

ADDITIONAL INFORMATION

SPECIAL LICENSING SUB COMMITTEE

Tuesday, 20th July, 2021, 7.00 pm - MS Teams (watch it [here](#))

Members: Councillors Gina Adamou (Chair), Reg Rice, and Viv Ross

Quorum: 3

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - KISS THE SKY, 18-20 PARK ROAD, LONDON, N8 (PAGES 1 - 82)

To consider an application for a review of a premises licence.

Fiona Rae, Principal Committee Co-ordinator

Tel – 020 8489 3541

Email: fiona.rae@haringey.gov.uk

Fiona Alderman

Head of Legal & Governance (Monitoring Officer)

River Park House, 225 High Road, Wood Green, N22 8HQ

Friday, 16 July 2021

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Review of a Premises Licence-

**Kiss the Sky,
18-20 Park Road,
London N8 8TD (
WK/501949)**

Tuesday 20th July 2021 at 19:00pm

Oasis Associates

REPRESENTATION ON BEHALF OF KISS THE SKY

RE: Review of the Premises Licence for Kiss the Sky at 18-20 park Road London N8

We understand that the review application is "submitted by 'other parties and cites the noise nuisance and general non-compliance with licensing objectives that has impacted on residents. You have not outlined what the "general non-compliance" is and therefore, it is impossible to defend those accusations.

For the noise to count as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other
- premises
- injure health or be likely to injure health

It is usual, that prior to a review of the licence, for a noise abatement notice to be served under section 80 of the Environmental Protection Act. Additionally, for the abatement notice to have been breached; and an expectation of a number of complaints of public nuisance at the premises.

In this case, there has not been a Noise Abatement Order issued, and therefore no breach is possible. A Licensing Authority may reject the application for review if they are satisfied that the grounds for review are not relevant to one or more of the licensing objectives:

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

Additionally, if the above had been the case it would be expected that the police service would have been involved.

Our client is a relatively recent owner of these premises; he took over the licence two weeks ago. However, we understand that there were issues with the previous ownership. Our client has made strenuous efforts to ensure that noise levels are kept low and that the customers are well behaved and ordered. There was a Covid fine issued to customers for dancing, however, this was prior to our client taking over the licence.

It is stated in Government guidance that representations considered by the licensing authority when the premises licence was first granted to our client.

Additionally, any representations made when the application for the premises licence was first made and were excluded because of the prior issue of a provisional statement. In addition to the above grounds, a reasonable interval should have elapsed since an earlier review of the grant of the licence. In this case we would submit that two weeks is not a reasonable time period. In fact we would submit that a application for a review, based on issues that were in place prior to our client having taken over the ownership of the bar and the licence.

The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the authority on earlier occasions.

Registered address:
142 Cromwell Road,
London, England, SW7 4EF
Company number 11315561



A licencing authority may reject any ground for review from an individual if we consider it to be frivolous, vexatious or repetitious

Therefore, we would submit that there are grounds to consider the application for a review to be vexatious, because the issues raised are with a former licensee.

A repetitious representation is one that is identical or substantially similar to:

1. A ground for review in an earlier application, which has already been determined (your register of licences will include all applications for reviews made to the authority in the past)
2. Representations considered by us when the premises licence was first granted
3. Representations made when the application for the premises licence was first made and were excluded because of the prior issue of a provisional statement

In addition to the above grounds, a reasonable interval has not elapsed since an earlier review of the grant of the licence

The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the authority on earlier occasions. the Secretary of State (in guidance to licensing authorities) suggests that more than one review from an interested party should not be permitted within a period of 12 months on similar grounds

Applicants calling for a review cannot apply for a review anonymously - even if somebody else (for example, a local MP or councillor) is applying for a review on their behalf. Some supporting applicant's details have been redacted in this application, for example the email and the letter of the 14 June 2021, the petition letter was also anonymous

Before applying for a review, applicants may want to consider whether their concern(s) could be effectively dealt with outside of the formal review process. This could involve, for example:

- Talking to the licence or certificate holder to determine whether there are any steps they may be willing to take to rectify the situation

The owner of Kiss the Sky offered a meeting with all those who felt that there were issues that were affecting them, via a letter to all residents and businesses dated 25 May 2021. No one attended that meeting

There is a suggestion that the door staff are not CIS registered, we have attached a copy of their registration cards

There is a suggestion that there was not a Risk Register for the Covid 19 situation, we attached a copy

It is suggested that there is a dance area, there is not, we attached photos of the bar area

It was suggested that the video shows intoxicated persons being allowed into the bar in fact the video shows that the intoxicated persons were not allowed into the bar, and the fact that they had not been to the bar, but been drinking elsewhere, cannot be blamed on Kiss the Sky, we have also attached a witness statement from the door staff who dealt with the situation.



There is also a big difference between videoing a general street scene and that of deliberately videoing individuals

It is suggested that the bar serves alcohol after hours, and the "evidence" is that voices can be heard. The staff clean and prepare the bar for the next day, we have submitted a statement from staff to this affect

As we have iterated Mr Ray is a new owner, and all of the complaints identical to issues that were raised prior to his ownership. Mr Ray has made substantial improvements to cope with the issues of noise having spent over £5000 on additional noise insulation; he has placed, in the bar, a noise sound level meter; he has placed videos to cover every aspect of the bar, along with those outside, see photos in bundle. There is a licence holder in the premises at all times; the staff are trained and the door staff qualified and registered.

The complainant raised complaints within two days of the bar's change of ownership, there was no opportunity to see improvements and the complainants have refused to meet with Mr Ray

If the hours were reduced the bar would be unable to continue in business, people would lose their jobs and many people who enjoy the safe atmosphere of kiss the Sky would lose that opportunity. We have included statement from a resident who has not had any problems and expounds a view that most residents would be sorry to lose Kiss the Sky

We contend that the complaints are repetitious and vexatious and the time given to Mr Ray, , cannot be seen as reasonable under the Secretary of State's guidance considering when the review began Mr Ray had only owned the bar for four weeks.

We, respectfully, that the Board request allows our client time to prove that the premises have improved under his stewardship, and that reasonable timescales are given to our client to build good relations with the residents.

Council application to Review

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Representation in support of Application to Review a Premises Licence

Premises	Kiss The Sky Bar, 18-20 Park Road, Hornsey, London N8 8TD
Representation	Haringey ASB Enforcement (Noise Team – Responsible Authority)
Officer	Jennifer Barrett
Position	ASB Specialist Officer (Noise)
Date	29 th June 2021

Introduction

The ASB Enforcement Team as a responsible authority provide this representation in support of the application for a review of the premises licence currently held for Kiss The Sky, 18-20 Park Road, Hornsey, London N8 8TD.

This is provided following consideration of the review submission from local residents and on the grounds that the prevention of public nuisance licensing objective is not being upheld.

Background

Kiss The Sky (KTS) is currently operated as a drinks bar offering alcoholic drinks and providing music (live, recorded and as hosted DJ events). Other events are advertised on social media such as a comedy night.

Location: KTS is located on a busy main road, in a mixed-use area consisting of ground floor retail and residential dwellings directly above. The premises occupied by KTS has been subject to noise complaints previously.

Previous premises History: Complaints made to the ASB Enforcement Team about noise from this premises date back to 2009. The council has received intermittent complaints since then averaging 3 per year but many reports were unsubstantiated, reported outside the councils operating times or were not sufficiently loud to warrant further action. The complaints were about loud music emanating from the premises (as breakout when doors and windows are open or as airborne noise when sound levels inside were excessive). Noise from raised voices of patrons using chairs and tables at the front of the premises or as they were leaving was also reported. On 2nd November 2017, a noise abatement notice was issued in respect of nuisance noise from loud music and further noise controls were implemented. In the last 24 months we have received complaints about noise from the premises affecting 3 households.

Current Premises History: KTS is under the control of a new licence holder (as Tony/ Ray Assets Ltd). We were advised during a complaint visit on the 21 May they had taken over 2 weeks prior). Our records indicated the DPS was varied on the 16 June 2021. They also advised they had installed soundproofing. The council has received 14 complaints this year about noise from music and / or loud voices alleged to be associated with KTS (see Chronology in Appendix 1 for additional details).

On the 21 May 2021 we observed loud music emanating from the premises which was audible at street level and outside the premises. A verbal warning was issued and a reduction in noise levels secured. We received similar complaints for the next 2 evenings and issued further warnings.

Evaluation:

We met with the licence holder at the premises on 27 May 2021 and discussed the complaints made and options for addressing them. Some were likely to require specialist advice (such as acoustic treatment for the passive vents) and others might warrant a reconfiguration of the active space (for example, a change to floor layouts to permit the installation of a lobby door). He advised us of one option he was considering to control noise which was to wall mount a number of smaller speakers rather than use a single speaker as this would disperse sound more evenly and permit control of some frequencies.

He was advised to postpone this until we had had a chance to arrange an assessment visit in the properties above so that we could set appropriate sound levels and determine if this would be effective in controlling some disturbance.

We have inspected the premises and noted a number of issues which are likely to contribute to noise disturbance. These are outlined in Figure 1 below.

Annex 4 – Plans

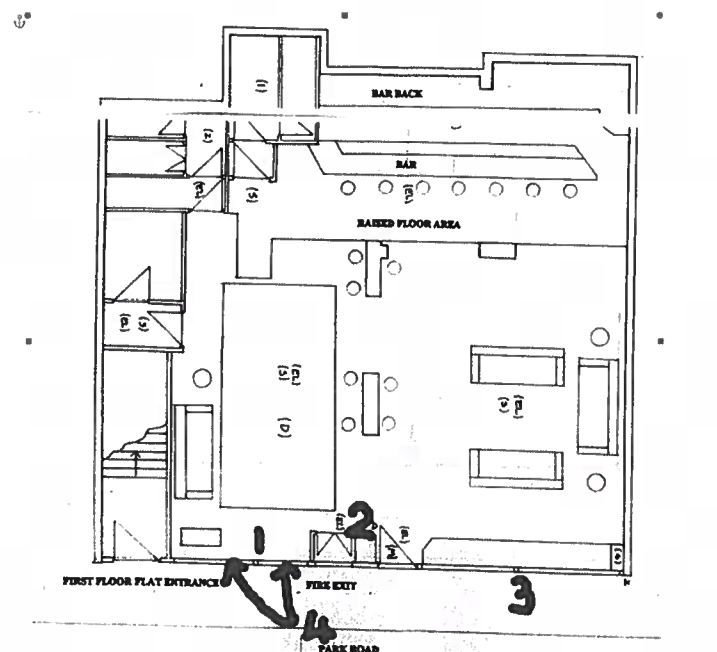


Figure 1: Kiss the Sky Site Plan

1. DJ/ music desk located next to the door, as is single large speaker.
2. There is no lobby door or similar treatment of the entrance that would prevent noise breakout. There is only one exit/ entrance to the premises and space.
3. Single glazed frontage, openable windows used to ventilate the space.
4. The air intakes/ vents are not acoustically treated and permit noise breakout.

Consideration may need to be given to restricting regulated entertainment permitted under the Live Music exemption until we have established appropriate noise control measures for limiting neighbour disturbance.

Premises Licence

The nature and number of complaints received recently warrant a further assessment of the conditions in the Premises licence (ref: LN/00002388; LN/000003556) and further, more stringent measures for the control of noise from patrons and noise emissions from the premises.

The current licence conditions for the prevention of public nuisance are:

- Regular registered door supervisors.
- Digital CCTV outside of building.
- "Please be quiet as you leave" signs.
- No drunkenness permitted outside.

I submit the following for consideration as they outline specific controls to safeguard the future amenity of local residents and promote the prevention of public nuisance:

Control Noise from Patrons

- Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
- Staff and Door Supervisors shall actively monitor and control the egress of patrons to ensure they leave the area quickly and quietly.
- The use of tables and chairs outside the premises shall not be permitted after 10pm
- The Licence Holder shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

Controlling Noise Emissions

- Music played at the premises shall be limited to background level only until appropriate noise control measures are implemented.
- All external doors and windows shall be kept closed at any time when regulated entertainment is taking place.
- All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Conclusion

This matter is currently subject to further assessment. We have identified that the current premises structure cannot adequately permit the control of noise associated with live or pre-recorded amplified music. The current noise control measures in place are ineffective for this purpose.

In my opinion a review of the Premises Licence is appropriate in ensuring that the licensing objective the prevention of public nuisance is upheld.

Recommendation

Option 1: I recommend all amplified and recorded sound is limited to background level only. This could be reviewed in the event an appropriate acoustic assessment is undertaken and noise control measures implemented to permit music to be played without detriment to local amenity.

Or

Option 2: Consider modification of the4 licence such that the exemption of live and recorded music as a licensable activity between 08:00hrs to 23:00hrs is disapplied and that all events are subject to further controls.

And

Include the following in any further variation of the licence.

Condition: Nuisance Noise

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

Condition: controlling noise breakout

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

Condition: Complaint's handling

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers. Regular liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities.

