions on the 10th March 2019.

4. Planning Implications

- 4.1 There are no planning implications from this application.

5. Recommendations

- 5.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.
- 5.2 These premises are located in the Holloway Road and Finsbury Park Cumulative Impact Area therefore the Licensing Committee will need to consider Licensing Policy 3, which states that there is a presumption of refusal unless the Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.
- 5.3 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 4); and
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 4)

6. Reasons for recommendations

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

Appendices:

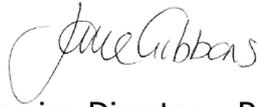
- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

Background papers:

None.

Final report clearance:

Signed by:



Service Director – Public Protection

12/3/19

Date

Report author: Licensing Service

Tel: 020 75027 3031

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* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

BT/32254

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Richard

* Family name

O' Bryan

* E-mail

contact@islingtonsportsbar.co.uk

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

07346797

Business name

Welch Consultants Limited

If the applicant's business is registered, use its registered name.

VAT number

- 996611181

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

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Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

29,750

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises consist of the ground floor and basement area of the property, the location of the premises is on the busy A1 Holloway Road, it is located approximately 300 metres from Holloway Road Underground Station and approximately 400 metres from the Emirates Football Stadium.

The layout consists of a relatively large open plan area and three permeant booths running along one wall, the kitchen is compact and well equipped with the latest in commercial cooking appliances. The bar area is visible from all areas of the premises and this allow the bar staff to effectively monitor the entire bar (save for the toilet area) quickly and efficiently.

The variation is proposed to allow for a great level of flexibility to serve alcohol without the need to serve food on every occasion of the purchase of an alcoholic beverage, the nature of the offering (being a Sports Bar and Grill) results on occasion of patrons seeking to consume a light meal or unsubstantial meal/snack whilst watching the sports offering on the HD TV Screens located on the premises. The licence currently does not allow for such types of transaction requiring the premises to be operate as a restaurant serving substantial meals, and additional to the restriction that alcohol cannot be sold to anymore not ordering a meal results in an offering not that does not appeal to a significant portion of patrons and those seeking to available of a local "bar" in the area, which is well known for the number of closed bars/pubs in recent years.

In addition, the close proximity to the Emirates Stadium results in the need to apply to the local authority on a regular basis for TEN applications. The intention of the Licence Holder is to main a strong food offering but in order ensure full compliance with licencing conditions it believed that the most appropriate course of action is to seek to full variation to remove the conditions as set out in section 15 of this application.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No adult entertainment or gaming or any ancillary use that may give rise to concern in respect of children.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Please see additional enclosure detailing conditions to be removed and amended.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We have strong management controls and deliver effective training to all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives.

Our licensee and other managers are aware of their obligations regarding "day-to-day" control of the premises, with each having undertaken or been enrolled on training for staff on the Licensing Act.

Our operating schedule details our hours of operation and licensable activities during those hours.

Particular attention is given to:

- No selling of alcohol to underage people
- No drunk and disorderly behaviour on the premises area
- Vigilance in preventing the use and sale of illegal drugs at the retail area
- No violent and anti-social behaviour
- No any harm to children

We operate the "Challenge 25" criteria, to prevent the supply of alcohol to under-age drinkers.

A robust CCTV system has been installed with full recording.

We have arranged for an exterior window shutter to be installed so that we can ensure that shop front is safe and secure at all times

As a licensed premise, we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through our operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

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A state of the art CCTV system has been installed to monitor entrances, exits, and all other parts of the premises (excluding bathrooms) in order to address our prevention of crime objective.

We have clear and legible notices outside the premises indicating the normal hours under the terms of the premises licence (during which licensable activities are permitted).

We also have clear and conspicuous notices warning of potential criminal activity, such as theft, not selling alcohol to drunk or intoxicated customers. Signs are also prevalent that warn that any persons found to be dealing or consuming illegal drugs will have their details shared with the Metropolitan Police.

Staff are trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Our staff have been trained (or are enrolled for training) in adherence to:

- Environmental health requirements.
- Implementation of underage ID checks.

A log book and recording system is kept upon the premises in which we enter details of any incidents or inspections made. This Log Book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

Fire and health risk assessments have been undertaken by external bodies.

We are aware of our obligations under both statute and licencing, and fully comply with any guidance given to us regarding public safety.

All parts of the premises and all fittings and apparatus therein, are maintained at all times in good order and in a safe condition, including:

- Door fastenings
- Notices
- Lighting
- Heating
- Electrical
- Air conditioning
- Sanitary accommodation
- All other installations

d) The prevention of public nuisance

As per Council, we have engaged RBA Acoustics to undertake a full survey of the premises. Their initial site visit took place on Wednesday 16th of January 2019. As a continued sign of our transparent operating practices, we will share a copy of this report and recommendations in their entirety with you. In any Event we will implement the following recommendation and conditions set out by the Local Authorities Pollution Team received 18 January 2019 as set out below:

- Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- The sound insulation properties of the premises must be maintained and kept in good order.
- Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local

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residents and to leave the premises and the area quietly.

- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
- Upon completion of the above survey, the premises licence shall include the maximum sound levels permitted at the premises to the satisfaction of the Pollution Team. The maximum sound levels quoted on the premises licence shall replace the above condition.
- All amplified voices and music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded.
- The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.
- The entertainment noise control system shall be located in a secure, lockable cupboard or similar location. It is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
- In the event of any changes to the position of the speakers and distribution of sound, the limiter shall be recalibrated and the new calibration certificate shall be sent to the Licensing team for file
- Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating entertainment is taking place i.e. live and recorded music
- No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
- No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
- Any outside furniture shall be rendered unusable from 23.00 hours until the commencement of the next day's trading
- The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity
- In the event of a noise complaint substantiated by authorised officers, the licensee shall reduce all levels of amplified sound until such works are carried out to contain sound and re-assess sound levels at the premises to the satisfaction of the Pollution Team.
- The licensee shall develop a Noise Management and Dispersal Policy to control noise coming from the venue, including people noise, and to control noise from customers either congregating outside or leaving the area. The Noise Management and Dispersal Policy shall be agreed with the Council's Licensing Authority and be reviewed and revised periodically or after incidences to ensure that public nuisance is prevented from recurring.

In addition to the above council/recommendations and conditions and as an interim measure, we have implemented a number of additional procedures, including all of those detailed in your aforementioned correspondence.

These include, but are not limited to:

- Volume of music/televisions

We have installed temporary devices in the main area of the building which measure sound.

After 21:45, we have imposed self-restrictions of 60dB. From 22:15 this reduces to 40dB and music is entirely finished at

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22:45.

- Signage

Additional signage has been placed both inside and outside of the premises reminding patrons that we are based in a residential area and that they should respect our neighbours accordingly.

- Lighting

As per your guidance, we have commenced increasing the lighting from 22:00 so that it is at it's brightest at closing time.

- Lollipops

As a novel idea to reduce patrons talking excessively when they leave the establishment, we have devised a complimentary lollipop tray by the exit which we put out from approximately 21:00.

- Smoking

Staff who smoke are now prohibited from doing so in front of the building and must do so in the rear "garden" area of the establishment.

- Patrons Exiting

The Duty Manager now says good night to all patrons and reminds them to leave quietly.

Customers are not permitted to be on the premises beyond opening hours.

- Communication

We intend to host monthly Saturday morning meetings where neighbours will be invited to inform us of any issues they may have had and ways in which they believe we can operate more efficiently.

These meetings will be minuted and circulate to residents in close proximity who either cannot or do not want to attend in person.

- Delivery of Goods

Deliveries of goods necessary for the operation of the business will be carried out at a time and manner as to prevent nuisance and disturbance to nearby residents. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

- Other Duties of Care

The movement of bins and rubbish outside the premises will be kept to a minimum and only during socially acceptable hours. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be repositioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity

Since implementing the above procedures, we have not had any concerns raised to us either directly or through a third party.

e) The protection of children from harm

We are participants of "Challenge 25" which is a retailing strategy that encourages anyone who is over 18 but looks under

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25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Our staff are aware and have been trained regarding the requirements for persons' identification, age establishment etc. (all training details are maintained in Training Record Book).

