

NOTICE OF MEETING

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

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. URGENT BUSINESS

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a

pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. SUMMARY OF PROCEDURE

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - KISS THE SKY, 18-20 PARK ROAD, LONDON, N8 (PAGES 1 - 118)

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

Monday, 12 July 2021

Report for: Licensing Sub Committee – 20 July 2021

Title: Application for a Review of Premises Licence – Kiss The Sky, 18-20 Park Road, London, N8.

Report authorised by: Daliah Barrett, Licensing Team Leader, Regulatory Services.

Ward(s) affected Crouch End

Report for Key/ Non Key Decision: Not applicable

1 Application

1.1 The application for a review of premises licence has been submitted by a group of residents, Bysshe & Pat Wallace, Phil Emamally, Gabriela Nedelcia, and Buca Laurentiu, who state they have been impacted by the operation of the premises. The review documents cite the disturbance from the premises on 21 and 23 June as being intolerable. **Appendix 1** Review Application form. The licence is held by Ray Assets Ltd. Mr Kashka Ray is the director. The premises operates as Kiss The Sky, 18-20 Park Road, London, N4 and the Designated Premises Supervisor (DPS) is Ramgolam Yogendra.

1.2 The Premises has a licence that permits the following:

Supply of Alcohol

Regulated Entertainment

- Recorded Music
- Provision of Facilities for Dancing

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

Regulated Entertainment

Monday to Thursday	1700 to 0000
Friday	1700 to 0100
Saturday	1200 to 0100
Sunday	1200 to 0000

The opening hours of the premises:

Monday to Thursday	1700 to 0030
Friday	1700 to 0130
Saturday	1200 to 0130
Sunday	1200 to 0030

Supply of alcohol for consumption **ON** the premises only.

A copy of the current premises licence is attached as **Appendix 2**.

2 Grounds for review

2.1 The grounds for review are Prevention of Crime & Disorder, Public Safety, the Prevention of Public Nuisance, and the Protection of children from harm.

3 Relevant representations

3.1 Representations have been received from the Licensing Authority, as set out in **Appendix 3**, the Noise Environmental Health Officer, as set out in **Appendix 4**, and local residents, as set out in **Appendix 5**.

3.2 A representation from a business in support of Kiss the Sky is also included. There are a number of emails showing footage of various noise issues taking place. This footage is not included in the publicly available information due to possible data protection implications.

4 Background

4.1 The Licensing Service received an email from Mr Ray on 17 May 2021. An email with advice on how to transfer was provide on 18 May. Mr Ray submitted an incomplete application on 21 May which was rejected by the Licensing Service. He was advised that he was unable to carryout any licesable activity until the process was correctly followed.

4.2 The Noise Team was subsequently called to the premises over the course of the weekend from Friday 21 – Sunday 23 May following reports of loud music noise emanating from the premises. Noise nuisance was established and a warning letter was hand delivered on Sunday 23 May.

4.3 Ray submitted a completed application on Monday 24. This was then subject to the 14 days consultation with the Met Police. Mr Ray did not apply to vary the DPS at the time. The prior DPS confirmed to the Noise Team that he was no longer involved at the business.

4.4 Mr Ray was contacted by the Licensing Service following the complaints received. He was advised by email and over the phone that he was still unable to offer any licensable activity until such time the licence was transferred into his ownership. The Licensing Service did not receive an application for the variation of the DPS until 3 June 2021. Residents had contact the Licensing Service following the noise nuisance they had experienced over the weekend of 21-23 June. Residents subsequently submitted an application for a review of the

licence on 1 June.

- 4.5 LBH Officers visited the premises on 28 May and saw a DJ onsite playing loud music, people dancing onsite, patrons consuming alcohol at a time when there was no DPS assigned to the licence. The officer engaged with the 'manager' onsite who refused to give the name of the DPS when asked to do so.
- 4.6 Residents have continued to submit reports of noise nuisance emanating from within the venue and from its patrons outside the venue over the intervening period.

5. Licensing Officer comments

5.1 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.2 The paragraphs below are extracted from either:
the Licensing Act 2003 ('Act'); or
the Guidance issued by the Secretary of State to the Home Office of April 2018
or the London Borough of Haringey Licensing Policy Statement.

5.3 General Principles:

- 5.4 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; &
- the protection of children from harm [Act s.4(2)].

- 5.5 In carrying out its functions, the Sub-Committee must also have regard to:
the Council's licensing policy statement; &
guidance issued by the Secretary of State [Act s.4(3)].

6 Decision:

- 6.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].

- 6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the guidance; and
- its own statement of licensing policy [Guid 9.38].