Appendix 1: Chronology of Complaints

- 27/06/2021, 00:17 Sunday: Full on party on the street out front of Kiss the sky with drunken patrons AND STAFF, making lots of noise. No attempt by staff to control the noise whatsoever.
- 25/06/2021, 22:35+ Friday: Nightclub volume music coming from the open windows of Kiss the Sky. DJ shouting down the microphone somehow louder than the music. Pools of people outside shouting and swearing.
- 19/06/2021, 01:14 Saturday: Crowd of about 40 Kiss the Sky patrons out front, lingering, shouting and making lots of noise.
- 18/06/2021, 22:28 Friday: Loud music from bar downstairs (kiss the sky bar) from 10 pm tonight. Strong vibrations and bass can be heard travelling through.
- 13/06/2021, 00:12 Sunday: Loud music, strong bass from bar, loud voices, shouting, foul language, drunken inconsiderate behaviour. Doorman useless. Police was also called tonight due to an incident relating to bar's customers and staff.
- 12/06/2021, 22:41 Saturday: Argument with loud continuous shouting out front of Kiss the Sky. We have noise problems EVERY night it is open.
- 11/06/2021, 23.41 Friday: Loud music from the bar.
- 10/06/2021, 01:26 Thursday: A couple of drunken patrons from Kiss the Sky, after skateboarding for a bit, now shouting at each other.
- 06/06/2021, 01:33 Sunday: Group of about 15 patrons of Kiss the Sky out front of bar drinking, shouting and being very loud
- 29/05/2021, 21:31 Saturday: Loud music with repetitive beats coming from kiss the sky bar
- 26/05/2021, 22:28 Wednesday: Loud live music from kiss the sky bar since 7pm tonight 26 May 2021. It's midweek and it's unbearable!!!!
- 23/05/2021, 22:57 Sunday: Loud bass music shaking house and disturbing our peace and our ability to have a normal life at home, and to sleep at a normal time.
- 22/05/2021, 00:13 Saturday: Loud music from the bar.
- 21/05/2021, 22:44 Friday: Loud bass music, Noise started at 21:00 ongoing issue. Preventing from sleeping.

END

From: Cone Philip <Philip.Cone@haringey.gov.uk>
Sent: 09 June 2021 10:40
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Subject: FW: Kiss The Sky review

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Hi Dale,

On Thursday the 27th May 2021, I was with colleagues from the police licensing team and we attended Kiss The Sky, 18-20 Park Road.

The reason for this is that we had received complaints that on the opening weekend after Lockdown restrictions were eased, from 21st May, residents had complained of loud music coming from the venue. COVID Marshalls and operatives from the ASB Noise Patrol Team had also attended that weekend and found there to be loud music playing which is in contravention of COVID regs where music is supposed to be played at a level where customers do not have to shout or speak loudly, in order to mitigate any virus transmissibility. Operatives also witnessed customers dancing in the bar area and not wearing masks. This is also in contravention of COVID regs and is a clear breach of the licensing objective of Public Safety.

I attach statement from Festus Akinboyewa and Maria Barbeito, Enforcement Officers for Haringey Council, who attended Kiss The Sky over this weekend period. Both state that the manager of the premises was spoken to across the weekend regarding the music noise levels emanating from the premises. The officers followed the Councils Enforcement policy of giving verbal advice and warning the first visit, they attend a second time and gave a further verbal warning. On the third occasion they issued a warning letter about statutory noise nuisance they had witnessed.

The Council received a number of complaints from residents following the opening weekend of the premises under the new management. Residents were very upset at the noise levels they had endured across the weekend.

It had been established that the license applicant, Mr K Ray, had not transferred the premises licence or varied the DPS. Therefore any licensable activity that was undertaken by Mr Ray across the weekend was unauthorised. Mr Ray had submitted an application to transfer the licence days before but the application was immediately rejected as he failed to comply with the requirements. He was provided with advice as to what he needed to do to make a valid application and not offer any licensable activity until such time he had been granted permission. The former DPS had confirmed to the Licensing Authority that he was no longer responsible for authorising alcohol sales under the Premises license at Kiss The Sky.

At the visit on the 27th May I said to Mr Ray that he needs to speak to someone who is a license holder, to put them onto the license as the DPS if he was not able to nominate himself as he did not hold a personal licence. He said that he would do this. I also issued him with a COVID Fixed Penalty Notice for allowing customers to dance in the venue without wearing masks. He said that he would not be paying the Covid related fine.

I have subsequently found out that council officers who have visited Kiss The Sky were unable to view CCTV when they requested to do so. They also spoke to the door staff who refused to give officers their details or present their SIA identity. The witness statement from ASB Officer Samuel Oluwatoki sets out what happened at the premises during the visit on 28th May.

The concern from the Licensing Authority is that Mr K Ray and staff, appear to have a lack of knowledge and management onsite in regards to Licensing obligations and COVID requirements. Mr K Ray has shown complete disregard of complying with the licensing legislation despite having been advised by Council Officers of correct procedures applications need to be completed before operating.

A warning letter was sent to Mr K Ray on 3rd June, advising Mr K Ray of the issues that I was aware of, and also a list of the licensing obligations for Kiss The Sky. (see attached)

It is clear and apparent that licensing objectives have not been met since the bar has reopened.

From a Crime and Disorder perspective, not having CCTV footage available for officers to view and having door staff who do not appear to be SIA qualified is of serious concern and a breach of mandatory and premises license conditions.

From a Public Nuisance point of view, the fact that there have been several complaints from residents in regards to noise from premises and the fact that the operator permitted patrons to dance, mingle and mix onsite during this period when Covid regulations are in place to limit the transmission of the virus.

The operator should have taken steps to reduce the overall capacity of the venue and any dancefloor should have been repurposed for tables and chairs. As this is licensed premises the patrons should be seated and only table service should be on offer. Customers should be remaining in their groups of 6 per table and wear a mask if going to and from the bathroom. The premises is able to offer a DJ but music should not be loud to offer a nightclub atmosphere or require patrons to have to shout thereby increasing the risk of transmission.

The disregard to comply and the lack of trust shown by Mr Ray is concerning. Clearly the premises is able to offer recorded music until the early hours of the morning and this needs to be carried out responsibly by the licence holder.

Recommendations :

We would ask the Committee to consider a reduction in hours for the ability to provide regulated entertainment in the form of recorded music. The timing to be reduced to 2300pm across the week, with alcohol sales finishing 30mins prior.

The premises is able to live music under the live music exemption between 8am-23:00pm. This is able to be conditioned or removed following concerns raised under the review process.

The operation of the premises should be that of a bar and not as nightclub.

Prevention of Crime and Disorder

- And door staff or security used by the Licensee/DPS at the premises must be SIA accredited, must have their SIA identify badge on display on their person and present their ID to either police or council officers when requested to do so.
- The premises shall install and maintain a compressive CCTV system as per the minimum requirements of the Police and Local Authority Licensing Teams. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;
- A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
- The Police will be informed if the system will not be operating for longer than one day of business for any reason;

- Footage will be provided free of charge to the police or other authorised officers upon request (subject to the Data Protection Act 1998) within 24 hours of any request.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number shall be made available to residents and businesses in the vicinity.
- An incident log shall be kept at the premises and made available on request to a Police or authorised council officer. It must be completed within 24 hours of the incident and will record the following:
 - a. All crimes reported at the venue.
 - b. All ejections of patrons.
 - c. Any complaints received concerning crime and disorder.
 - d. Any incidents of disorder.
 - e. All seizures of drugs and offensive weapons.
 - f. Any faults in the CCTV system, searching or scanning equipment.
 - g. Any visit by a relevant authority or emergency service.
- The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.

Prevention of Public nuisance:

- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
- All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.
- Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.

- In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence. 13
- Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Public safety

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

Protection of children from harm:

- The premises will operate the 'Challenge 25' proof of age scheme where:
 - a. All staff will be fully trained in its operation;
 - b. Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
 - c. No one under the age of 18 years will be admitted into the lounge/shish garden part of the premises.

Phil Cone
Licensing Enforcement Officer



Haringey London
Licensing Authority, River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ
T. 020 8489 8232
philip.cone@haringey.gov.uk

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Neighbourhoods and Environment

Licensing Team Leader Daliah Barrett -Williams



Ref: LN/000009582

Date: 2nd June 2021
MR KASHKA RAY
KISS THE SKY
18-20 PARK ROAD
LONDON
N8 8TD

WARNING LETTER

Dear Sir/Madam,

RE: PREMISES LICENCE BREACH OF CONDITIONS – KISS THE SKY, 18-20 PARK ROAD, LONDON N8 8TD

It has been brought to our attention that there have been a series of issues relating to Kiss The Sky which are of a major concern to the Licensing Authority.

The first issue is allowing alcohol sales at a time when there is no Designated Premises Supervisor (DPS). This is an offence under the Licensing Act 2003.

There have been concerns raised by Council Officers about the conduct of your business so as not to cause noise nuisance. There were several complaints from the Council's Noise Team and COVID Marshalls in regards to noise on your opening week of trading. This noise has clearly had an impact on residents who have also complained about noise from your premises.

It has been reported that an SIA representative, when requested to do so, refused to give their details and no SIA Identity badge was seen.

Further concerns about CCTV not being made available when requested by council or police officers.

There appears to be a lack of knowledge and management onsite when dealing with officers about license obligations and COVID requirements.

Please see below the Mandatory Conditions of your license.

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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises

Door Supervision

All individual(s) at the premises for the purpose of carrying out a security activity must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

- *Regular staff training*

- Increase the number of staff with National Licensing Certificate.
- Strong management control.
- No underage drinking.
- No drugs.
- No drunkenness in or around the premises.

THE PREVENTION OF CRIME AND DISORDER

- Registered door supervisors.
- Digital CCTV
- Strong management control.
- All staff present at closing are to see customers off.

PUBLIC SAFETY

- We will maintain a responsible serving policy.
- We will become members of the local Pub Watch scheme.
- S.I.A. door supervisors.
- Toughened glass for public use.
- Weekly risk assessments are carried out.

THE PREVENTION OF PUBLIC NUISANCE

- Regular registered door supervisors.
- Digital CCTV outside of building.
- "Please be quiet as you leave" signs.
- No drunkenness permitted outside.

It is clear and apparent from the reports of residents and council staff that you are not carrying out your licensing obligations which you must urgently remedy. This could lead to a review of your license

Please ensure that the above conditions are complied with immediately.

If you have any queries, please do not hesitate to contact me on the above details.

Yours sincerely,

Phil Cone

Licensing Team Enforcement Officer

Licensing Team

Level 1, Alexandra House
10 Station Road
London, N22 7TR

T 020 8489 8232

E

licensing@haringey.gov.uk

www.haringey.gov.uk

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005 r27.1(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Festus Bankole Akinboyewa

Age of Witness (If under 18): Over 18

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

Signature: -

Date: -

1. I am Festus Bankole Akinboyewa; I am employed by the London Borough of Haringey as an Anti Social Behaviour Enforcement Officer. Part of my duties are to investigate offences under the Environmental Protection Act 1990 and Licensing Act 2003.
2. On Friday the 21st May 2021 at about 22.44 hours, the council received a complaint from a local resident regarding noise from Kiss the Sky 18-20 Park Road N8 8TD. The type of noise was loud bass music. At about 23.55 hours, my colleague Maria Barbeito and I visited the premises due to the complaint by the local resident. We conducted an initial walk pass and heard loud music emanating from the premises at street level.
3. We entered the premises and witnessed the following: live DJ and afro music being played loudly. We also witnessed people singing along and dancing. The premises was overcrowded, no social distancing and customers and staff did not wear masks. We asked to speak with the manager, a black male came out to speak with us outside the premises, on the pavement as the noise inside the premises was excessive. He introduced himself as the manager.
3. We spoke to the manager regarding our observations and asked him to turn down the volume of music. The manager explained that he had spent £5000 to sound proof the premises, but we informed him that this has not been effective as noise from the premises was still causing disturbances to local residents. We also spoke to him about customers not social distancing and wearing masks which were a breach of Covid 19 rules and guidelines. This time, a verbal warning was given to the manager.
4. On Saturday the 22nd May 2021 at about 00.13 hours, the council received another complaint from another local resident regarding loud music from Kiss the Sky 18-20 Park Road N8 8TD. The concerns raised by the complainant were that the premises had been creating noise nuisance which has been going on for a long time. He stated that the noise is having negative effect on their health and that of their children. I explained to complainant that we have just left the premises and that the manager has been warned.

Signed: - _____

Date: - _____

5. On Sunday 23rd May 2021 at about 21.11 hours, the council received another complaint from a local resident regarding loud music from the premises. We visited the premises at about 22.05 hours and established a statutory noise nuisance. Again we witnessed live DJ

and a black male singing along into the mic whilst customers were singing along and dancing despite the verbal warning given the previous day. We spoke to the manager again about our observations, and it was clear to us that the verbal warning given to the previous night did not have the desired effect. We then handed a warning letter to him.