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Brian Francis Taggart"/>
* Capacity	<input type="text" value="Company Solicitor"/>
* Date	<input type="text" value="18"/> / <input type="text" value="01"/> / <input type="text" value="2019"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="BT/32254"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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ISLINGTON

Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/16074-191118	Date of original grant*	03 February 2016
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description ISLINGTON SPORTS BAR AND GRILL ERROR! REFERENCE SOURCE NOT FOUND. 274 – 276 HOLLOWAY ROAD			
Post town	London	Post code	N7 6NE
Telephone number			

Where the licence is time limited the dates Not Applicable

Licensable activities authorised by the licence Ground floor and basement <ul style="list-style-type: none"> • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																															
<ul style="list-style-type: none"> • The provision of late night refreshment: <table border="0"> <tr><td>Monday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Tuesday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Wednesday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Thursday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Friday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Saturday</td><td>23:00</td><td>to</td><td>00:00</td></tr> <tr><td>Sunday</td><td>23:00</td><td>to</td><td>00:00</td></tr> </table> 				Monday	23:00	to	00:00	Tuesday	23:00	to	00:00	Wednesday	23:00	to	00:00	Thursday	23:00	to	00:00	Friday	23:00	to	00:00	Saturday	23:00	to	00:00	Sunday	23:00	to	00:00
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Saturday	23:00	to	00:00																												
Sunday	23:00	to	00:00																												
<ul style="list-style-type: none"> • The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Saturday</td><td>10:00</td><td>to</td><td>00:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:00</td></tr> </table> <p>Except on: New Year's Eve, until the time authorised on the following day</p> 				Monday	10:00	to	00:00	Tuesday	10:00	to	00:00	Wednesday	10:00	to	00:00	Thursday	10:00	to	00:00	Friday	10:00	to	00:00	Saturday	10:00	to	00:00	Sunday	10:00	to	00:00
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Saturday	10:00	to	00:00																												
Sunday	10:00	to	00:00																												

Gaming Machine Provision: Not applicable
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The opening hours of the premises:

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

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

On and off supplies

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

Welch Consultants Limited,
C/O LSR Management Ltd,
Unit C2A Comet Studios,
De Havilland Court,
Penn Street,
Buckinghamshire,
HP7 0PX.

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

07346797

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

Mr Richard Thomas O'Bryan

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

No restrictions

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: 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.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. The premises shall only operate as a restaurant which provides food in the form of substantial meals that are prepared on the premises
2. Alcohol shall not be sold or supplied otherwise than to persons who are purchasing a meal from the advertised menu displayed at the premises and the consumption of alcohol by such persons is ancillary to taking such meals.
3. Off Sales shall cease at 23.00, 7 days
4. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take away meal. In respect of this, off-sales will be limited to either two bottles of beer or two alcoholic shakes per take away meal
5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
6. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:
 - a) All crimes reported to the venue
 - b) Any complaints received
 - c) Any incidents of disorder
 - d) Any faults in the CCTV system
 - e) Any visit by a relevant authority or emergency service
 - f) All ejections of patrons

- g) All seizures of drugs or offensive weapons
 - h) Any refusal of the sale of alcohol"
7. The holder of the premises licence shall subscribe to and participate fully in the local pub/club/shop watch scheme.
 8. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed
 9. Staff shall carry out routine patrols to monitor customer behaviour and ensure all customer litter is removed. A member of staff shall be tasked with monitoring customer dispersal at closing time to encourage customers to leave quietly and not to loiter in the vicinity
 10. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements
 11. Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises
 12. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified
 13. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
 14. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
 15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
 16. Refuse must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties
 17. The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme
 18. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff
 19. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

20. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
21. Any outside furniture shall be rendered unusable from 23.00 hours until the commencement of the next day's trading

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

Not applicable

Annex 4 – Plans

Reference Number: 0041SBG

Licence

Licensing Authority Representation: Licensing Act 2003**Application: ISLINGTON SPORTS BAR & GRILL, 274 HOLLOWAY ROAD, ISLINGTON, LONDON, N7 6NE**

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licence variation application.

The grounds for the representation are:

- Public nuisance; and
- Crime and disorder.

Although this application is for the same hours and activities as the existing licence, the current licence is for a restaurant, and therefore requires that all sales of alcohol to be ancillary to the sale of food.

Although the applicant has agreed to add additional conditions in agreement with the Police and the Licensing Team, these conditions were agreed in November 2018.

When these conditions were agreed it was expected that the premises operate as a restaurant only during consultation process except on strict occasions such as Arsenal match days when these restrictions would be relaxed by temporary event notices.

Although the premises have had a number of temporary event notices, it has also generated significant concern in respect of the licence holder ability to manage the premises in accordance with the Council's licensing policy.

Quite significantly, this includes a number of substantiated noise complaints from local residents, and the premises opened until 6am without authorisation for a high profile boxing match.

Licensing Policy Considerations

<i>Licensing Policies 1 & 2</i>	<i>Location, cumulative impact and saturation</i>
<i>Licensing Policies 5</i>	<i>Outside areas</i>
<i>Licensing Policies 9 & 10</i>	<i>Standards of management</i>
<i>Licensing Policy 13</i>	<i>Alcohol induced crime</i>
<i>Licensing Policies 18 & 21</i>	<i>Noise and dispersal</i>

Issues of Concern

1. The premises are located within the Holloway Road and Finsbury Park Cumulative Impact policy area. The onus is on the applicant to demonstrate that these premises will not add to the cumulative impact. The applicant has provided a detailed operating schedule but has not demonstrated a high standard of management since taking over the premises and therefore in my opinion, the proposed application will add to the cumulative impact in this location.
2. The licensing authority receives regular complaints from local residents and businesses about the impact of licensed businesses in the area. Licensing officers regularly visit the area and have worked with local licensed operators to minimise the

impact their businesses have on the local environment especially on Arsenal match days.

3. The licence holder's business model on match days is to operate a vertical drinking premises for football fans. The applicant has verbally offered to not allow drinking outside on match days, but we would like this placed on the licence as a condition, if the licensing Committee do decide to grant this application.
4. In addition, there are significant concerns that the applicants seem to have failed to carry out any of the noise installation works despite operating on a daily basis.
5. I am also concerned that the applicants have not complied with the existing licence conditions during the consultation period when temporary notices were not in place. This evidence has been submitted by the local residents.
6. The licensing authority does appreciate that due to the number of pub closures in and around the Emirates Stadium, there is a need for well-run premises for football supporters to consume alcohol in responsibly before and after the match.
7. Unfortunately, the high standard of management required for football premises appears to be lacking with this licence holder.

Recommendation

In order to promote the licensing objectives, it is recommended that this application is refused, unless the applicant is able to demonstrate a rebuttal of the Council Licensing Policy and offer the Licensing Committee and concerned neighbours and other local resident's assurances that they would provide licensable activities responsibly and promote the licensing objectives.

While this presumption is rebuttable, this is only where the applicant has successfully demonstrated that the granting of their application would not contribute to the existing impact of licensed premises in that area.

Terrie Lane

Licensing Manager (Commercial and Licensing)

28 February 2019

terrie.lane@islington.gov.uk

Re: Premises Licence Variation.
Our Ref: Lic/NI/19/203213/SBG
Date: 28/02/2019



Premises Licence Variation Application – Islington Sports Bar & Grill.

Islington Sports Bar & Grill
274-276 Holloway Rd
Islington,
N7 6NE.

METROPOLITAN POLICE SERVICE

Islington Police Licensing Team
222 Upper St
Islington
London
N1 1XR

07799 133204
licensingpolice@islington.gov.uk

Dear Sir/Madam,

Please accept this formal representation.

I am writing to inform you that the Metropolitan Police, in its capacity as a responsible authority, enters a supporting representation in response to this Premises Licence Variation Application.