- 6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. It may be decided that no changes are required. However, if

further steps are required, the available options are:

- (a) to modify the conditions of the premises licence;
- (b) to exclude an activity from the scope of the premises licence;
- (c) to suspend the premises licence for a period not exceeding three months;
- (d) to revoke the premises licence. [Act s.88].

6.4 Recorded Music

6.5 Certain types of regulated entertainment have been deregulated since April 2015 [Guid Section 16] , meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

6.6 The Live Music Act 2012

6.7 The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

7 Reviews - Section 11 of the Guidance:

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and

proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

8 Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the conditions should include a statement that Section 177A does not apply to the condition.

- 8.1 Committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 8.2 It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 8.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 8.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 8.5 Also The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 8.6 Licensees have a responsibility for the conduct of their customers while they are in and Around their premises. If provision is made for customers to congregate or

smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted endangering the continuation of the premises licence.

8.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.

9 Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

9.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

10 Use of Appendices

Appendix 1 – Review application document.

Appendix 2 – Copy of the premises licence.

Appendix 3 – Representations from Licensing Authority and complaints history.

Appendix 4 – Representation from Noise Team.

Appendix 5 – Representations in support of the review.

Appendix 6 – Correspondence from Mr Ray’s Legal representative.

Appendix 7 – Correspondence from Mr Ray.

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy

Appendix 1 – Review Application Form and Supporting Information



London Borough of Haringey, Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Mrs Pat Wallace

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Post town Crouch End	Post code (if known) N8 8TD
--------------------------------	---------------------------------------

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

Number of premises licence or club premises certificate (if known) 1...unsure if there are others

Part 2 - Applicant details

I am

Please tick yes

- | | |
|--|-----------------------------------|
| 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | ✓
Yes <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

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

Please tick yes

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

Surname

Wallace

First names

Mrs Patricia

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted]

Post town

CROUCH END

Post Code

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Name and address

Same addresses :

Bysshe Wallace, Pat Wallace, Gabriela Nedelcia, Buca Laurentiu

[Redacted]
[Redacted]
[Redacted]

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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

- Please tick one or more boxes
- | | |
|---|---|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | |
| 3) the prevention of public nuisance | ✓ |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

1. Prevention of crime and disorder
2. Prevention of public nuisance
3. Protection of Children from harm.

Please provide as much information as possible to support the application (please read guidance note 3)

Dear Haringey Council members, Mrs Dahlia and Noise Team,

**Concerning Noise from Kiss the Sky on the
Nights of Friday & Sunday 21st & 23rd of May 2021**

The Noise that was emitted from the ground floor of Kiss the Sky bar was intolerably loud and extremely stressful to witness from our domestic flats above.

Re your Protection of Children from harm.

Thus our house floors were vibrating and children were restless. There was no necessity to turn the music up very high and the worst is the bass /Sub-woofer noise. Loud drunken customers with foul language could be heard outside the premises.

Re your Prevention of public nuisance - as well as Public Safety.

The pavements were occupied by drunken persons who cared little for anyone's respectability to pass in the street. Nor a cordoned off area (similar to the Maynard Arms pub that is further down Park Road) which allows the public to walk freely unhindered by the outdoor clientele. Thus the present situation is a public nuisance. Some of the bar's customers would often stand right by our main entrance door at 20A Park Road while chatting and laughing out loud and completely oblivious to obstructing access to and from the flat entrance/exit door.

When the Noise Team visit and then leave after speaking to management, the music goes up again. This becomes a waste of council's resources being spent.

Please kindly observe Phil Emamally's posting to you. That for 7 years we have been requesting respect for our own decent occupation of our home. And also the building structure is unsuitable for such a noisy business, and it's baffling that a license has even been allowed on this occasion and previously. And to make matters worse the licence is one that is a "late" one and we understand that the current management has claimed to have installed sound proofing equipment with the hope of applying to an even later (a 2-3am) licensing! That is insane when the noise is already unbearable at this moment in time under the current license and given the original structure of the building where the ceiling of the bar and the residents' flat floor has no proper concrete base separation but mainly timber!

Dear Sirs and Madams I plead that you attend to this alarming issue more appropriately now please.

I thank you for your time and attention.

Faithfully, Mrs Pat Wallace

Have you made an application for review relating to the premises before		<input type="checkbox"/> No
If yes please state the date of that application		

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

Several noise related complaints made to the Noise Team over the last 7 years at least!

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature
Mrs Pat
 Wallace.....

Date
27/05/2021.....