Signed: - _____

Date: - _____

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005 r27.1(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Maria Barbeito

Age of Witness (If under 18): Over 18

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

Signature: - 

Date: - 9th June 2021

1) My name is Maria Barbeito and I am employed by the London Borough of Haringey as an Enforcement Response Officer. My Duties include inspections and enforcement of the provisions of the Licensing Act 2003. My duties also include the assessment of nuisance and the enforcement of the provisions of the Environmental Protection Act 1990 as they relate to noise nuisance.

2) On 21st May 2021 at 22:44 hrs the Noise Team received from a local resident affected by loud music from Kiss the Sky, 18-20 Park Road, London N8 8TD. I called the complainant back at 23:04 hrs to establish the noise was still on and causing a problem and agreed to visit the area.

3) My colleague Festus Akinboyewa and I arrived in the area at 23:55 hrs and music could be heard from two shops away while we were walking towards Kiss the Sky, 18-20 Park Road, London N8 8TD. I observed that music became louder every time customers open the door while in and out of the premises.

4) When my colleague and I approached the entrance to the premises, a small group of people (4 to 6 individuals) were observed standing on the pavement outside the entrance to Kiss the Sky, 18-20 Park Road, London N8 8TD.

5) I opened the door to try to enter and speak to the manager/owner with my colleague and I observed a large group of customers on the premises floor, dancing to a live DJ playing Afro bit and a black male singing into a microphone. The place was overcrowded, with customers and staff not social distancing or wearing masks. A female member of staff greeted us at the door and said that the booking was full. I introduced myself to the female and asked her to speak to the manager/owner. My colleague and I did not enter the premises and stood outside on the pavement.

6) While waiting to speak to the manager/owner, a black male came out of the premises without wearing a mask and approached my colleague and I. The live DJ and singer were still playing loud music which could be heard from street level with the entrance door closed.

7) I introduced myself to the male and asked him if he was the manager and he said yes. I explained to him that we had received several complaints about loud music coming from the premises. He was informed that the level of the music was excessive and I asked him to reduce the volume. The manager explained that he has only been managing the business for the past 2 weeks. He explained that they had expend £5.000 on sound proof during lock down.

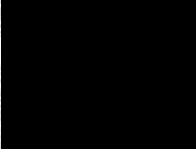
Signature: - 

Date: - 9th June 2021

8) He was warned about the noise level and told that it was a statutory noise nuisance. He was also warned about breaking current Covid19 rules and regulations and that there was no social distancing taking place at the time of our arrival. Also staff and customers were not wearing masks. Loud music could still be heard from outside the premises while speaking to the manager.

9) On Sunday 23rd May 2021 at about 21.11 hrs, the council received another complaint from a local resident regarding loud music from the premises. My colleague Festus Akinboyewa and I visited the business at about 22.05 hrs and again, we witnessed a live DJ and a black male singing along into a microphone. Customers were singing along and dancing despite the verbal warning given the previous day. We handed a warning letter to the manager.

Signature:



Date: - 24 June 2021

STATEMENT OF WITNESS

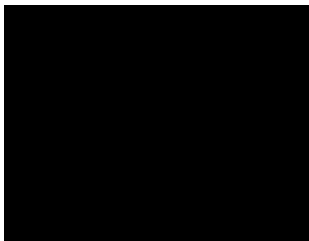
(Criminal Procedure Rules 2005 r271(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Samuel Oluwatoki

Age of Witness: Over 18

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

Signature:



Date: 10 June 2021

1. I am Samuel Oluwatoki, and I am employed by the London Borough of Haringey as an Anti-Social Behaviour Enforcement Officer. I am also a trained COVID-19 secure marshal. Part of my duties is to promote social distancing and encourage public compliance with COVID-19 health measures. Also, my duty is to identify and support businesses and premises not following guidelines, escalating as appropriate.
2. On 28 May 2021, I was taking part in COVID-19 secure marshal patrol. I was tasked by the Licensing Team Leader, Daliah Barrett, with visiting Kiss the Sky, 18-20 Park Rd, London N8 8TD. She stated they have been stopped from doing alcohol sales as there is no DPS assigned to the licence. She stated that alcohol cannot be sold. Lastly, she stated that no loud music and no dancing by customers. I exhibit a copy of the email as Exhibit SO1.
3. At approximately 2200 hours, I entered Kiss the Sky, 18-20 Park Rd, London N8 8TD, and I approached the DJ on the turntable. The DJ was not wearing a face covering. The male standing next to the DJ at the turntable was also not wearing face covering. I introduced myself to the DJ by showing my authorisation. I informed him that I would like to speak to the owner of the business. The DJ stated that the owner is not around, but he is able to contact him on his mobile. The DJ stated that he is happy to turn down the music if it is too loud. I informed the DJ that the music is loud, and they are not allowed to play loud music in the premises due to the Covid restriction. The DJ then called the owner and they spoke for about a minute or two on the phone. Inside the premises, I observed alcohol being sold to consumers and being consumed in the premises. The staffs did not wear face covering. The tables and chairs in the premises were not appropriately distanced

from another. Customers were walking around in the premises without wearing face covering, and the staffs did not challenge them. The DJ informed me that the owner is on the line and would like to speak to me. I enquired if I could go outside to speak to the owner as it was too loud inside the premises and he said it is ok. I went outside the premises and spoke to the owner on the phone. I introduced myself to the owner by telling him my name and informed him that I am an ASB Enforcement Officer/ Covid-19 secure Marshal. The owner identified himself as Toby and enquired what I wanted. I informed him that alcohol cannot be not sold in the premises because there is no DPS assigned to the license. He stated that the DPS matter is now resolved, and they can sell alcohol. I enquired when the DPS matter was resolved, and he was hesitant. Later, he stated that it was resolved 8 a.m. that morning. I stated that I could be wrong, but I believe that there is no DPS assigned to the license. He began to raise his voice and call me a liar. He became verbally aggressive and said I was disturbing his business. I enquired the name of the new DPS, but he did not provide the name. He told me he is on his way, and I should wait for him at the premises. I then gave the phone back to the DJ and remained outside. The tables and chairs belonging to the premises were outside. Around two minutes later, a black male, who wore a black trouser and black shirt, medium built, around 5'10 tall, approached me and identified himself as the door supervisor of the venue. The male did not wear a face covering. The male did not have a SIA license on display. He had cigarette in his hand. The male did not give his name. The male enquired if I wanted anything, and I said no. I felt intimidated and left the premises.

4. I am available to attend court.

Representations

24

From: [REDACTED] >
Sent: 14 June 2021 20:30
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>
Cc: [REDACTED]
Subject: Submission of video evidence - Kiss the Sky Bar

Dear Ms Barrett and the Licensing team,

Further to the disturbance caused over the weekend just passed 12-13 June, from Kiss the Sky Patrons, please find the following link to video evidence documenting the kind of disturbance that took place: [REDACTED]

The video evidence documents public disturbance in the form of shouting, screaming, drunken disorderly behaviour and fighting (between a couple of patrons and one of the establishment's staff) that took place on the night of Saturday 12 June 2021, which necessitated the local Police's intervention outside Kiss the Sky bar located on 18-20 Park Road and where an arrest was subsequently made.

Also attached is evidence on the night of Sunday 13 June 2021, showing loud conversations and mingling outside the premises. The situation is becoming unbearable every weekend and it seems to be consistently getting worse. On many occasions, the registered Security Officer (bouncer) was not fulfilling his role with professionalism and consideration and would partake in the conversations.

We sincerely believe that it will just be a matter of time before a serious crime is perpetrated only then for the appropriate measures to be in place, but by which time it may be too late. The type of crowd the establishment's new Management is attracting is a real threat to the peace and well-being of the residents on Park road and is toxic especially for young children.

For the purpose of the review, please kindly consider all the relevant complaints filed over the last 5 years at least, with the Noise Team. Regarding the latter, they were notified over the weekend and one home visit was made (Friday 11 June 2021), albeit an hour following the call. On Saturday they were not able to attend due to their busy schedules but they did phone at about 2am to apologise and confirmed they drove past the establishment but couldn't confirm any noise at the time. We appreciate their effort. However, sometimes their findings may be subjective due to the time delay from when they are notified and when they are at the premises or perform home visit. We would like you, the Licencing team to consider this point please.

P.S: From around 2.00 – 2:07 minutes into the first video referenced 223458 one may be able to hear the sound of a baby in distress due to the outdoor incident.

Thank you in advance for your consideration.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: 19 June 2021 11:30
To: Licensing <Licensing@haringey.gov.uk>; Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Cc: [REDACTED]

[REDACTED]
Subject: Re: Kiss the sky Bar - 18-20 Park Road N8 8TD

Dear Ms Barrett and the licensing team,

Please find below the link regarding a video recording evidence of the bar's patrons behaving inconsiderately of the residents' rights, and rather inappropriately on the night of 18 June 2021.

Please note that recording initially consisted of small clips which have been merged into one video.

[REDACTED]
Thank you
Regards
[REDACTED]

From: [REDACTED]
Sent: 09 June 2021 22:30
To: Licensing <Licensing@haringey.gov.uk>
Subject: Kiss the sky - Crouch End - Noise complaint

Hi,

I live opposite Kiss the Sky in Crouch End and it has become a real nuisance with noise with DJ / Live music on many week nights. The venue leaves all windows open and therefore it is almost like being a concert venue.

Also the patrons drink outside the venue leading to a lot of loud shouting and talking.

Please can the hours of operations and serving of alcohol be reviewed and the patrons be sensibilised to respecting the neighbourhood.

Many thanks,

[REDACTED]

From: [REDACTED] >
Sent: 14 June 2021 20:30
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>
Cc: [REDACTED]
Subject: Submission of video evidence - Kiss the Sky Bar

Dear Ms Barrett and the Licensing team,

Further to the disturbance caused over the weekend just passed 12-13 June, from Kiss the Sky Patrons, please find the following link to video evidence documenting the kind of disturbance that took place: [REDACTED]
[REDACTED]

The video evidence documents public disturbance in the form of shouting, screaming, drunken disorderly behaviour and fighting (between a couple of patrons and one of the establishment's staff) that took place on the night of Saturday 12 June 2021, which necessitated the local Police's intervention outside Kiss the Sky bar located on 18-20 Park Road and where an arrest was subsequently made.

Also attached is evidence on the night of Sunday 13 June 2021, showing loud conversations and mingling outside the premises. The situation is becoming unbearable every weekend and it seems to be consistently getting worse. On many occasions, the registered Security Officer (bouncer) was not fulfilling his role with professionalism and consideration and would partake in the conversations.

We sincerely believe that it will just be a matter of time before a serious crime is perpetrated only then for the appropriate measures to be in place, but by which time it may be too late. The type of crowd the establishment's new Management is attracting is a real threat to the peace and well-being of the residents on Park road and is toxic especially for young children.

For the purpose of the review, please kindly consider all the relevant complaints filed over the last 5 years at least, with the Noise Team. Regarding the latter, they were notified over the weekend and one home visit was made (Friday 11 June 2021), albeit an hour following the call. On Saturday they were not able to attend due to their busy schedules but they did phone at about 2am to apologise and confirmed they drove past the establishment but couldn't confirm any noise at the time. We appreciate their effort. However, sometimes their findings may be subjective due to the time delay from when they are notified and when they are at the premises or perform home visit. We would like you, the Licencing team to consider this point please.

P.S: From around 2.00 – 2:07 minutes into the first video referenced [REDACTED] one may be able to hear the sound of a baby in distress due to the outdoor incident.

Thank you in advance for your consideration.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: 19 June 2021 11:30
To: Licensing <Licensing@haringey.gov.uk>; Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Cc: [REDACTED]

[REDACTED]
Subject: Re: Kiss the sky Bar - 18-20 Park Road N8 8TD

Dear Ms Barrett and the licensing team,

Please find below the link regarding a video recording evidence of the bar's patrons behaving inconsiderately of the residents' rights, and rather inappropriately on the night of 18 June 2021.

Please note that recording initially consisted of small clips which have been merged into one video.

[REDACTED]
Thank you
Regards
[REDACTED]

From: Amit [REDACTED]
Date: 9 July 2021 at 15:05:14 BST
To: licensing@haringey.gov.uk
Subject: Kiss the Sky Bar

Dear All,

To Whomsoever it May Concern.

I live a few doors down from the bar and have seen the petition letter to reduce the hours to 11pm. A vast amount of the time therefore the business would be forced to close if the hours were reduced, this would be a great loss to the area & locals and people who travel from other areas specifically to go there. Kiss the Sky has always been a popular late night venue, this would be very unfair on the local community for the sake of a few individual complaints. I have also witnessed guests follow COVID protocol and leave the premises quietly. I am fully in support of Kiss the Sky bar.

Please feel free to ask if any other questions.

My Address

[REDACTED]

Thanks in Advance

Regards

[REDACTED]

Emails

7/14/2021

Fwd: NOTIFICATION REVIEW OF PREMISES LICENCE - mdavis@oasisassociate.com - oasis associates Mail

30

artyn Davis <mdavis@oasisassociate.com>

5 Jun 2021, 13:25

to Kiss, Barrett

Dear Sirs,

We will be representing our client at the hearing

We would point out to you that a resident's request for a review must be based upon reasonableness and the timescale is a part of that. Would you outline to us how a two week period for a new licensee is reasonable to judge our clients ability to manage the licence effectively?