We have of course entered into the same process here as we do for any application received, reviewing the application on its own merits and determining our position based on the circumstances found.

In this case we did identify a number of issues, including an intended change to operate as an AFC matchday venue and problems around the premises operating as an alcohol-led venue but on a licence not fit for purpose, tailored as it was for a food-led premises.

We entered initial representations to this application and ultimately agreed several licence conditions for addition to the licence under annex 2.

At that stage, (content that the venue had entered into full engagement with us and accepted that issues existed and taken suggested steps to address them), we withdrew our representations with police conditions agreed.

At that time both we the Police and the Licensing Authority underlined to the venue management the fact that they had to operate in accordance with their current licence conditions in the intervening period, pending acceptance and endorsement of their amended licence.

Specifically, they were reminded of the absolute need to adhere to conditions around the sale of alcohol as an ancillary to food.

It has become apparent over this intervening period of several weeks, that there persist concerns around the premises sale of alcohol in contravention of their current licence conditions. It has become clear that the venue has continued to operate largely as an alcohol led venue.

Given the above issues, we the police feel that this application should at the very least be put before you the committee, with given concerns around responsible and lawful operation highlighted, for you to make a determination around the applicants suitability to run this venue (in either its current or proposed iteration).

Should any party wish to discuss the matter further please don't hesitate to contact us.

07799 133204

licensingpolice@islington.gov.uk

Best regards,

PC Adam Peace 2533CN

Islington Police Licensing Team



**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
Name of the premises you are making a representation about	Islington Sports Bar and Grill	
Address of the premises you are making a representation about	274 -276 Holloway Road, London N7 6NE	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Yes	Pollution team is in receipt of calls in relation to noise nuisance from amplified sound from within and noise and disorder outside the premises.
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.	See attached sheet.	

Signed: Anne Brothers Date: 28 February 2019 _____

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

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

The applicant has agreed to a range of noise conditions and we are aware a survey was carried out by RBA Acoustics in January.

I had a brief informal meeting with the applicant and his solicitor late last year at the premises in the company of Niall Forde, Licensing Officer and we discussed the potential for noise nuisance arising from the use of the premises as a sports bar. TVs are mounted on the ceiling and at the time of the visit I was told there was no volume from the TVs. As a result of the visit there was some communication and the applicant included all the noise conditions suggested by me for the premises on the operating schedule.

Warning letters were sent in relation to noise nuisance arising from amplified sound affecting residents nearby on 21 December and 25 February (copies attached).

A section 80 noise abatement notice was served on 28 February after another incident of noise nuisance from amplified sound affecting the resident was witnessed by the out of hours noise service (copy attached)

I have received a letter along with a copy of the acoustic report from RBA Acoustics from the applicant in reply to the "Minded To" letter sent on 25 February. I attach copies of the correspondence.

In the letter they state the acoustic consultant has informed them in his report that the "current sound insulation is very good". In his report the acoustic consultant then goes on to recommend a maximum sound level of 70-75 dBA with the premises in its current condition after undertaking subjective assessments from the flat above. This very low level of sound quoted as a maximum does not indicate that sound insulation is in a good condition. The report does recommend some works to improve the structural resistance to the transmission of sound and possible increases in sound.

In the acoustic report the consultant states in relation to the volume of sound in the flat above arrived at and agreed:

"Adjustments were made incrementally on the premises' sound systems until the levels of noise break-in to the flat were at a point where they were subjectively inaudible over the existing background noise and the resident was satisfied"

In the letter from the applicant (copy attached) they query the levels of sound witnessed by our officers on 21 February stating they do not know if they were within the limits that RBA independently assessed as acceptable. I have to state they clearly were not within the limits specified by RBA as music noise was quite clearly audible and the floor was vibrating underfoot and the walls were vibrating. The officers report is pasted below:

"An assessment was made in the living room area which is where both occupants were relaxing at time of visit. Garage type music was clearly audible and constant but at a low level. When sat on the sofa in living room I could instantly feel vibration from the bass. Once this vibration was felt the music became more prominent during our assessment. We were invited into both bedrooms where the same noise was audible and in each bedroom specifically by the head boards of the bed, we were able to feel vibrations rattling the wall. We have considered that the structural transmission of noise from amplified music is a material interference upon the use of C property. We spoke to both Richard and David who identified themselves as co owners. It was agreed that music would be reduced immediately"

Any final sound levels to be agreed will have to be arrived at by undertaking sound testing at night time with reference to the Council's Technical Guidance. It should be noted the initial testing took place in the morning from 09:00 onwards.

The acoustic consultant refers to volume from the ceiling mounted TVs during his investigation. As discussed above I was previously told there was no volume from the TVs. In addition, the acoustic report is titled "Music Noise Transfer Investigation". This does not take into account possible customer noise transfer through the structure.

The applicant has agreed to the following condition and has listed it in the operating schedule:

"Noise or vibration must not emanate from the premises so as to cause a nuisance to neighbours"

The above condition does not just refer to music noise but also to potential customer noise. Residents report that customer noise can be heard inside their home on occasions when the pub is busy.

Amplified sound can be controlled by a limiter but customer noise cannot. The only way to prevent the transmission of customer noise is to install robust sound insulation.

The most recent incident involving noise nuisance from amplified sound being witnessed was on 27 February at 23:23. Officers reported as follows:

“Called at 23:11 arranged a visit. Arrived at 23:23 we entered the comps flat on the 1st floor and we could hear music in the living room with no back ground music we then went to the bedroom and could still clearly hear the same music while in the bedroom we could also feel the vibrations underfoot the level was unreasonable.”

In the operating schedule the applicant claims that after 21:45 they have imposed self-restrictions of 60 dB and from 22:15 this reduces to 40 dB and music is entirely finished at 22:45.

The applicant is not applying his own noise control proposals. This does not give us confidence in the applicant's ability or willingness to control noise at the premises.

Suggested conditions

In addition to the proposed conditions listed on the applicant's operating schedule:

- All amplified sound shall be restricted to ambient background levels of sound until all works specified in the acoustic report from RBA Acoustics are completed to the satisfaction of the Pollution Team.

In relation to performances from DJs bringing in their own equipment we recommend the previously suggested condition in relation to limitation at the premises be amended to require both a compressor limiter for the house sound system and a cut out sentry type limiter to control the volume of sound from any DJs using their own equipment as follows:

- All amplified voices and music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded.

Committee may be minded to place the following condition on any licence granted:

- There shall be no amplified sound at the premises until all works specified in the Music Noise Transfer Investigation document by RBA Acoustics are completed in full.

We also recommend the structure should be investigated more fully by the acoustician and another report should be produced to take into account the potential for transmission of customer noise and any works recommended should be carried out within a limited period of time that could be specified by Committee.

Richard T O'Bryan


Pollution 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/180041198

Your ref:

Date: 28 February 2019

This matter is being dealt with by:
Anne Brothers

Dear Mr O'Bryan

SECTION 80. ENVIRONMENTAL PROTECTION ACT 1990. SPORTS BAR AND GRILL, 274-276 HOLLOWAY ROAD, LONDON N7 6NE

This letter does not form part of the attached Notice

I refer to previous correspondence dated 21 December 2018 and 25 February 2019. I attach copies for your ease of reference.

Noise nuisance from amplified sound was witnessed again last night at 23:23 from a residential dwelling in close vicinity of the premises. Officers report they could clearly hear amplified music from the pub being played out at that time. They visited the premises and spoke to security outside who fetched a female manager. The manager informed the officers the music had been turned off moments before their visit to the premises.

We must urge that the volume of amplified sound at the premises is restricted to ambient background levels of sound in order to prevent enforcement action in relation to this Notice.