Capacity
 leaseholder of flat above shop

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Mrs Pat Wallace	
Post town Crouch End	Post Code ■■■■■
Telephone number (if any) ■■■■■■■■■■	
If you would prefer us to correspond with you using an e-mail address your email address (optional) ■■■■■■■■■■	

Notes for Guidance

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

London Borough of Haringey, Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Phil Emamally

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Post town Crouch End, London	Post code (if known) N8 8TD
--	---------------------------------------

Name of premises licence holder or club holding club premises certificate (if known) "Kiss the Sky Bar"

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

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

Mr ✓ Mrs Miss Ms Other title

(for example, Rev)

Surname

Emamally

First names

Phil

I am 18 years old or over

Please tick ✓ yes

✓

Current postal address if different from premises address

██████████
██████████

Post town

Crouch End

Post Code

██████████

Daytime contact telephone number

██████████

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Bysshe Wallace, Pat Wallace, Gabriela Nedelcia, Buca Laurentiu

██████████
██████████
██████████

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | ✓ <input type="checkbox"/> |
| 2) public safety | ✓ <input type="checkbox"/> |
| 3) the prevention of public nuisance | ✓ <input type="checkbox"/> |
| 4) the protection of children from harm | ✓ <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of Children from harm

1. Prevention of crime and disorder
 Patrons do not seem to be managed by the establishment’s staff as there have been instances where aggressive conversations took place and tension raised. This becomes unmanageable more so due to state of drunkenness. We cannot afford to have scenes of the sort being repeated considering there are children living in the flats above!

2. Public Safety
 Coupled with the point 1 public safety does become a concern when drunken behaviour becomes out of control. Again there have been instances in the past where the management did not get involved as they felt that once the customers are outside their premises it is no longer their responsibility. Evidently a bar running with a late licence is bound to have customers that are out of control and who can pose a real public safety.

3. Prevention of public nuisance
 As a result of the existence of a late licence encouraging excessive and irresponsible drinking, many a times, patrons are either oblivious or insensitive to the residents’ peace and quiet, considering Park Road is still a residential area. The loud music, cheering, shouting, clapping etc. from inside the premises are bad enough and yet the nuisance is amplified when patrons are outside. Please see also my below points in the next section for additional relevant details.

4. Protection of Children from harm
 As mentioned in my previous email to you, the inappropriate behaviour and language of some patrons outside the premises door has been very disturbing especially to the children who would be sadly experiencing foul language. In our view, this is unacceptable in a society that deems itself to be civilised and respects the basic human rights!

Please provide as much information as possible to support the application (please read guidance note 3)

Friday 21 May 2021 until 1am Saturday 2 May 2021:

Excessive noise from Loud Music, loud patrons outside the premises, drunken behaviour, foul/inappropriate language unsuitable for young children.

Noise Team was called on a couple of occasions on the night and they visited site where incident was taking place. They witnessed findings and notified Management of disturbance. Loud music however didn't stop until closure, after which time patrons continuing to cause disturbance by being loud and using foul language.

Sunday 23 May 2021 until closure:

Loud music with added bass shaking structure (floor) of the apartments above the establishment. Video evidence of vibration within one of the apartments was submitted to council for review on the 26 May 2021.

Loud patrons outside the bar until after closure, totally oblivious to the rights of peace of residents above.

Recordings of the loud music and general noise coming from the bar, were uploaded on "Noise App" (Sunday 23 May 2021) and was submitted to the Noise team for due consideration.

Both the Licensing department and the Noise team were officially notified of the nuisance by email on Monday 24 May 2021. Details of the incidents were outlined thoroughly in the email including the premise's poor building structure being completely unsuitable regardless of how much investment is made on noise reduction equipment, sound proofing etc.

Wednesday 26 May 2021:

Loud live acoustic music, singing and clapping causing disturbance from as early as 19:30. That compelled me to go downstairs and meet with the Licence holder to explain my concerns and how the business was seriously affecting our (including the children's) health and livelihood. I also stressed upon the fact that the building was not separated by any proper concrete or other sound proof materials and that it would not be commercially viable to keep on investing in any "sophisticated" equipment when the building structure was already not fit for purpose.

For the benefit of the sub-committee's attention, details of the incidents explained in the email of the 24 May 2021 are hereby copied below:

Dear All,

We, some residents on Park Road and Back Lane, understand that the above mentioned Establishment is under New Management as of recently. As a result we are hereby enquiring, whether:

- 1) they are legally obliged to apply for a renewed license or a new one or,*
- 2) are they legally allowed to continue to operate under the previous license?*
- 3) Either way, will this imply that they could be in breach of the Licensing Act if they failed to display the license application & submission details on the premises for the attention of the general public?*

The reason for me reaching out to you for clarification and assistance is because from Friday 21 May 2021, there was a "launch party" which effectively became a real nuisance and caused severe disruption and distress to the residents, by way of:

- loud music with deep vibrating bass literally shaking the floor of the apartment above from where the bar is located,
- loud patrons as they mingle, drink, smoke out front of the bar during its opening hours until late and after the bar is closed.