We would refer you to acceptable timescales guidelines issued by the Government

Yours faithfully

Barrett Daliah <Daliah.Barrett@haringey.gov.uk>

5 Jun 2021, 17:11

to me, Kiss

Dear Sir,

Licensed premises are able to be reviewed if there are concerns that the operation of the licensable activity is not fulfilling the requirements of the Licensing objectives.

As previously advised you may wish to include the statement below in your clients response to the concerns raised in the review.

Kind regards

Daliah Barrett

Licensing Team Leader

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From: Martyn Davis <mdavis@oasisassociate.com>**Sent:** Saturday, June 5, 2021 1:25:57 PM**To:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>**Cc:** Kiss The Sky <kisstheskybar@gmail.com>**Subject:** Re: FW: NOTIFICATION REVIEW OF PREMISES LICENCE**Martyn Davis** <mdavis@oasisassociate.com>

6 Jun 2021, 11:22

to Barrett

Dear Sirs,

As stated we will be representing our client at the review board

However, to reiterate our point the licencing authority needs to ensure that the time given to consider whether the licensee are fulfilling their responsibilities must be reasonable, and we submit that two weeks is not. Also, that the complaints must not be predicated on former owners and licensee, as this would be seen to be unfair and abuse of process, therefore could be seen by a court as vexatious

Please, confirm, that you understand that we will be representing our client

Yours faithfully,

7/14/2021

Fwd: Transfer application - mdavis@oasisassociate.com - oasis associates Mail

31

----- Forwarded message -----

From: **Cone Philip** <Philip.Cone@haringey.gov.uk>

Date: Tue, 25 May 2021, 9:51 am

Subject: RE: Transfer application

To: Licensing <Licensing@haringey.gov.uk>, Kiss The Sky <kisstheskybar@gmail.com>

Dear Mr Ray,

I have called your mobile and left a message with you but I wanted to advise you that I will be attending Kiss The Sky at midday on Thursday with my colleagues in the police licensing team.

Could you please ensure you are there at the premises at midday on Thursday so that we can discuss the incidents that occurred over the weekend and we will be wanting to view CCTV footage of the weekend.

I must remind you that as part of the licensing objectives, you must produce CCTV footage upon request of a Council or Police Officer and failure to do so could result in a Review of the License.

I look forward to meeting you on Thursday.

Sincerely,

Phil

Phil Cone
Licensing Enforcement Officer



Haringey London

Licensing Authority, River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ

T. 020 8489 8232

philip.cone@haringey.gov.uk

If you need to report something please log it here: [Report It](#) or use our Online Service: [Contact Frontline](#) Why wait when you can [do it online](#)?

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facebook.com/haringeycouncil

Please consider the environment before printing this email.

From: Barrett Daliah <Daliah.Barrett@haringey.gov.uk> On Behalf Of Licensing

Sent: 24 May 2021 08:54

To: Kiss The Sky <kisstheskybar@gmail.com>; Licensing <Licensing@haringey.gov.uk>

Subject: Re: Transfer application

Dear Mr Ray

It is disappointing to note that you have not officially transferred the license into your name but have already been the cause of serious noise nuisance at the weekend.

There should be no loud music or dancing permitted within venues at this time due to the Covid safety requirements.

The breach found by officers will mean you are issued with a fixed penalty notice.

Please submit your Covid secure risk assessment to show how you intend to operate the venue in a Covid secure way.

Be aware that the Licensing Authority will not hesitate to Review the license if you fail to uphold and promote the licensing objectives.

The licence is not a means to blast music with no regard to residents who are severely impacted by your actions.

Regards
Licensing Team

Get [Outlook for Android](#)

7/14/2021

Fwd: Transfer application - mdavis@oasisassociate.com - oasis associates Mail

32

From: Kiss The Sky <kisstheskybar@gmail.com>
Sent: Monday, 24 May 2021, 08:16
To: Licensing
Subject: Re: Transfer application

Please call me to take payment

██████████

K ray

On Fri, 21 May 2021, 3:05 pm Licensing, <Licensing@haringey.gov.uk> wrote:

Dear Mr Ray

Thank you for your email.

Can you please let me know what issues you are having as we are receiving other application from the [gov.uk](https://www.gov.uk) portal.

You have provided the application form but there is no consent form with your application. Please upload your form and consent form to the following link.:

<https://www.gov.uk/apply-for-a-licence/premises-licence/haringey/change-3>

Kind Regards,

Noshaba Shah
Licensing Officer



Haringey London
Licensing Authority, River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ
T. 020 8489 5536
noshaba.shah@haringey.gov.uk

If you need to report something please log it here: [Report It](#) or use our Online Service: [Contact Frontline](#) Why wait when you can [do it online](#)?

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facebook.com/haringeycouncil

♻️♻️ Please consider the environment before printing this email.

From: Kiss The Sky <kisstheskybar@gmail.com>
Sent: 21 May 2021 07:08
To: Licensing <Licensing@haringey.gov.uk>
Cc: stuart.cundy@met.police.uk
Subject: Transfer application

Dear Sir Madam

See attached form to transfer premises licence.

I was having issues with the links so I am sending the application via this format.
Can you please advise me where to pay or call to collect payment.

Regards

Mr K A RAY

This email and any files transmitted with it are confidential, may be subject to legal privilege and are intended only for the person(s) or organisation(s) to whom this email is addressed. Any unauthorised use, retention, distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify the system administrator at Haringey Council immediately and delete this e-mail from your system. Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer or system into which they are received and opened, it is the responsibility of the recipient to ensure they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof. All communications sent to or from external third party organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

Fwd: Licensing Act / Covid Regulation Breaches - Kiss The Sky - Park Road N8 External kiss the sky

Kiss The Sky

Sun, 6 Jun, 16:58

Will forward all emails. Get back to me before you respond. Tony Kiss The Sky 18-20 Park Road London N8 8TD Join us on Instagram & Twitter @kissthesky...

Kiss The Sky <kisstheskybar@gmail.com>
to Mdavis

Tue, 8 Jun, 11:46

Kiss The Sky
18-20 Park Road London N8 8TDJoin us on Instagram & Twitter @kisstheskybar
YouTube Kiss The Sky
Facebook Kiss The Sky

----- Forwarded message -----

From: **Kiss The Sky** <kisstheskybar@gmail.com>
Date: Sat, 29 May 2021, 11:20 am
Subject: Re: Licensing Act / Covid Regulation Breaches - Kiss The Sky - Park Road N8
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>

Hi Barrett

Can you call me please.

There is a number of inaccuracies and complete untruths in your email.

All table bookings the maximum number we accept is 6 . I can show you the requests if you like.

Tables were socially distanced

No one was ordering at the bar as staff are instructed to tell them so as soon as they enter.

Your officer has a clear agenda against our bar as he said last weekend he has visited several times over the last few months even though we have been open as a new business a week.

I already sent a covid risk assessment but shall again repeat that all guests will be seated and music kept at reasonable level. When in the bar, you can easily hear the person on your table without shouting. There is no fairness in these allegations and a list was being taken.

Covid risk assessment as follows

- : All guests seated
- : tables socially distanced and sanitized after each guest leaves.
- Music kept at a level where no shouting
- : table service
- Sanitiser is at the entrance
- Contact details taken

No aggression was given to the officer who was told by staff to remain at the entrance but proceeded to walk around and ignore covid protocol.

The seats outside were brought in as soon it became dark and were not restricting the public highway. The broken bench that used to be there for years all day and night before and used by public as well as guests was more of a hazard but no issue was raised on that . I will apply for a licence for the outside seats.

As I have said previously I want to cooperate in all matters and work with the council but I feel we are being treated very unfairly. I have done every task put before me and provided a dps as advised who is willing to be prominent until mine is completed.

Its clear this will not stop until the business is closed so is the intention for Haringey Licensing to close my business ?

Kashka Ray

Reply

Forward

Kiss The Sky Bar External kiss the sky

**Martyn Davis**

Thu, 10 Jun, 15:00

Hi Tony, Please read and approve and return Dear Sirs, We have taken instruction from our client regarding the Licence Review for the above premises. We ...

Kiss The Sky <kisstheskybar@gmail.com>

Thu, 10 Jun, 16:26

to me

Approved

Kiss The Sky

18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar

YouTube Kiss The Sky

Facebook Kiss The Sky

**Martyn Davis** <mdavis@oasisassociate.com>

Thu, 10 Jun, 16:40

to Barrett

Barrett Daliah <Daliah.Barrett@haringey.gov.uk>

Thu, 10 Jun, 17:37

to me

Dear Mr Davis,

The review process can only be stopped if the requestors of the review formally notify the Licensing Authority of their wish to do so. The email below will be part of the report that is subsequently taken to the Licensing Sub Committee when they meet to determine the review. You will be able to verbalise your clients case.

Regards

Daliah Barrett

Licensing Team Leader

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Reply

Forward

7/14/2021

Fwd: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, Lond. 35

Fwd: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, London N8 8TD (WK/501949) External kiss the sky

Kiss The Sky

23 Jun 2021, 12:11

to Martyn

Kiss The Sky
18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar
YouTube Kiss The Sky
Facebook Kiss The Sky

----- Forwarded message -----

From: Licensing <Licensing@haringey.gov.uk>

Date: Wed, 23 Jun 2021, 11:53 am

Subject: RE: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, London N8 8TD (WK/501949)

To: Kiss The Sky <kisstheskybar@gmail.com>, Licensing <Licensing@haringey.gov.uk>

Dear Sir,

You may wish to pose that query to the lawyer you have engaged to assist you during this process.

Regards

Daliah Barrett

Licensing Team Leader

From: Kiss The Sky <kisstheskybar@gmail.com>

Sent: 23 June 2021 11:32

To: Licensing <Licensing@haringey.gov.uk>

Subject: Re: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, London N8 8TD (WK/501949)

Hi

Does this person live above the premises? If not how can they determine what bass levels there are ?

Kiss The Sky
18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar
YouTube Kiss The Sky
Facebook Kiss The Sky

On Wed, 23 Jun 2021, 11:27 am Licensing, <Licensing@haringey.gov.uk> wrote:

Dear Sir/Madam,

Please find attached a representation for the above application.

You will be notified in due course with a date for the hearing.

Kind regards

Chanel Roye - Licensing Administrator

Please do not send applications by post or visit our office.

Licensing Authority I

1st Floor I River Park House I 225 High Road I Wood Green I London I N22 8HQ

Tel: 020 8489 5544

If you need to report something please log it here: [Report It](#) or use our Online Service: [Contact Frontline](#) Why wait when you can [do it online](#)?[twitter@haringeycouncil](#)[facebook.com/haringeycouncil](#)

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Kiss The Sky

28 Jun 2021, 14:29

to Barrett, Licensing, Martyn

Dear D Barrett

If its no longer valid than how can it still be presented.

Can I please get the history I requested last week thanks.

K RAY

Kiss The Sky
18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar
YouTube Kiss The Sky
Facebook Kiss The Sky

On Mon, 28 Jun 2021, 2:03 pm Barrett Daliah, <Daliah.Barrett@haringey.gov.uk> wrote:

Dear Mr Ray

Please see attached the list of complaints information as requested. I understand there are more recent ones that have not yet been updated on the system but I will ensure they are reflected in the report document that the Licensing Sub Committee will have before them for the Review hearing.

We have a few representations with footage that has been submitted during the consultation period of the Review and we will ensure that you receive a copy of each one also. The consultation period expires at midnight on 29th June

We note that the Fixed Penalty Notice for COVID breaches has been withdrawn. To be clear, the notice was withdrawn due to an administrative error on the template. The move to Step 3 from 17th May meant that there is now new regulation information on the Fixed Penalty Notice templates. The notice you received did not have this information. That is why the notice was withdrawn as it was deemed to be the incorrect template. It was not due to the challenge you had submitted on this matter. Breaches of the Covid regulations were documented by officers who carried out the visit and will be presented in the report that is taken to the Licensing Sub Committee.

Kind regards
Daliah Barrett
Licensing Team Leader

From: Barrett Daliah **On Behalf Of** Licensing
Sent: 23 June 2021 18:25
To: 'Kiss The Sky' <kisstheskybar@gmail.com>; Licensing <Licensing@haringey.gov.uk>
Subject: RE: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, London N8 8TD (WK/501949)

Mr Ray,

I think you should ask for a more reasonable time period that would incorporate your tenure at the premises. Twenty years of data will not necessarily be relevant to your case. Also with the amount of time that Councils can hold data twenty years may be out of scope. You may wish to discuss with your legal representative.

However, if you are sure that it is twenty years' worth of information that you are seeking then please verify and we will get your request logged through the FOI process to be looked at and a response provided to you in due course.

Please note that there will be no information on reviews from the year 2000 as the Licensing Act 2003 had not been in effect and did not take effect until November 2005.