I must also inform you that, should the noise nuisance recur and be witnessed by an officer of this division, we may start legal proceedings against you. Where a nuisance persists following the service of a notice, we are also authorised to apply for a warrant to enter premises (using force if necessary) to remove any equipment used to cause the nuisance. 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 faithfully,



Anne Brothers
Principal Technical Officer

cc. Welch Consultants Ltd, c/o LSR Management Ltd, Unit C2A, Comet Studios, Penn Street, Bucks, HP7 0PX

Richard O'Bryan DPS by e mail: 
Brian Taggart. b.taggart@greenwayslaw.com

ENVIRONMENTAL PROTECTION ACT 1990, section 80

ABATEMENT NOTICE IN RESPECT OF NOISE NUISANCE FROM AMPLIFIED SOUND

To Mr Richard T O'Bryan

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

Welch Consultants Ltd. c/o LSR Management Ltd, Unit C2A, Comet Studios. De
Havilland Court, Penn Street, Bucks. HP7 0PX
Richard T O'Bryan

TAKE NOTICE that under section 79(1)(g) of the Environmental Protection Act 1990 the London Borough of Islington being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance arising from

The playing of amplified music

at premises known as: **Islington Sports Bar and Grill, 274-276 Holloway Road, London N7 6NE**

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

Take all reasonable steps to ensure that no amplified sound from within the above premises is played at levels likely to cause a nuisance to occupiers of nearby premises.

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

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 of the Standard Scale **, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to an unlimited fine. 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: 28 February 2019

(Signed) *Anne Brothers*

(Name) Anne Brothers

(Address to which all communications should be sent)
Anti-Social Behaviour Team
222 Upper Street
London N1 1XR
Tel: 020 7527 7272

(Title) Noise Liaison Officer

The officer appointed for this purpose)

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

* Delete text in square brackets as appropriate ** Currently unlimited, subject to alteration by Order

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

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

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

- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court:
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

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

Pollution 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/180041198

Your ref:

Date: 21 December 2018

Welch Consultants Limited
C/O LSR Management Limited
Unit C2A Comet Studios
De Haviland Court
Penn Street
Buckinghamshir HP7 0PX

This matter is being dealt with by:
Anne Brothers

Dear Sir

ALLEGED NOISE NUISANCE, SPORTS BAR, 274 HOLLOWAY ROAD, LONDON N7 6NE.
ENVIRONMENTAL PROTECTION ACT 1990

We are in receipt of reports from residents in close vicinity that noise from amplified sound causes them a nuisance in their home.

I have spoken to your DPS Mr O'Bryan today about an incident reported last night which has prompted this letter.

I had a recent site meeting at the premises with Mr O'Bryan and Brian Taggart in relation to unwanted noise being reported by residents and it was agreed that RBA Acoustics would be appointed to survey and specify works of sound insulation to the premises. I was told that some works of sound insulation had been carried out but noticed that any works to the ceiling have been compromised by wiring which has caused a large hole to the ceiling by the disabled toilet. I was told that no technical details of works carried out were available. There may be other areas where the ceiling has been compromised by a new wiring installation after building works were completed.

Therefore I have recommended a survey in order to specify remedial works and the installation of a limiter and agreement regarding maximum sound levels at the premises. This will reduce the likelihood of complaints to the Council in relation to noise nuisance from amplified sound. Another worrying aspect of the noise reported is that residents report they can hear customer voices from the bar. This can be investigated during any acoustic survey.

Further to the complaint last night, I advised Mr O'Bryan today that he must ensure that the level of amplified sound is moderated until the survey and remedial works have taken place. I also advised him to implement a closing down plan at the premises in order to ensure that music levels are reduced prior to closing in set stages. I am pasting a sample closing down plan below:

Closing Down Procedure

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.

2. Slow the tempo of the music played out during the last half hour.

3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.

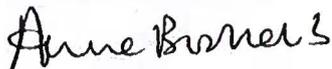
4. As people begin to leave, door supervisors should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be actively involved with seeing customers off the premises, your manager could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers should supervise the Door Supervisors during dispersal. Door supervisors should remain outside and engage with customers until they have all left the immediate vicinity of the premises.

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

In the meantime we look forward to your co-operation in this matter but we must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the above legislation. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is a potential unlimited fine. 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 faithfully,



Anne Brothers

Principal Technical Officer

cc. Richard O'Bryan, DPS by e mail: [REDACTED]

Richard O'Bryan, [REDACTED]

Pollution Team
222 Upper Street
London N1 1XR

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

Our ref: abr/180041198
Your ref:

Date: 25 February 2019

Welch Consultants Limited
C/O LSR Management Limited
Unit C2A Comet Studios
De Havilland Court
Penn Street
Buckinghamshire, HP7 0PX

This matter is being dealt with by:
Anne Brothers

Dear Sir

NOISE NUISANCE FROM AMPLIFIED SOUND. ISLINGTON SPORTS BAR AND GRILL, 274 HOLLOWAY ROAD, LONDON N7 6NE. ENVIRONMENTAL PROTECTION ACT 1990. "MINDED TO". LICENSING ACT 2003

I have to inform you that noise nuisance arising from the playing of amplified music was witnessed arising from your premises above on Thursday night, 21 February.

The officers have reported that they could hear amplified sound clearly in both the living room and bedrooms of a flat in close vicinity. They could also feel the vibrations of the sound moving through the structure of the building from the pub to the residential accommodation.

I have to warn you that we are now minded to serve an abatement notice on you as licensees and the DPS, Mr O'Bryan as the person in control.

I am aware that RBA Acoustics visited recently and carried out some testing of sound levels at the premises. Have any works of sound insulation been carried out yet? Has a noise limiter been installed to limit the sound levels playable at the premises? Please contact me to update me on any works carried out so far and your future proposals.

In the meantime we look forward to your co-operation in this matter but must warn that in the event of noise being witnessed and if the Council is satisfied it is a legal nuisance, we have a duty to take steps to ensure the nuisance does not recur. This is likely to require the service of a legal notice, under the provisions of the Environmental Protection Act 1990. Failure to comply with a legal notice is a criminal offence. The maximum penalty for an offence that happens on commercial premises is a potential unlimited fine. I have to inform you that in the event of further noise nuisance being witnessed, Notice may be served without further warning. 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 faithfully,

Anne Brothers

Anne Brothers
Principal Technical Officer

cc. Richard T O'Bryan, [REDACTED]
Richard O'Bryan, DPS by e mail: [REDACTED]

Islington Sports bar and Grill
274 Holloway Road
N7 6NE

Anne Brothers
Your Reference: Abr/1800041198

27 February 2019

Mrs A. Brothers
London Borough of Islington
222 Upper Street
London
N1 1XR

By email only anne.brothers@islington.gov.uk

Dear Anne

Re: Noise Complaint - Ground Floor and Basement, 274-276 Holloway Road, London, N7 6NE

I write further to your "Minded to" letter dated 25 February 2019 in relation to the noise nuisance report.

I can confirm that we have instructed RBA Acoustics and I attach a copy of their report for your consideration (that said we have already provided RBA to provide this report directly to your offices and had assumed that they had done so).

It does need to be emphasised that as only one of the of the four properties [REDACTED] in the direct vicinity have made any complaint about noise (directly to myself and I assume to your office also) RBA only conducted the testing in one of the properties as the other properties did not see any merit in the testing and have confirmed the same to both RBA and myself when asked. In fact it also worth mentioning that a number of the residents have noted that the Sports Bar and Grill is a much quieter neighbour than the Chicken Shop as previously there was lots of noise coming from staff members talking (and smoking) in the rear garden, they also commented that the smell of food coming from the Chicken Shop was excessive. So whilst [REDACTED] maybe very vocal and negative this is not the experience for the majority of the neighbours, and I believe this will be easy to back up with statements from the neighbours if required.

Turning back to the content of the RBA report you will notice that the overall comments is:

that the current sound installation is of a very good standard.

That said it appears that your noise control officers have on the occasion of Thursday 21 February 2019 noted that sound could be heard in [REDACTED] and that some vibration was felt. I do not know if these are within the limits that RBA independently assessed as acceptable as I do not have the figures or readings. Indeed had it not been for the fact that your officer were in attendance at [REDACTED] on Thursday 21 February 2019 I may have been understandably

Islington Sports Bar and Grill is a Trading Name of Welch Consultants Limited (Co No. 07346797)
registered Address: C/O Lsr Management Ltd Unit C2a Comet Studios, De Havilland Court, Penn
Street, Buckinghamshire, England, HP7 0PX

dubious of the assertions of the owner of [REDACTED] as this person does not appear to be reasonable when compared with the neighbouring flats. I understand that you have a duty to fulfil but until evidence to the contrary is produced we can only go by the report and recommendations of RBA Acoustics.

Myself and my team have endeavoured to assist in all aspects of compliance with the police, the licencing team, and I hope you feel we have aimed to assist and co-operate you team also, as we will continue to do.

Further to the Report of RBA Acoustics I have know also contacted a company that specialising in restaurant, bar and nightclub installation called Electracoutic Ltd, a company recommended by RBA Acoustics to conduct the works required by core recommendations of Phase 1 & 2 set out in the report. Once Electracoustic Ltd have attend the site and set out a schedule of works we will forward the same to your office and RBA Acoustics.

As an interim measure we are sourcing a sound limiter to ensure that the 75dB(A) upper limit recommended by RBA Acoustics is not breached.

I would like to suggest that we meet in the coming days in your office or at the premises to discuss the methodology used by your officers and gain greater understanding of their observations of the 21 February 2019 and more generally discuss any other noise concerns of yourself and your team.

Yours sincerely

Richard O' Bryan (Licence Holder)
Islington Sports Bar and Grill Management

ACOUSTIC TECHNICAL NOTE



Reference:	9152.ATN01.AAR.0
Revision:	0
To:	Islington Sports Bar and Grill
From:	Aaron Moroney
Date:	22 January 2019
Project:	274 Holloway Road, Islington
Subject:	Music Noise Transfer Investigation

1.0 INTRODUCTION

Subsequent to the premises' refurbishment into a sports bar and following recent complaints with regards to noise transfer to [REDACTED] of [REDACTED] Islington Sports Bar and Grill, RBA Acoustics have been commissioned to undertake sound insulation testing between the venue and the neighbouring properties to determine the existing sound insulation performance of the separating elements. From this, we have determined maximum permissible internal noise levels within the premises in order to control noise transfer into adjacent residential properties. RBA also provide recommendations to improve the overall sound insulation to the flat above which we would consider necessary if the noise limits were to be raised.

It should be noted that flats above [REDACTED] and either side of the premises (where access was provided) were not tested as after liaising with the occupants on the day of testing, they did not feel it was necessary as they had not had issues with noise from the bar previously. It is understood that [REDACTED] is the space likely to experience the worst sound insulation from the premises due to being the only residential area [REDACTED]

2.0 ASSESSMENT

2.1 General Information

Whilst on site, an assessment of the degree of music noise transfer from the premises to [REDACTED] was undertaken such that an understanding of the acceptable noise levels within the premises was able to be gained.

The visit was undertaken between 09:00 hours and 12:00 hours on Wednesday 16 January 2019. The testing was carried out in co-ordination with the complainants in order to ascertain the worst affected noise sensitive areas within the flat, and also to determine a level at which they consider music noise break-in to be acceptable. It was noted that background levels within the flats were extremely low, particularly at the rear of the property in the bedrooms. In the bedrooms, these levels were usually 20-25 dB(A) but were louder at 35-40 dB(A) in the living room (at the front of the property, facing Holloway Road).

The premises does not currently have a limiter installed as part of the sound system.

2.2 Assessment Procedure

Sound Insulation Testing (using RBA Acoustics' sound system and in-house loudspeaker system)

Airborne sound insulation testing of the separating floor structure between Islington Sports Bar and Grill and [REDACTED] Holloway Road was undertaken.

In order to determine the likely extent of airborne and structure-borne noise transfer, sound insulation testing was undertaken using two different loudspeaker systems: the first being the in-house loudspeaker system and the second being RBA's loudspeaker system. RBA's loudspeaker system was floor-standing and not directly connected to any elements of the separating floor. Seven loudspeaker positions were used in order to assess the possible weaknesses in the structure in order to aid our advice.

Subjective Listening Assessment (using in-house mounted system and televisions)

Measurements were carried out using the mounted sound system and mounted televisions' built-in loudspeakers which is considered typical of the conditions under which the Islington Sports Bar would output music. This was done as a worse-case assessment, although the Bar Manager stated that they have had issues using their mounted loudspeaker system over the past four weeks and that they have recently only been using the televisions' built-in loudspeakers during this period.

Music was played at the maximum possible level both the mounted sound system and built-in televisions' loudspeakers could operate at without being overly distorted. Subjective assessments were then undertaken within Flat 1 to identify the worst affected room. Although the noise transfer was potentially worst within the kitchen/living area, the higher level of background noise and use of the room meant that it was less disturbing than within the largest bedroom. Therefore the area chosen for the assessment was the bedroom.

Adjustments were then made incrementally on the premises' sound systems, with changes being made to the low frequency and overall volume, until the levels of noise break-in to the flat were at a point where they were subjectively inaudible over the existing background noise and the resident was satisfied. At this point, the mounted loudspeaker system was completely turned off, although the TVs' built-in speakers were still at maximum volume. Following this, measurements were taken within two of the bedrooms and the living room when the premises was operating at this satisfactory level. It was confirmed that the level in these rooms was subjectively inaudible.

A measurement of the corresponding source noise level was then carried out within the centre of the Islington Sports Bar (approximately three metres from the bar) to determine the upper threshold limit.

2.3 Instrumentation

The equipment detailed within Table 1 below was used for the noise level measurements.

Table 1 – Equipment Calibration Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Valid Until
Norsonic Type 1 Sound Level Meter	Nor140	1406970	4715701644	11 September 2019
Norsonic Pre Amplifier	1209	21205		
Norsonic ½" Microphone	1225	271055	4715701644	11 September 2019
Norsonic Sound Calibrator	1251	35020	U26579	12 September 2019
Norsonic Type 1 Sound Level Meter	Nor140	1406255	24932	6 March 2019
Norsonic Pre Amplifier	1209	20491		
Norsonic ½" Microphone	1225	225529	24931	6 March 2019
Norsonic Sound Calibrator	1251	34391	U24930	6 March 2019

The equipment was calibrated prior to and on completion of the site visit. No significant calibration drift was observed.

2.4 Accreditation

RBA Acoustics Ltd are registered with both the Association of Noise Consultants and the Institute of Acoustics. The consultants who conducted the measurements were Toby Walton and Aaron Moroney.

2.5 Results

Sound Insulation Testing

The results of our testing indicate that the current sound insulation is of a very good standard and achieves roughly 60dB $D_w + C_{tr}$ (15dB above Building Regulations stated in Approved Document E) when using our external sound system.

When using the in-house sound system, the sound insulation appeared to be reduced by up to 5dB.

Subjective Listening Assessment

From subjective assessments that were undertaken within [REDACTED] Islington Sports Bar and Grill premises, the results suggest that the maximum permissible internal noise levels within the premises, with the current conditions, should be between 70-75dB(A).

3.0 DISCUSSION

The results of the sound insulation testing undertaken on site indicate that the overall existing sound insulation performance is of a standard that we would typically suggest for this type of music venue, where music is predominantly used as background. However, due to the low level of background noise in the flat [REDACTED] (particularly within the bedrooms), they are much more sensitive to noise break-in from the premises – hence lower limits are applicable in this scenario.

The results from our subjective listening tests suggest that the maximum permissible internal noise levels within Islington Sports Bar and Grill, with the existing conditions, should be between 70-75dBA. Following discussions with the Bar Manager, we understand that the desired music noise level during regular operations is approximately at this level, as the televisions' built-in speakers would be used at full volume. As stated in Section 2.5, the sound insulation is limited by the structural bridging that was noted due to the loudspeaker units being directly mounted to the walls, affecting noise transfer by up to 5dB(A).

If the limits are to be increased, remounting of the loudspeakers and further sound insulation will be required, as described in Section 4.0.