Kind regards
Daliah Barrett
Licensing Team Leader

From: Kiss The Sky <kisstheskybar@gmail.com>
Sent: 23 June 2021 18:14
To: Licensing <Licensing@haringey.gov.uk>
Subject: Re: RESIDENTIAL REPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road, London N8 8TD (WK/501949)

Hi

Can I have the whole history of the 18-20 noise complaints/reviews since year 2000 until now please.

Many thanks

K A RAY

7/14/2021

Fwd: RESIDENTIAL RESPRESENTATION 3- Application for a Review of a Premises Licence- Kiss the Sky, 18-20 Park Road Lond...

Kiss The Sky
18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar
YouTube Kiss The Sky
Facebook Kiss The Sky

On Wed, 23 Jun 2021, 11:27 am Licensing, <Licensing@haringey.gov.uk> wrote:

Dear Sir/Madam,
Please find attached a representation for the above application.

You will be notified in due course with a date for the hearing.

Kind regards

Chanel Roye - Licensing Administrator

Please do not send applications by post or visit our office.



Barrett Daliah

28 Jun 2021, 15:09

Mr Ray Attached to the email I sent you was an excel document that listed the past complaints. You have misunderstood just because the notice template wa...

Licensing <Licensing.Licensing@haringey.gov.uk>
to Licensing, Kiss, Martyn

30 Jun 2021, 13:09

Dear Sir,

We are advised that the hearing for the Licensing Sub Committee to consider the Review application can be scheduled for 20 July 2021 (7pm)
Please advise that you are able to make this date and the meeting will be virtual on Teams.

Kind regards

Daliah Barrett

Licensing Team Leader

Re: Investigation of noise nuisance from Kiss The Sky Bar (WK503451) External kiss the sky

Kiss The Sky

Tue, 6 Jul, 21:54 (8 days ago)

to Barrett, [REDACTED]

Hi Jennifer

With respect, you visited more or less straight after the opening weekend complaints.

I clearly indicated I was willing to work with the council.

I also clearly indicated that I was willing to meet the neighbours to discuss matters as it was I who wrote them letters asking for such only to be ignored.

I left my number so they could contact me anytime, again ignored.

If I saw the structure of their flooring, things could be discussed to remedy the situation and I have turned down music whenever asked. Its difficult to judge what's loud or not without cooperation.

The same neighbours are leaving their windows open at night to record our customers and wait for an opportunity. If noise is their issue, why are they doing that..

You told me that you would visit the neighbours above and then come back to me with solutions to mediate the situation.

Now I have learnt not only did you not return but you have personally recommended that my 1 month old business is closed down. This is effectively what your saying as Kiss The Sky is a late night bar where the majority of customers are all locals. It is something I'm trying to change but it can't be done in a month and your recommendation will close my business.

Pardon my frustration but I am seriously unhappy with the one sided approach from the council.

Is this their first complaint or 100th over the 14 years of Kiss The Sky so why now is the council recommendation to close my business.

Rockwool sound insulation slabs were used, double the amount, I really can't understand it.

See pictures attached and product below.

<https://www.mpmoran.co.uk/rockwool-sound-insulation-slab-4-32m2-109116078>

I also bought a sound monitoring device which I am fitting this weekend.

Regards

K A RAY

Kiss The Sky

18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar

YouTube Kiss The Sky

Facebook Kiss The Sky

On Tue, 6 Jul 2021, 7:43 pm Barrett Jennifer, <Jennifer.Barrett@haringey.gov.uk> wrote:

Dear Tony

Investigation of noise nuisance from Kiss The Sky Bar (WK503451)

My apologies for the delay in getting back to you. I am aware of the request by local residents to review your licence. I have made a representation in support of the request and outlining the issues I discussed with you when I last visited you. I have attached a copy of this for your reference.

You also discussed at this meeting your plans to address noise nuisance and it would be helpful to review your plans, the works you have already undertaken (you said you had spent £5k during the refurbishment on soundproofing).

In response to a noise complaint recently (on 3/7/21 at 23:15):

- Officers from the council visited a local resident and verified
 - music from your premises was audible in habitable rooms, such that they could easily identify the artist.
 - Bass element of music was perceptible through carpeting
 - The voices of patrons outside your premises was audible with windows open
- The slamming of the toilet doors in your bar was also audible.

You were advised of the above at the time of this visit. You agreed at the time to lower the music volume and turn off the bass.

I would like to meet and discuss this with you before the 16/7/21 so that I can verify an appropriate level of music to be played in the Bar and offer additional suggestions for noise controls. Considering the above it might be difficult to operate as you have been recently without further improvements. Please provide the details / specification of the soundproofing you have installed so far so that we can assist you to implement future improvements without entailing excessive/unnecessary costs.

Please confirm the best time(s) to meet this week to discuss.

Kind regards,

Jennifer Barrett

ASB Specialist (Noise)

7/14/2021

Re: Investigation of noise nuisance from Kiss The Sky Bar (WK503451) - mdavis@oasisassociate.com - oasis associates Mail 39

haringey logo

Haringey Council

1st Floor North, River Park House, 225 High Road, London N22 8HQ

T . 0208 489 5264

Mobile: 07989 223 970

[mailto: jennifer.barrett@haringey.gov.uk](mailto:jennifer.barrett@haringey.gov.uk)www.haringey.gov.ukwww.twitter.com/haringeycouncilwww.facebook.com/haringeycouncil

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Re: FW: KTS bar 10-11 July 2021 External kiss the sky

Kiss The Sky

Mon, 12 Jul, 22:46 (2 days ago)

to Martyn

Shall I respond to this or wait?

Last Saturday we had a few undesirables come along who when refused entry, stayed outside the premises for ages not causing trouble but making noise.

During that scenario there was an incident again from the outsiders which was quickly defused and nothing persisted afterwards.

The crowd quality is being improved so once a blue moon, people refused entry during that process would act inappropriately like any other venue.

Wed & Thurs Live Music

Fri & Sat & Sun Live DJ

Kiss The Sky

18-20 Park Road London N8 8TD

Are you on social media? Join us on Instagram & Twitter @kisstheskybar

YouTube Kiss The Sky

Facebook Kiss The Sky

On Mon, 12 Jul 2021, 10:28 pm Licensing, <Licensing.Licensing@haringey.gov.uk> wrote:

Dear Mr Ray,

See below further matters that will be placed before the LSC.

Regards

Daliah Barrett

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

From: >

Sent: 11 July 2021 11:55

To: Licensing <Licensing.Licensing@haringey.gov.uk>; Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing.Licensing@haringey.gov.uk>

Cc: festus.akinboyema@haringey.gov.uk

Subject: KTS bar 10-11 July 2021

Dear all,

Below is the link for last night's/this morning's event.

Scuffles from 30secs into the video between a member of staff (with glass of red wine in the hand) and a couple of patrons, and one of the them appeared to have picked up a harmful tool/weapon behind the bar but was prevented from using it.

1m35 into the video one of the patrons shouting "too many youths being killed, mind yourself.." which confirms the man in question was very likely to be holding a dangerous weapon.

1m40-46 shows Mr Ray, the owner of the establishment and his manager (female with long black hair) walking into the bar with a box and a bag of what appears to be alcoholic beverages.

4m18 - I was seen video recording, by the staff involved in the scuffle described above, and was shouted abuse "stop f***** filming d*****d" but I had cut that part of the scene due to the inappropriate language.

We hope you do make a conscientious effort to carefully review all the Video links we send as they are crucial evidence affecting the residents' overall safety, security and we'll bring, as well as the time that some of us are taking to record the various scenes, knowing the potential risks involved. Two nights in a row now I have been shouted abuse for filming (one of which where a patron uttered: "keep filming bro, I'll burn your face". This was however not in the video).

Thank you.

[REDACTED]

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7/14/2021

Re: FW: KTS bar 10-11 July 2021 - mdavis@oasisassociate.com - oasis associates Mail

41

ensure they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof. All communications sent to or from external third party organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

7/14/2021

Neighbours - mdavis@oasisassociate.com - oasis associates Mail

42

Kiss The Sky

Thu, 1 Jul, 09:35 (13 days ago)

to me

Hi Martyn

Yes the hair salon has wrote in support last week. I sent it on to you. I will approach others today and tomorrow regardless if its past the cut off date. 1 of the upstairs neighbours is seeing me Friday.

They agreed that the whole thing is a witch hunt carried on from the past.

Many parts of this mornings report from the covid officer is exaggerated and a few items completely untrue. His suggestion for reduced hours would finish the business entirely.

Do we respond now or just let these build up until the hearing.

Also their list of complaints since May 2021 is unreasonable as we are constantly on our customers to be quiet upon leaving. They leave both their windows open all night to seek out any noise or issue but don't during the week.

The council are not mentioning that the original DPS before my current one was going to be the previous owner who was willing to do the role until mine completed but they sent him a scaremongering email saying they may look to prosecute him if things go as they plan..

Letters



D Barrett
Licensing Team Leader
Haringey Council
The High Road
Wood Green,
Civic Centre
255 London N22 8LE

Our ref: Sky001T621
Your ref:
Date: 4 June 2021

Dear Sirs,

RE: Review of the Premises Licence for Kiss the Sky at 18-20 park Road London N8

We are retained by Mr. K A Ray, owner of the above premises, with respect to the notification of the review of the licence of those premises. We have attached the letter of authority.

We understand that the review application is "submitted by 'other parties@ and cites the noise nuisance and general non-compliance with licensing objectives that has impacted on residents."

You have not outlined what the "general non-compliance" is and therefore, it is impossible to defend those accusations.

For the noise to count as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

It is usual, that prior to a review of the licence, for a noise abatement notice to be served under section 80 of the Environmental Protection Act. Additionally, for the abatement notice to have been breached; and an expectation of a number of complaints of public nuisance at the premises.

In this case, there has not been a Noise Abatement Order issued, and therefore no breach is possible. A Licensing Authority may reject the application for review they are satisfied that the grounds for review are not relevant to one or more of the licensing objectives:

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

Additionally, if the above had been the case it would be expected that the police service would have been involved.

Registered address:
142 Cromwell Road,
London, England, SW7 4EF
Company number 11315561

Correspondence address:
Christ Church House
Candahar Road
London SW11 2PU


Oasis Associates

Our client is a relatively recent owner of these premises; he took over the licence two weeks ago. However, we understand that there were issues with the previous ownership. Our client has made strenuous efforts to ensure that noise levels are kept low and that the customers are well behaved and ordered. There was a Covid fine issued to customers for dancing, however, this was prior to our client taking on the licence.

It is stated in Government guidance that representations considered by the licensing authority when the premises licence was first granted to our client.

Additionally, any representations made when the application for the premises licence was first made and were excluded because of the prior issue of a provisional statement

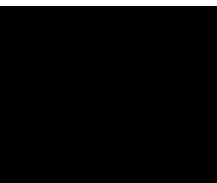
In addition to the above grounds, a reasonable interval should have elapsed since an earlier review of the grant of the licence. In this case we would submit that two weeks is not a reasonable time period. In fact we would submit that a application for a review, based on issues that were in place prior to our client having taken over the ownership of the bar and the licence. The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the authority on earlier occasions.

Therefore, we would submit that there are grounds to consider the application for a review to be vexatious, because the issues raised are with a former licensee.

We would request that you withdraw the review, and allow our client time to prove that the premises have improved under his stewardship, and that reasonable timescales are given to our client to build good relations with the residents.

We look forward to hearing from you

Yours faithfully,



Martyn Davis LLD
Oasis Associates
Email: mdavis@oasisassociate.com
Mobile: 

Please respond by email, due to home working

Date

25/05/21

Kiss The Sky

18-20 Park Road N8 8td
Kisstheskybar@gmail.com

Dear Sir Madam

I wish to thank you for taki time out to read the following.

I have very recently taking over ownership of the business known as Kiss The Sky.

Looking back at the history of the complaints on both sides, I decided to soundproof the whole ceiling at an expensive cost thinking this would remedy the issues.

Unfortunately due to the complaints received at the weekend, this has not been enough so I'm asking if you could meet with me this week in the bar to see how we can come to some of of resolution or to see what else I can do as I want the business to do well but do not want to cause annoyance.

Regards

[REDACTED]

K A RAY

Kiss The Sky

[REDACTED]

Petition Letter

URGENT

Respond by

29

JUNE

Park Road Community

Dear Park Road Neighbours,

We are sending this note to ensure you are aware that **Kiss the Sky** is currently having it's premises license reviewed by the Haringey Licensing Team. This review is the result of recent violation of their licence, and from ongoing noise nuisances affecting the community.

If you are impacted by noise from Kiss the Sky and it's patrons, we urge you to contact the Haringey Licensing Team and submit a representation before the consultation period ends on 29 June. It is **CRITICAL** that residents voice their concerns before the end of the consultation period, as the Licensing Act prevents the repeat of a licence review without an elapse of time.

In May, Kiss the Sky reopened under new ownership. The new owner has taken transfer of **Kiss the Sky's existing premises licence from 2006**. This licence permits the bar to remain open till 01:30 Friday-Saturday, 00:30 the rest of the week, with the **supply of alcohol – along with the provision for recorded music and dancing to 01:00 Friday and Saturday, 00:00 Sunday-Thursday**.