4.0 RECOMMENDATIONS

If it was desired to reproduce music above the levels outlined above, we would recommend that a phased approach is taken to the remedial works.

Phase 1:

As the first port of call, we would recommend that the existing loudspeaker systems, which are currently installed on the walls, are decoupled from these structural elements. This would ideally be undertaken by installing all loudspeakers as independent, resiliently mounted floor-standing units. If this is not practical, consideration could also be given to re-installing the loudspeakers from the columns using the appropriate resilient mounts/pads.

Based on the type of the music being played and the lack of low frequency response, we would anticipate this remedial treatment to increase the maximum permissible internal noise levels within Islington Sports Bar and Grill by 5dB to 75-80dB(A). This should provide significant improvement but will still only provide a background music levels.

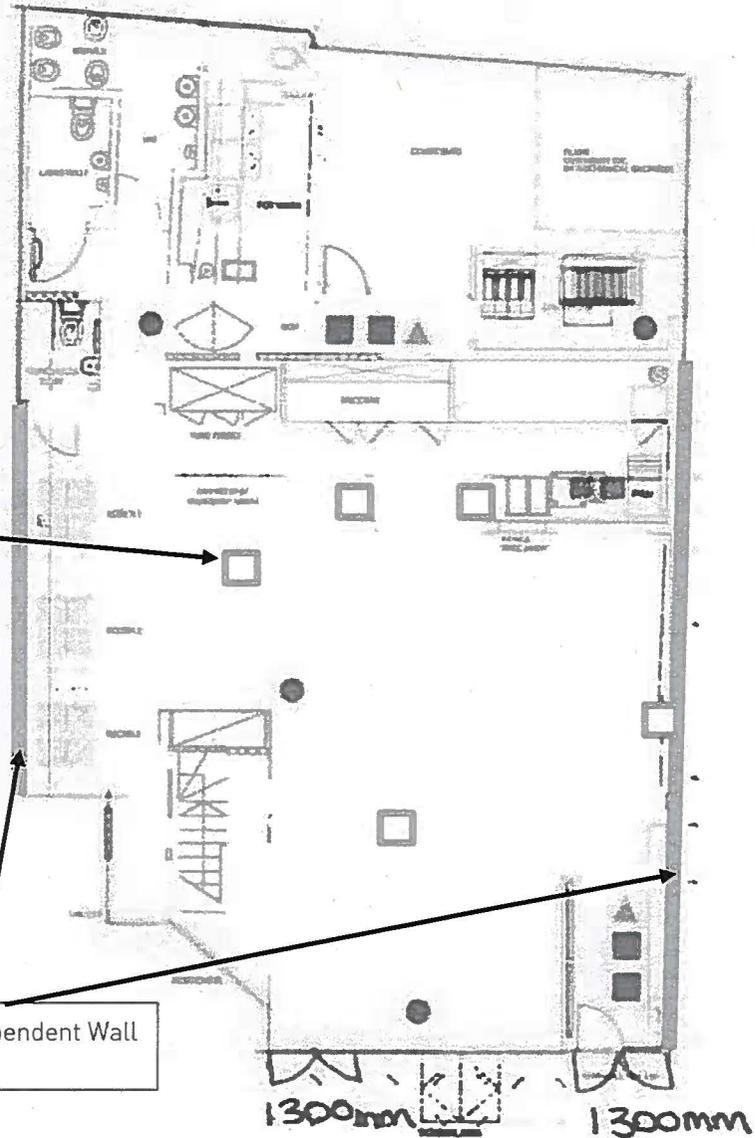
Phase 2:

During our site inspections, it was also noted that the walls bordering the adjacent premises were exposed masonry. In the second phase of works, we would therefore recommend that additional consideration be given to installing independent wall lining systems (i.e. 2 layers of SoundBloc plasterboard installed on structurally independent 'I' studs) to these walls. Boxing out of the structural columns within Islington Sports Bar and Grill must also be undertaken. Providing these treatment measures are implemented, a further 5dB relaxation will be acceptable on the limits, meaning that an 80-85dB(A) noise limit will be suitable. The location of these works is indicated on the attached Site Plan in Figure 1.

There have also been complaints from [REDACTED] regarding impact sound noises coming from the premises. Given the position of the sensitive bedroom, it is expected that banging on the booth tables or raised flooring is likely to have contributed to this as they are directly fixed to the masonry wall. Completing Phase 2 works is likely to reduce transmission of such impacts.

Phase 2 Boxing of
Structural Columns

Phase 2 Independent Wall
Linings



274 Holloway Road, Islington
Site Plan (Ground Floor) – Phase 2 Works
Project 9152

Figure 1
22 January 2019
Not to Scale



Regardless of completing Phase 1 and 2 treatments, particularly loud and low frequency-heavy music is not recommended and is likely to exacerbate problems. Bringing in external equipment will also produce similar problems if the levels produced are louder than the limits stated in Phase 2.

5.0 CONCLUSION

RBA Acoustics have undertaken sound insulation testing at Islington Sports Bar and Grill, 274 Holloway Road, London, to determine the extent of the noise transfer to the above residential property. RBA Acoustics have also set noise thresholds for the premises based on a subjective listening assessment in order to prevent disturbance to occupiers above. This report details the determinations of the sound system noise limits and procedure.

Should the premises want to increase the noise limits set, we believe it would be necessary to carry out acoustic upgrading measures within the premises. Due to the nature of the site (in that an extremely low background noise level is present in the bedrooms directly above the bar), it is likely that music must be limited to background levels only in order to prevent further disturbance. Even with improvement works, the venue would not be suitable for loud music (i.e. music suitable for dance) as a result of these conditions. A noise limiter setting would be necessary upon completion of any additional works.



14th February 2019

Dear Sir,

I wish to make a representation **against** the proposed variation of the premise license for Islington Sports Bar and Grill, 274 Holloway Road, Islington, London, N7 6NE (ref WK/190002085).

I am resident in Flat, [REDACTED] and my flat is [REDACTED] premises in question. Having lived in the flat for 17 months, I strongly believe that the proposed alterations to their licensing will only exasperate the issues which currently occur. To illustrate my concerns, please see the following;

Public safety

- I chose to live in this particular building because I felt the area was safe. The street is lit well and opposite the station. However, since the opening of the bar, they have located the smoking area [REDACTED]. This has resulted in my area becoming unsafe. As a daily occurrence, there are many drunk males in the smoking area creating an uncomfortable and intimidating atmosphere when coming from home work in the evenings. This atmosphere has been created by several incidences of people trying to approach me while entering my apartment and on one occasion a male from the bar attempting to follow [REDACTED].
- In addition, there is an issue surrounding litter. The bar very rarely cleans the smoking area and the ground surrounding [REDACTED] is covered in cigarette butts.

Crime and disorder

- Crime is a real concern of mine. Even on match days where there is a large police presence there has been violent outbreaks resulting with the bar windows being broken. These incidences of crime and disorder have created an intimidating and dangerous environment by my home.

Public Nuisance

- One of my main concerns is regarding public nuisance, even currently with their licence there have been several occasions where music has been played past midnight, which were outside of their licensing hours, and could be heard in our flat [REDACTED] On these occasions we have requested that the music was turned down but the bar manager ignored our request.

In conclusion, I strongly believe that altering the current license will only worsen the issues stating above resulting in a very unsafe environment on my front door step.

Thank you for considering my objections stated above, I appreciate the time taken.

All the best,

[REDACTED]

Licensing Service,
London Borough of Islington
3rd Floor
222 Upper Street
London
N1 1XR
(Letter sent by email)

Dear Sir/Madam,

I wish to make a representation against the proposed variation of the premises licence for Islington Sports Bar and Grill, 274 Holloway Road, Islington, London, N7 6NE (ref WK/190002085).

I am a resident of [REDACTED] Holloway Road, and my flat is [REDACTED] in question. Since the applicant moved into the premises, there have been problems relating to three of the four stated licensing objectives. It is my strong belief that these problems would only get worse if the proposed application to vary their licence were to be granted. The applicant has also not been adhering to the conditions of their current licence. Further details are provided below.

Crime and Disorder

There have been a number of fights on the premises, both on days when Arsenal matches are being played and on Friday nights when people are drinking heavily. At least one such incident led to the windows being smashed at the premises. All this is despite the enormous number of police that now seem to need to be deployed on match days. You should be able to verify these incidents with the local police force. I have lived in Islington for 10 years and have not seen fights in any other licensed premises, let alone one claiming to be a restaurant.

When an application is made for the grant of a new licence, any Crime and Disorder concerns are merely theoretical. However, my objection to this application for a licence variation is made with the experience of actual disturbances and contraventions which have already taken place at the licensed premises.

Public Safety

The premises has hired a Head of Security who I believe is more likely to incite fights rather than to prevent them. My only meeting with this person was when he interrupted an amicable conversation I was having with the bar manager about a noise disturbance. He led me into the corner of the bar and threatened me that "something might happen that I didn't like" if I were to come down to the bar again. It was completely unnecessary and inappropriate. I was really shocked at being threatened like that on my own doorstep and reported the matter in detail to Islington's ASB team that evening.

If this is the person to whom the premises has given responsibility for security, I'm unsurprised at the incidents of fighting which have occurred and truly believe public safety is at risk.

In addition, my female housemates feel intimidated by loud crowds outside [REDACTED] which is [REDACTED] smoking area in front of the premises. This is especially severe on days when they televise sporting events. My flatmates have even gone so far as to organise their day or evening to avoid coming home at certain times. On separate occasions my neighbours have also told me that they share the same concerns. The attitude of the applicant has only intensified this feeling of intimidation, to the point where one of my housemates said she felt afraid of potential retaliation for my submitting this representation.

Public Nuisance

The bar creates a lot of noise, and has remained open well past its stated midnight hours of operation on numerous occasions. On one weekend, for example, we were kept awake past 5am by amplified noise and cheering crowds when the bar showed a US-based televised boxing match, for which they were selling tickets (see photo in Appendix 1). The council recently sent a noise consultancy (RBA) to investigate and as a result of their testing a limit was proposed to the acceptable noise levels. However, less than two weeks later I received a letter through my door to inform me that they were going to be playing music entertainment which "they would do their best to keep to a reasonable level". I do not believe that "doing their best" is a real commitment and demonstrates that they do not take their noise nuisance seriously.

Cumulative Impact Policy

Regarding the letter sent out to residents in respect of this application for licence variation I would like to quote the following:

"In January 2013, Islington Council designated areas of Islington as Cumulative Impact Areas. These are areas which already have a high number of licensed premises, which collectively lead to problems related to the licensing objectives. This means Islington will generally not allow any new licenses or extension of hours to existing licenses in these areas, unless the applicant can demonstrate that they will not further contribute to the problems."

The premises in question reside in the Holloway and Finsbury Park Cumulative Impact Area. Given that the applicant has already contributed to the problems related to the licensing objectives, as set out above, I do not see how they could credibly demonstrate that they will not further do so if this variation is granted. I therefore do not see on what grounds Islington Council could award the licence variation that has been applied for.

Contravention of existing licence

I think it is further worth the Licensing Team being made aware that the premises has been operating since it opened as if it were a fully licensed public house. On any day people can and do purchase alcohol without accompanying food. I have receipts substantiating this (see for example Appendix 2). I'm also sure that if you ask to see their sales records and compare the number of drinks sold vs the number of meals sold, you will find this consistent with a public house / bar, and not a restaurant.

In addition, they consistently refer to themselves as a bar or public house, and all their messaging is on this basis. By way of example, I have also included some screenshots of their website (<http://islingtonsportsbar.co.uk/>) and Twitter page (<https://twitter.com/islingtonsport1/>). These adverts for beer and wine deals and encouragement of heavy drinking - "GET THE SHOTS IN FOLKS!!!!" - demonstrate how brazenly they are contravening their licence (Appendix 3 & 4). A browse of either of these websites will demonstrate the screenshots included here are typical of the messaging they've been posting online since opening, and I recommend the Licensing team takes a look for themselves.

The proprietors have made their attitude clear: they are happy to ignore the restrictions placed on them by your Licensing Team. My concern is therefore that rewarding them with an enhanced licence as they have requested will lead to them abusing it further, despite any assurances they may give. Such abuses may include staying open past their permitted hours, allowing noise levels above prescribed limits, and failing to adequately control their customers from overdrinking and fighting. Without doubt this will have a detrimental effect on levels of the licensing objectives of Public Nuisance, Crime and Disorder and Public Safety.

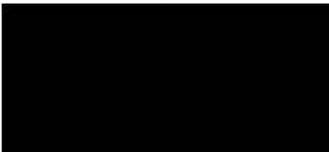
In addition to my strong objection to the requested licence variation being granted to the premises, I would ask rather that you enforce their adherence to the terms of their existing licence. I believe this would prevent a repeat of the problems the premises has caused to date.

Conclusion

Given that the Islington Sports Bar and Grill has already created detrimental effects on three of the four licensing objectives (Crime and Disorder, Public Safety and Public Nuisance), as well as the fact that the premises is in a Cumulative Impact Area, and the fact that the applicant has been operating in breach of their current licence, I wish the Licensing Team to refuse the application to vary the license of this premises.

I thank you for your time in considering my objection to this licence application.

Kind regards,



Appendix 1 – Boxing Match ticket

Note the entertainment only starts at midnight, after their licensed opening hours.



Appendix 2 – Receipt for drinks (with no accompanying meal) 31st January 2019

Taken at the premises on a night the Licensing team confirmed no Temporary Event Notice in place



Appendix 3 – Screenshots from Twitter feed (<https://twitter.com/islingtonsport1/>)

Many more such posts (2,000+) available to view online. I recommend the Licensing team views these to see the sheer frequency of advertising drinks (with no meal). Clearly not adhering to current restaurant licence conditions.

Home Moments Search Twitter

@islingtonsportsbarandgrill @islingtonsport1 · Feb 11
Anyone for VINO???? FOR ALL YOU WINE LOVERS - £10 a Bottle of House Wine Great Value #Merlot #CabernetRose #SauvignonBlanc #NorthLondonsPremierSportsBar RT



5 5

@islingtonsportsbarandgrill @islingtonsport1 · Feb 11
WAASSSSAAPPPP - MINE'S A BUD!!!! SPECIAL OFFER - 3 Bottles of Budweiser for £10 RT



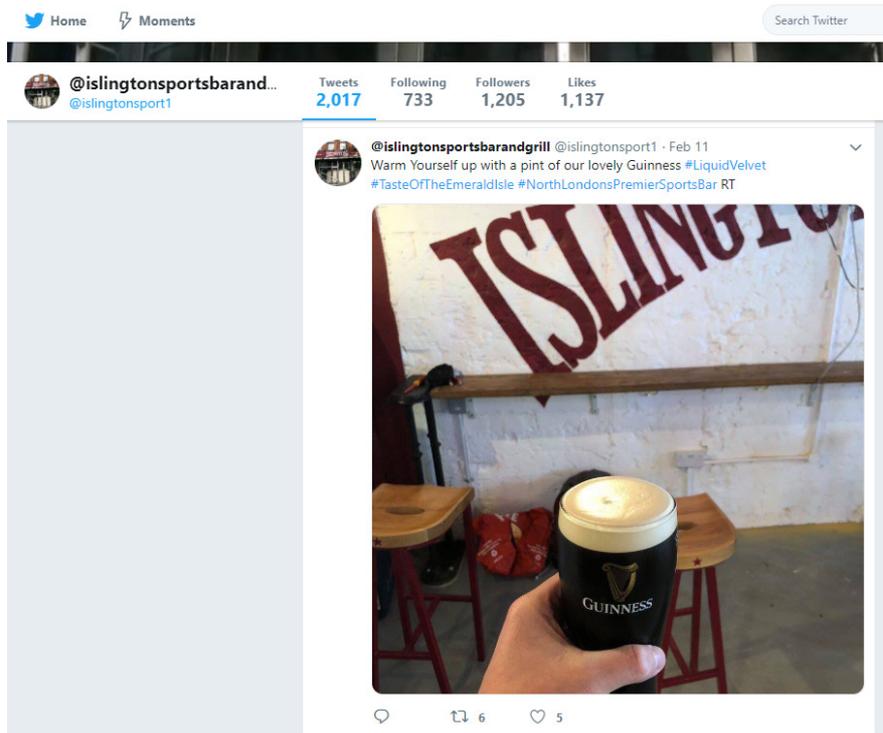
5 5

Home Moments Search Twitter

@islingtonsportsbarandgrill @islingtonsport1 · Feb 11
GET THE SHOTS IN FOLKS!!!! SPECIAL OFFER - 2 Jägerbombs for £5 RT