Kiss the Sky is not the only bar in our immediate area. We also have Banners and Allora Hall as neighbours. Yet we have not had the need to lodge a noise complaint related to either – ever. Over the past 4 weeks since Kiss the Sky has reopened, we have been disturbed regularly and prompted to lodge more noise complaints than all previous years combined.

In addition to the increased late night noise nuisance over the past weeks, we have been greeted by the aroma of **urine in Park Mews** next to Ginger and Mint, mornings after rowdy nights at the bar. We have also worryingly begun to see groups of youth **congregating and lingering** on the pavement around Kiss the Sky during its later nightclub hours. This is a new development and a potential safety concern for the community.

Since reopening, the bar has been closed Mondays and Tuesdays. However, on the Kiss the Sky website are plans for **events scheduled for Mondays and Tuesdays**, bringing the bar's operations up to 7 days a week.

- please turn over -

We have spoken with a few neighbours along Park Road. All are experiencing nuisances stemming from Kiss the Sky. We expect that most in our area have been affected. The Licensing Team will only understand the depth of the problem and the community's frustrations if more than a couple of residents contact them during this review. We therefore urge you to contact the Haringey Licensing Team and let them know your experience.

As a reminder, it is required that Kiss the Sky uphold the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **Protection of children from harm**

Kind regards,
- Your neighbours on Park Road

Email your representation including your name and address to, Lead Officer - licensing@haringey.gov.uk
Include any Noise Problem Reference ID's if you have made a complaint to the council
The consultation period ends **29 June**

Risk Assessment

COVID-19 reopening risk assessment

Please also refer to the Government's COVID-19 Secure Guidance and Maintaining Records Guidance

Area	What are The Hazards?	What are you Already Doing?(Examples listed below)	Further Action is Necessary?(Decide what else you could do)	Action by Who?	Action by when?	Done
Personnel	Risk to returning staff	<ul style="list-style-type: none"> Assessment of staff and circumstances carried out including: <ul style="list-style-type: none"> Interviews Discover pre-existing conditions Identified those who can work from home Identified high risk staff Identified those living with high risk staff Identified staff with or living with someone with symptoms Taken into account circumstances of those with different protected characteristics Addressed transport to work issues Regularly briefing staff on latest guidance Regularly reminding staff if they have symptoms they must not come to work Regularly reminding staff that if they are with someone who has symptoms they must self-isolate and not come to work Providing support for workers around wellbeing and mental health 				

	Risk to staff at work	<ul style="list-style-type: none"> • For general staff protection: <ul style="list-style-type: none"> ◦ Developed a detailed plan for the site and communicated to staff ◦ Training provided so staff understand risks ◦ Staggered arrival and departure times to reduce crowding ◦ Ensured all staff wash hands on arrival and re-entering with staff reminders ◦ Maintaining a record of staff names, contact details and dates/ times of work to assist NHS Trace and Test. • Allowed staff to work further apart. Where not possible, arranged people to work side-by-side/ facing away or used screens • Keeping minimum distance from customers in line with Government guidance. Where not possible, other measures are taken • Introduced more frequent cleaning regimes • Reduced the number of people each staff member has contact with by using fixed teams or partnering • Staggered staff breaks to maintain distancing • Avoided need to share equipment where possible and disinfected before use • Staff change into work clothes of arrival at work where practical to do so • Washing staff uniform on site where possible or requesting staff wash regularly at home 			
Brewery	Risk to staff and	<ul style="list-style-type: none"> • Ensured all staff wash hands on arrival and re- 			

	customers	<p>entering with staff reminders</p> <ul style="list-style-type: none"> • Frequent cleaning schedules introduced • Allowed staff to work further apart during brewing tasks (brewing, bottling and packing). Where not possible, arranged people to work side-by-side/ facing away or used screens • Visitors are kept to a minimum • Recording visitor details for 21 days to assist NHS Test and Trace (see guidance) • Brewery area roped off from taproom/ bar 				
Kitchen	Risk to staff	<ul style="list-style-type: none"> • Following <u>guidance</u> on food preparation and food service area • Using disinfectants and sanitisers • Controlling staff movements to maintain social distancing where possible • Restricted kitchen access to as few people as possible • Minimised contact between kitchen and front of house staff, e.g. using zones for collection • Minimised access to pantries, fridges and freezers • Glassware washed separately from plates and cutlery • Where washing by hand is necessary, using rubber gloves and suitable products • Ensuring temperatures above 60 degrees for rinsing • Changing cloths and sponges daily • Introduced restricted menu options 				
Public	Risk to	<ul style="list-style-type: none"> • Developed a plan for the specific premises to 				

Bar/ taproom	staff	<p>reflect risk assessment</p> <ul style="list-style-type: none"> • Keeping minimum distance from customers in line with Government guidance. Where not possible, other measures are taken • Considered if protective clothing and equipment, such as masks, is needed • Stalled screens to protect staff where needed 			
	Risk to customers	<ul style="list-style-type: none"> • Developed a plan for the specific premises to reflect risk assessment • Cleaning: <ul style="list-style-type: none"> ○ Have hand sanitiser dispensers at bar and external doors ○ Cleaning bar tops every hour and table surfaces immediately after use ○ Cleaning high throughput areas and touchpoints at least every hour ○ Emptying glasses collected from table by staff, customers discouraged from returning them to the bar. • Social distancing: <ul style="list-style-type: none"> ○ Limiting capacity to reflect social distancing requirements and control customer access at entrances, in queues and waiting areas ○ Taken into account reasonable adjustments for those who need them, such as disabled customers ○ Using table service where possible ○ For bar orders, customers maintain social distancing, indicated through tape marks on the floor 			

		<ul style="list-style-type: none"> ○ Uni-directional movement and separate order and collection points ○ Ensuring customers do not remain at bar after ordering • Communication: <ul style="list-style-type: none"> ○ Promoting the measures being taken in the venue through signs and informing people on arrival and on website ○ Explaining to customers that failure to observe measures will result in service not being provided ○ Encouraging customers to share their details to support NHS Test and Trace ○ Informing customers that they should be prepared to remove face coverings for identification • Offering cashless payment and discouraging the use of cash • Maintaining a secure and temporary record of customers for 21 days to assist NHS Test and Trace including name of customers or lead member of group, contact phone number, date/ time of visit • Developed policy if customer refuse to share details for NHS Test and Trace • Not permitting live performances and restricting music volumes to discourage shouting 			
Customer Toilets	Risk to staff and customers	<ul style="list-style-type: none"> • Developed a plan for communicating and controlling access to customer toilets • Hand sanitiser available on entry to toilets where possible 			

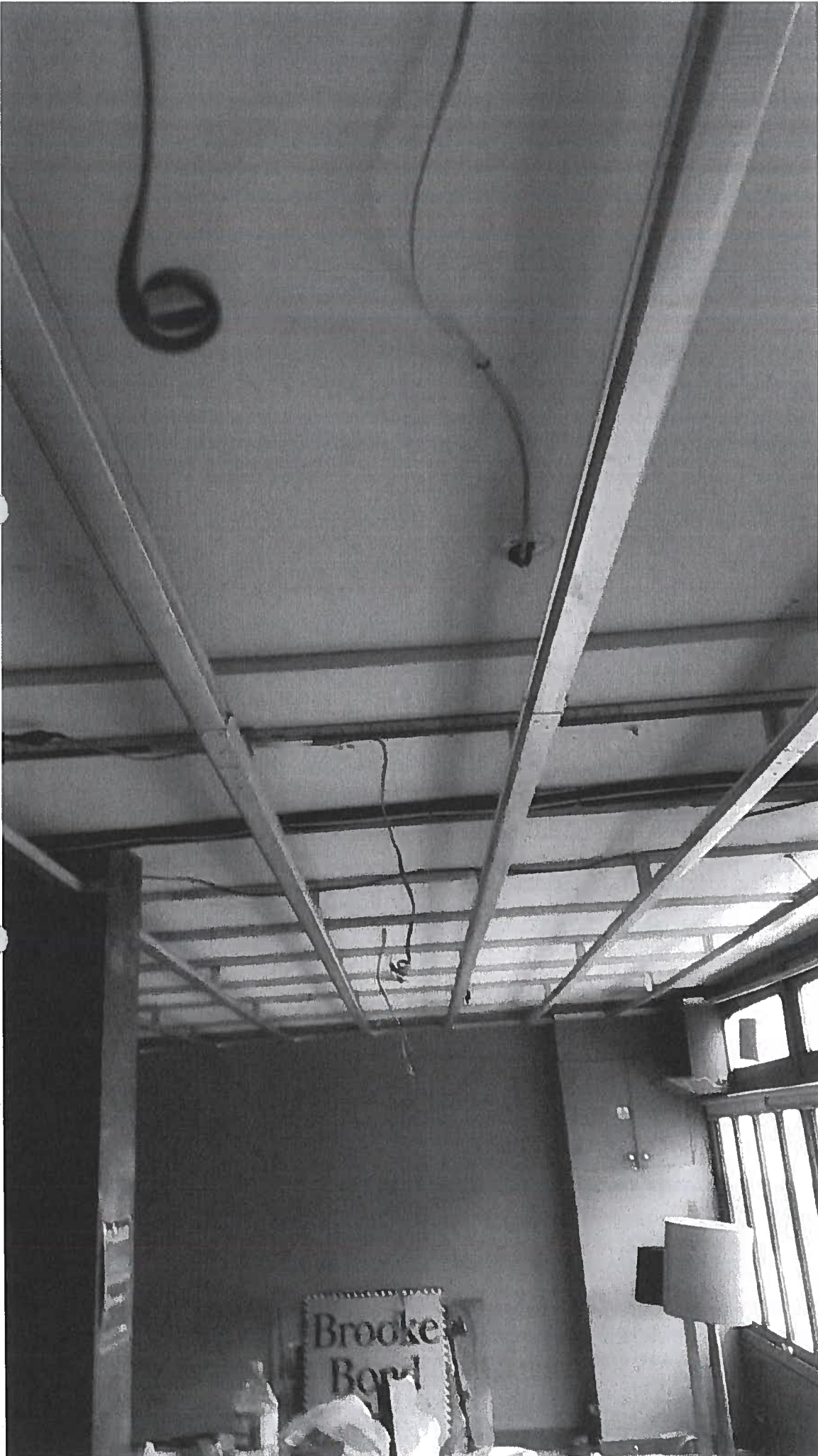
		<ul style="list-style-type: none"> • Staff monitoring and cleaning of toilets increased • Provided more waste facilities and increased rubbish collection • Advertised cleaning schedule up to date 			
Seating area/ dining	Risk to staff and customers	<ul style="list-style-type: none"> • Calculated a maximum number of persons on the basis of social distancing requirements. Distancing maintained between guests in queues and between tables • Informing customers of access restrictions, social distances and limits on gatherings through sign, on arrival and on website • Identified and resolved/ mitigated potential pinch points • Using electronic reservation and ordering where possible. Maintaining a temporary record of customers for 21 days to assist NHS Test and Trace • Replacing menus with customer display or use single-use, disposable menus • Limiting customer contact with menus, trays, napkins etc, with cleaning and replacement carried out after each use • Cutlery brought to staff with food. Individually wrapped condiments and sauces provided on request • Glasses, cutlery and plates picked up only by staff wearing gloves. If no gloves are available, staff wash hands • Offering cashless payments 			

Takeaway services	Risk to staff, customers and delivery drivers	<ul style="list-style-type: none"> Following all legal requirements for food safety, including allergen information on request (see <u>guidance</u>) Encouraging customers to order online/telephone Minimising contact between staff and customers/ delivery drivers Have hand sanitiser dispensers at collection area and external doors Offering cashless payments Screens between staff and customers where appropriate 			
Outdoor areas	Risk to staff and customers	<ul style="list-style-type: none"> Considered impact of queues on the area, such as high streets and car parks Reconfigured outdoor seating to maintain social distance Ensured outdoor areas have sufficient ventilation Considered danger of groups forming Regular staff patrol of area Planned for maintaining social distance in the event of adverse weather conditions 			
Cellar	Risk to staff and deliverers	<ul style="list-style-type: none"> Undertook stock clearance More frequent cleaning and hygiene Have hand sanitiser dispensers at collection area and external doors Staff wash hands before entering cellar Considered methods to reduce frequency of deliveries 			

			<ul style="list-style-type: none"> Where possible and safe, have a single worker load and unload Normal practices for maintenance followed and where possible by one person Records of visitors maintained 			
Deliveries received	Risk to staff and deliverers	<ul style="list-style-type: none"> Maintaining distance rules when taking deliveries and where possible verify using digital forms Maintaining record of details of deliverers Delivery drivers stay in vehicle where possible Have cleaning procedures for goods entering the site Considered methods to reduce frequency of deliveries 				
Deliveries to customers	Risk to staff and customers	<ul style="list-style-type: none"> Deliveries are staggered so arrive and leave the brewery at different times Drivers leave deliveries on the door steps of customers Gloves worn at all times and hand sanitiser used Social distance measures maintained 				

Photographs

Sq





7/14/2021

Re: Investigation of noise nuisance from Kiss The Sky Bar (WK503451) - mdavis@oasisassociate.com - oasis associates Mail

Re: Investigation of noise nuisance from Kiss The Sky Bar (WK503451) External kiss the sky

Kiss The Sky

Tue, 6 Jul, 21:54 (8 days ago)

to Barrett, [REDACTED]

Hi Jennifer

With respect, you visited more or less straight after the opening weekend complaints.