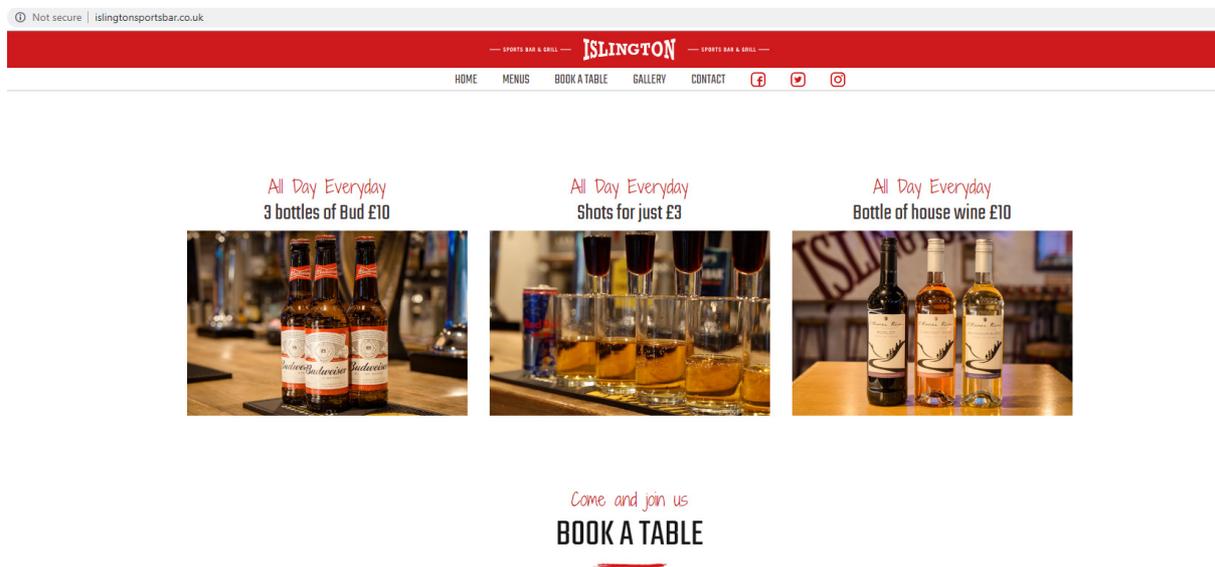


6 6



Appendix 4 - Screenshot from website (islingtonsportsbar.co.uk)

From home page of applicant's website – all drinks deals, no food items mentioned. Note in particular shots for £3 "All Day Everyday". Again, clearly not adhering to current licence conditions.



Res rep 3

Dear Sir,

I am contacting you re: Islington Sports Bar and Grill, 274 Holloway Road, Islington, London N7 6NE.

I live very close to the premises and I have grave concerns about this establishment.

It is clearly already operating as a bar with the food component an afterthought.

I have personally witnessed several physical altercations from drunken patrons of this establishment fighting in the street outside the bar. It is extremely intimidating and distressing to be caught up in this kind of behaviour.

The calibre of the clientele this establishment seems to be encouraging/attracting appear to be really challenging and shady.

There are already clear issues of public safety, public nuisance, and crime and disorder.

I wish to lodge an objection on those grounds to stop the variation of this establishment's licence.

Regards

Dunford Road
Islington

Rep 4

Dear Sir/Madam,

I would like to make a representation against the proposed licence variation of Islington Sports Bar and Grill. Based on the disturbance they have caused me so far, I am worried about the prospect of their license being varied to reduce their restrictions on alcohol sales. Since they opened in October, I have been kept up on numerous occasions by their loud music and the sounds of crowds. It is now no longer a choice for me to go to bed before 23.30 as the bar often plays music on weekday evenings that reverberates through my bedroom. The sounds of crowds also cause disturbance on evenings when there is a sporting event being shown in the premises. This means I can no longer guarantee I will be well rested for work as I often have to stay awake until the music finishes and the crowds disburse. On a few occasions, I have called the bar to ask them to turn the music down. They will always agree to do so over the phone but once the call has finished, I have noticed no difference.

Another big issue for me is that I find the bar threatening. I find this to the extent that I have been apprehensive about writing this note because I don't want the bar to be aware that I am complaining. One member of staff threatened my flatmate while another jeered at another flatmate in the street asking if she has any current complaints. On match days, there are often loud groups of drunk men spilling outside of the bar. I have witnessed numerous fights outside the bar and for a while one of the windows was smashed. As a woman, this atmosphere puts me on edge. I often worry about passing by the bar on my way home in case I get involved in some sort of altercation. I also try my best not to draw attention to myself.

I feel all these issues are the result of the premises wilfully ignoring the terms of its current license. They will only continue and likely worsen if the licence variation application is granted. However, if the terms of the current license were enforced and the premises were operated as a restaurant, I believe all these issues would be solved.

Based on the issues I have raised about feeling intimidated, I would appreciate my name and contact details not being shared with the Sports Bar. However, I the licensing team should feel free to get in touch with me as required.

Many thanks

Suggested conditions of approval consistent with the operating schedule**As per current licence except**

Remove conditions 1 and 2

Amending current condition 17

1. The premises shall operate "Challenge 25" which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

The following additional conditions

2. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
3. The sound insulation properties of the premises must be maintained and kept in good order.
4. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting
6. device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises.
7. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
8. Upon completion of the above survey, the premises licence shall include the maximum sound levels permitted at the premises to the satisfaction of the Pollution Team. The maximum sound levels quoted on the premises licence shall replace the above condition.
9. All amplified voices and music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded.
10. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.
11. The entertainment noise control system shall be located in a secure, lockable cupboard or similar location. It is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
12. In the event of any changes to the position of the speakers and distribution of sound, the limiter shall be recalibrated and the new calibration certificate shall be sent to the Licensing team for file.
13. Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating entertainment is taking place i.e. live and recorded music

14. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
15. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
16. Any outside furniture shall be rendered unusable from 23.00 hours until the commencement of the next day's trading
17. The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
18. Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
19. In the event of a noise complaint substantiated by authorised officers, the licensee shall reduce all levels of amplified sound until such works are carried out to contain sound and re-assess sound levels at the premises to the satisfaction of the Pollution Team.
20. The licensee shall develop a Noise Management and Dispersal Policy to control noise coming from the venue, including people noise, and to control noise from customers either congregating outside or leaving the area. The Noise Management and Dispersal Policy shall be agreed with the Council's Licensing Authority and be reviewed and revised periodically or after incidences to ensure that public nuisance is prevented from recurring.
21. We are participants of "Challenge 25" which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
22. Our staff are aware and have been trained regarding the requirements for persons' identification, age establishment etc (all training details are maintained in Training Record Book).
23. The Duty Manager now shall say good night to all patrons and remind them to leave quietly.
24. The licence holder shall host monthly Saturday morning meetings where neighbours will be invited to inform us of any issues they may have had and ways in which they believe we can operate more efficiently.
25. These meetings shall be minuted and circulated to residents in close proximity who either cannot or do not want to attend in person.



- MAP PREFERENCES
- MEASURE TOOLS
- AREA SEARCH
- MAP LOCATION
- BOOKMARKS
- FIND MY NEAREST