I clearly indicated I was willing to work with the council.

I also clearly indicated that I was willing to meet the neighbours to discuss matters as it was I who wrote them letters asking for such only to be ignored.

I left my number so they could contact me anytime, again ignored.

If I saw the structure of their flooring, things could be discussed to remedy the situation and I have turned down music whenever asked. Its difficult to judge what's loud or not without cooperation.

The same neighbours are leaving their windows open at night to record our customers and wait for an opportunity. If noise is their issue, why are they doing that..

You told me that you would visit the neighbours above and then come back to me with solutions to mediate the situation.

Now I have learnt not only did you not return but you have personally recommended that my 1 month old business is closed down. This is effectively what your saying as Kiss The Sky is a late night bar where the majority of customers are all locals. It is something I'm trying to change but it can't be done in a month and your recommendation will close my business.

Pardon my frustration but I am seriously unhappy with the one sided approach from the council.

Is this their first complaint or 100th over the 14 years of Kiss The Sky so why now is the council recommendation to close my business.

Rockwool sound insulation slabs were used, double the amount, I really can't understand it.

See pictures attached and product below.

<https://www.mpmoran.co.uk/rockwool-sound-insulation-slab-4-32m2-109116078>

I also bought a sound monitoring device which I am fitting this weekend.

Regards

K A RAY

Kiss The Sky

18-20 Park Road London N8 8TD

Join us on Instagram & Twitter @kisstheskybar

YouTube Kiss The Sky

Facebook Kiss The Sky

On Tue, 6 Jul 2021, 7:43 pm Barrett Jennifer, <Jennifer.Barrett@haringey.gov.uk> wrote:

Dear Tony

Investigation of noise nuisance from Kiss The Sky Bar (WK503451)

My apologies for the delay in getting back to you. I am aware of the request by local residents to review your licence. I have made a representation in support of the request and outlining the issues I discussed with you when I last visited you. I have attached a copy of this for your reference.

You also discussed at this meeting your plans to address noise nuisance and it would be helpful to review your plans, the works you have already undertaken (you said you had spent £5k during the refurbishment on soundproofing).

In response to a noise complaint recently (on 3/7/21 at 23:15):

- Officers from the council visited a local resident and verified
 - music from your premises was audible in habitable rooms, such that they could easily identify the artist.
 - Bass element of music was perceptible through carpeting
 - The voices of patrons outside your premises was audible with windows open
- The slamming of the toilet doors in your bar was also audible.

You were advised of the above at the time of this visit. You agreed at the time to lower the music volume and turn off the bass.

I would like to meet and discuss this with you before the 16/7/21 so that I can verify an appropriate level of music to be played in the Bar and offer additional suggestions for noise controls. Considering the above it might be difficult to operate as you have been recently without further improvements. Please provide the details / specification of the soundproofing you have installed so far so that we can assist you to implement future improvements without entailing excessive/unnecessary costs.

Please confirm the best time(s) to meet this week to discuss.

Kind regards,

Jennifer Barrett
ASB Specialist (Noise)

7/14/2021

Re: Investigation of noise nuisance from Kiss The Sky Bar (WK503451) - mdavis@oasisassociate.com - oasis associates Mail 62

Haringey logo

Haringey Council

1st Floor North, River Park House, 225 High Road, London N22 8HQ

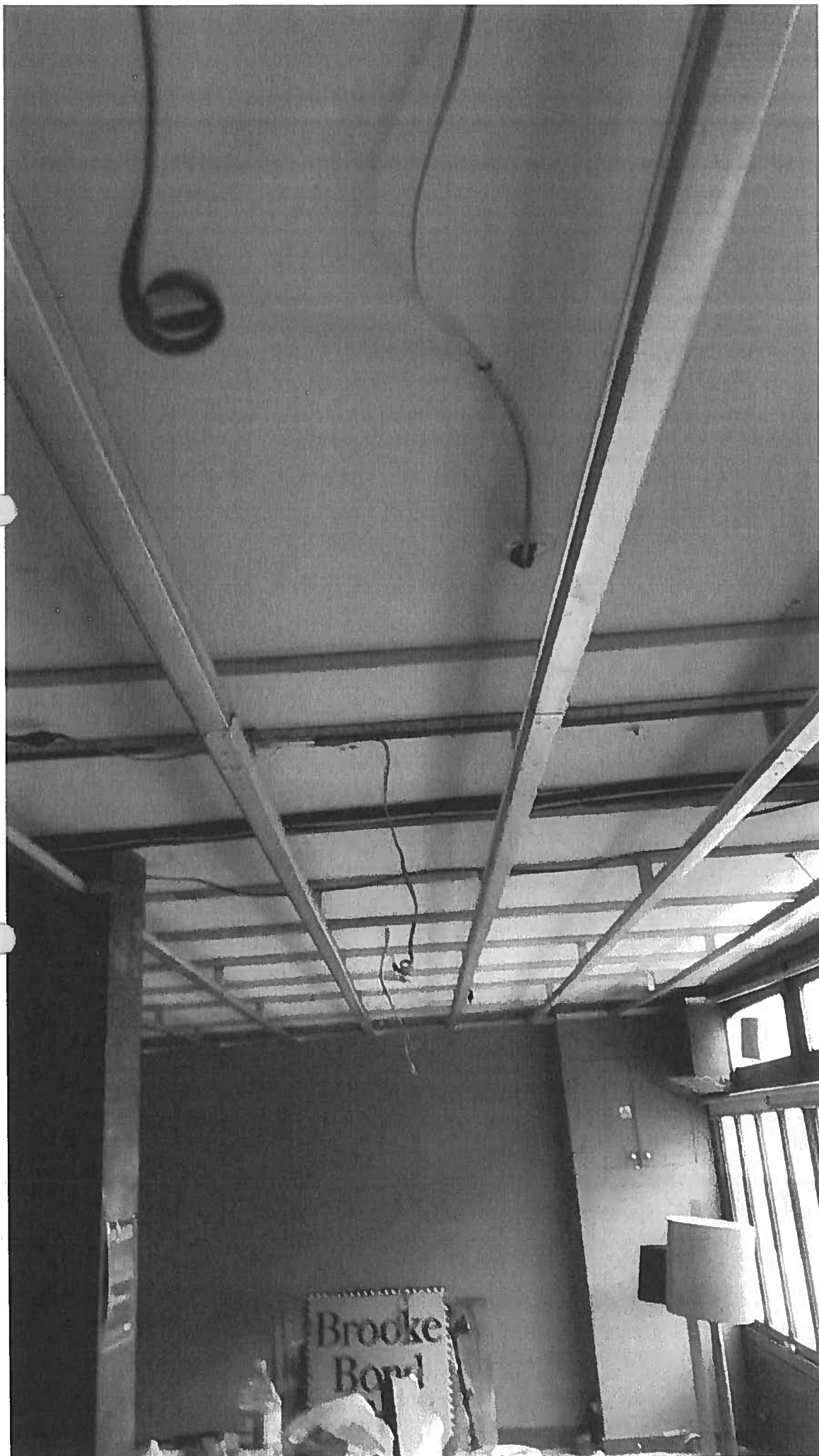
T . 0208 489 5264

Mobile: 07989 223 970

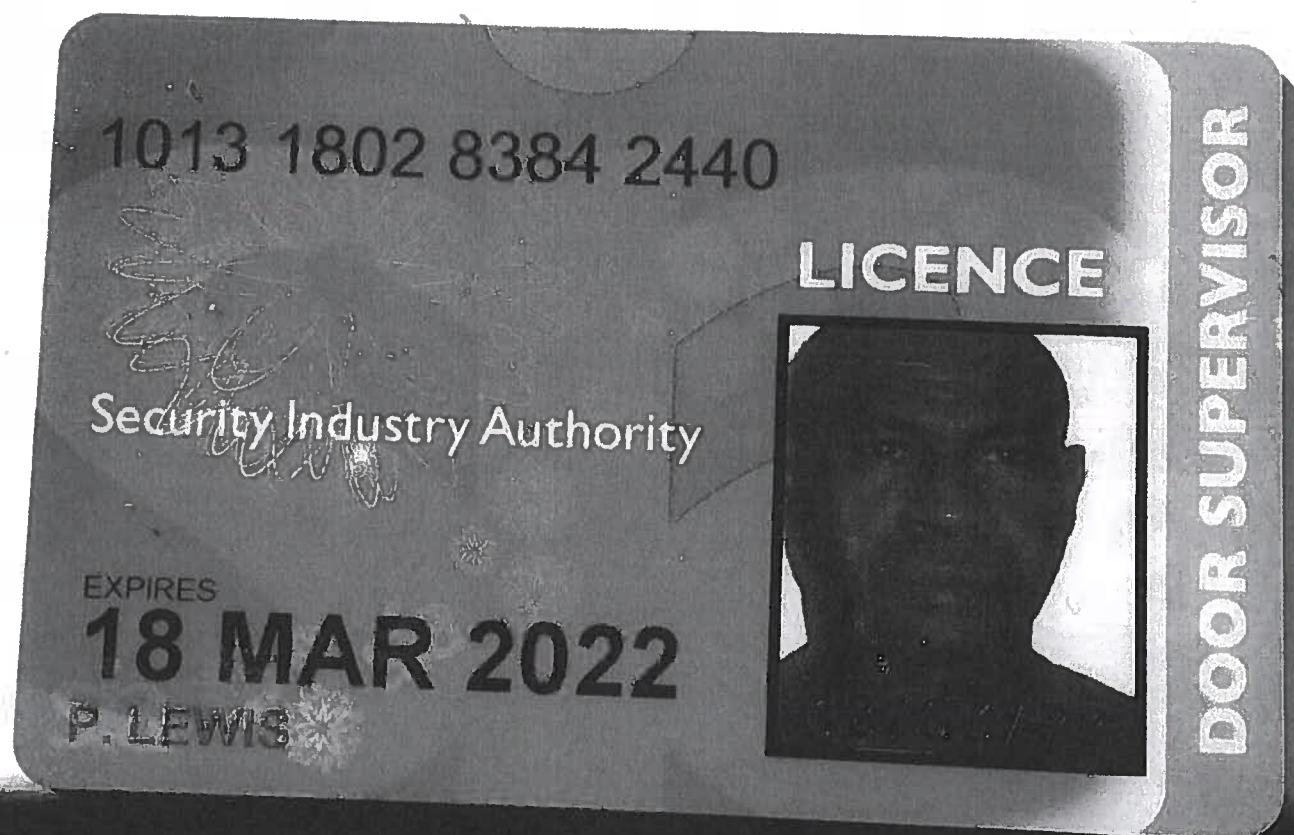
mailto: jennifer.barrett@haringey.gov.ukwww.haringey.gov.ukwww.twitter.com/haringeycouncilwww.facebook.com/haringeycouncil

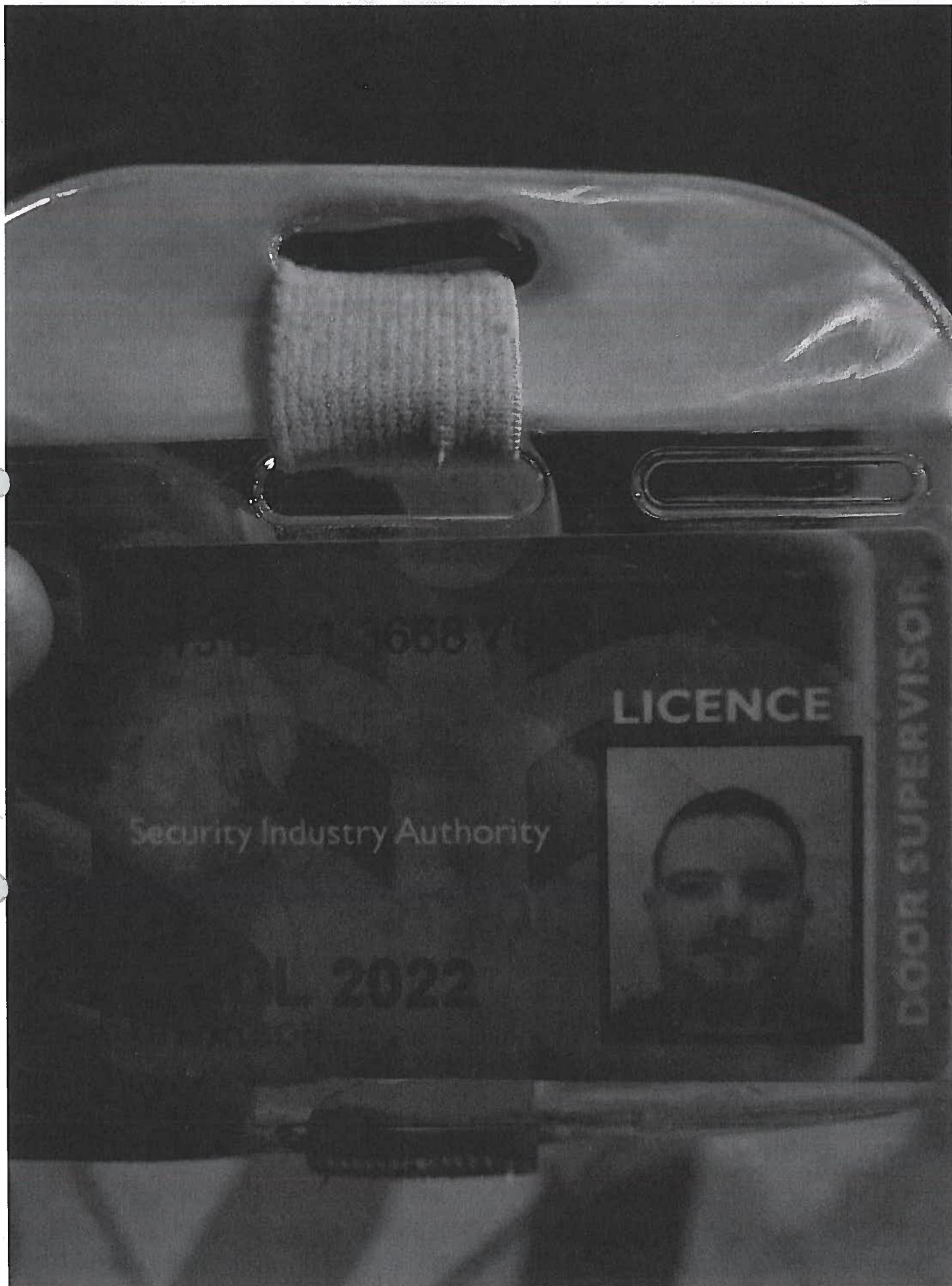
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Fwd: Assault at Kiss The Sky External kiss the sky

Kiss The Sky

Mon, 12 Jul, 23:30 (2 days ago)

to Martyn

See below

Wed & Thurs Live Music

Fri & Sat & Sun Live DJ

Kiss The Sky

18-20 Park Road London N8 8TD

Are you on social media? Join us on Instagram & Twitter @kisstheskybar

YouTube Kiss The Sky

Facebook Kiss The Sky

----- Forwarded message -----

From: Phillip Lewis [REDACTED]

Date: Mon, 12 Jul 2021, 11:10 pm

Subject: Re: Assault at Kiss The Sky

To: Kiss The Sky

"I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth."

On Sat 13th June 2021

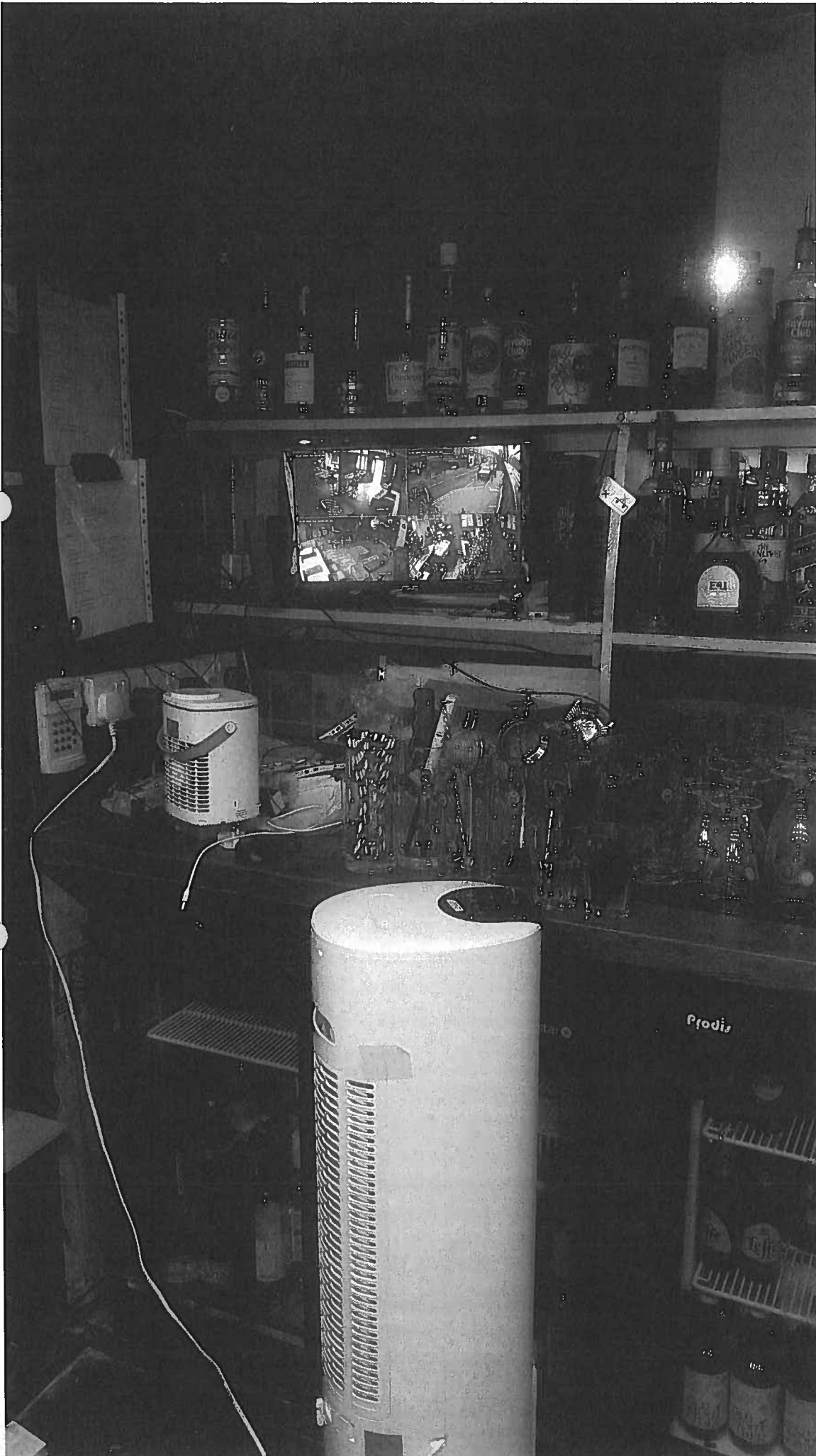
Re: Assault outside kiss the sky bar. On my night shift at Kiss The Sky bar. I went to throw out some rubbish to which some fell on the floor. A IC1 male i know now as the abuser told me some thing had fallen to which i thanked him for. I carried on walking back to the bar after desposing of the rubbish and as i walk away the same person the aggressor started calling me a f[REDACTED]ing black c[REDACTED]t and all sorts of other names n[REDACTED]r etc to which i just carried on walking back to the bar.

A few hours later whilst on duty at the bar I saw two IC1 males passing the bar I realised it was the same person I had seen ealier on in the evening , he started to abuse me again. He swung a large chain at my head, missing me by inches. I ask for the police to be called. My mate Sam was also outside, the assalaint tried to throw him through the bar window.



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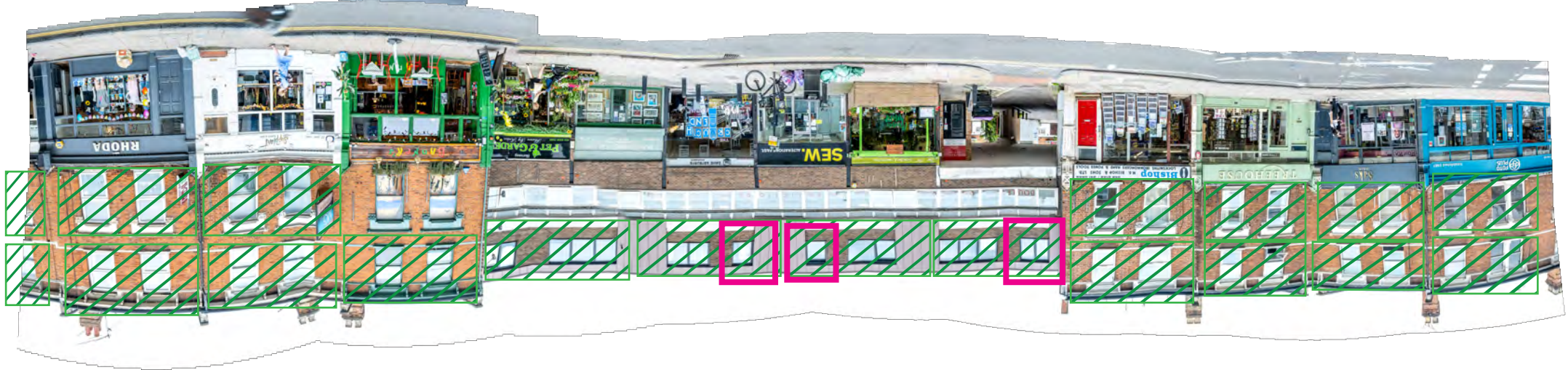
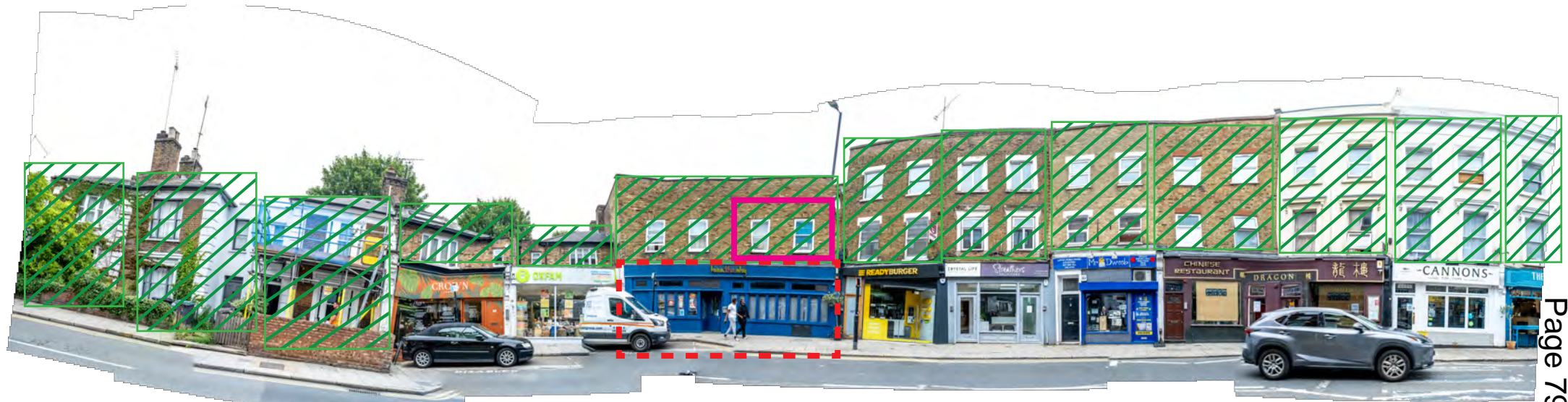
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Residential Density along Park Road
Above, beside, and across from Kiss the Sky
 Street level perspective

 Kiss the Sky


 Homes and Flats


 Children's bedroom window
 (that we are aware of)

Residential Density along Park Road Above, beside, and across from Kiss the Sky

Aerial perspective



 Kiss the Sky

 Homes and Flats

 Children's bedrooms
(that we are aware of)

Secondly, a 1 minute video clip from this past Wednesday, July 15, of an amplified live performance at Kiss the Sky, filmed from our bedroom window at around 22:30, viewable on YouTube. [REDACTED]

This demonstrates proximity of the bar to us, and the ability of sound to travel the short distance across the road — particularly when the bar's windows are left open. While the business has the right to hold live performances, I do not believe they have the right to have them at a volume that disturbs neighbours.

The performance began at 21:00, just as our daughter was settling to sleep. Sound from the bar, loud enough to be heard through her closed bedroom window, caused her to have real difficulty getting to sleep. We eventually had to use a white-noise sound machine, along with a fan, to drown out sound from the bar to help her get to sleep. While it is nice that Kiss the Sky are able to open their windows on a pleasant evening, residents in the area trying to sleep - like our daughter, do not have the same luxury. This statutory noise nuisance, from a long list that has occurred over the weeks since the bar has opened, I believe demonstrates that the current operator of Kiss the Sky cannot be trusted with the responsibility of a late night licence. They have had warnings from the council, and have seen letters from upset local residents, yet this still occurred. One can only conclude that It is impossible for the management style of the bar to coexist with this quiet neighbourhood.

Note in the video, the closed windows of a child's bedroom situated directly above the performer, a classmate of our daughter.

My partner, Susanne, and I would like to attend the hearing on July 20.

Best regards,
William
[REDACTED]

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