*We had been in touch with your Noise Team via the out of hours helpline on the nights of the reported incidents and they visited the premises and witnessed the findings. Please kindly note that the reported incidents took place on the night of Friday & Sunday 21, 23 May 2021 respectively as the nuisance and disruption were more infernal on those two nights. We have been notified by the Noise team that a written warning was subsequently handed out to the management of the bar. Although we very much appreciate the proactive and professional approach taken by the team, notably by Mr Festus Akinboyema and his colleague Maria, in an attempt to address the issue in the best of ways, we do not feel that the council as a whole had been doing enough to eradicate this long standing issue. Please bear in mind that it has been **more than 7 years** that we have tirelessly been working with the council's relevant team with view to finding a resolution. Fast forward to 2021 unfortunately this has not led to any fruition.*

I would like to draw your attention that there are also young children, (under the age of 7 as well as less than and equal to one year old), who are also being affected by these incidents. On top of having to deal with the recent pandemic's lockdown measures, we are now facing added stress which is cumulatively taking a toll on our mental health. One cannot be in their home and having to face such nuisance through no fault of theirs and especially where children are unable to sleep at night and overhearing, although inadvertently, inappropriate language stemming from what we would describe as irresponsible drunken behaviour, insensitive to the peace and quiet of the residents nearby.

The reason why we are raising the above points to your attention is so that the Licensing department of The Haringey Council may take a proactive and effective approach to reviewing the Establishment's current operating Late License and look into possible breach on part of the Licensee pertaining to the non-display of their License application. This is the least we would expect.

We understand however that as a governing body of the Borough, the Council cannot act unfairly to businesses operating lawful activities. However there should still be a legal, ethical, considerate and social responsibility on their part to review an application thoroughly prior to granting the relevant license. This should perhaps be extended to a building structure inspection/surveying to see if the business is fit for purpose. The premises in which the Establishment is operating, is not fit for purpose (i.e a bar / Night club) due to the structure of the building being a "one unit" and where no appropriate structural engineering separation is in place, between each floor! Therefore regardless of how much a business may claim to have invested towards insulation and noise reduction equipment, this will still not resolve the underlying problem. Two years ago, we have had all our windows changed but these haven't solved the ongoing issue. Therefore advice that residents are given by professionals, including the Council, towards the installation of Noise reduction equipment, is quite simply a wild goose chase. We happened to have learned about the building structural issue being unfit for such activities (late bar / Night cub) by one of

the Council's own Noise Team member while addressing a previous complaint to the old Establishment's Management a few years ago. Our questions therefore are:

If the Council was aware of this building structural issue and how unfit it would be for such businesses, why was/is a Licensing of this sort (late bar) still granted to the business, knowing the potential ramifications? Where is the moral, ethical, environmental and social responsibility?

For the record, we have been advised by the Noise team to download the "Noise App" and to record the necessary incidents, which we have done and subsequently sent for someone to review and action. As you can hopefully appreciate, we are, to this day, cooperating but we are sadly not getting the required assistance by the very body that is able to do something about it: The Haringey Council.

Therefore we would like to mention that after a very distressing weekend (sadly and possibly many more to come, to which we are not looking forward to) we would be grateful nevertheless for your urgent, diligent and swift consideration into this matter. We have taken on board your suggestion about getting in touch with you regarding any concerns we have as residents, about some business licenses and we now hope that the Council will do what is necessary for the welfare of its tax paying residents.

If you require any further queries please do not hesitate to get in touch with us. Thank you.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

Countless complaints were made in the past (for at least 7 years) to the Noise Team but where no review was requested by the relevant residents who were simply unaware they could raise the issue to the licensing department.

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **26 May 2021**

Capacity Resident

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Name of Applicants: Ms Gabriela Nedelcia, Mr Buca Laurentiu

Address: [REDACTED]

Subject: Complaints regarding incessant noise by Kiss the Sky bar (The Establishment) on the nights of Friday & Sunday (21, 23 May 2021 respectively) and request for review of License.

Dear Daliah,

Following up from my email to you on the morning of 27 May 2021 and your recommended advice, please kindly consider this letter as my (Gabriela Nedelcia) and my husband's (Buca Laurentiu) statement.

We hereby confirm that on the nights of Friday 21st May and Sunday 23rd May (and not Saturday 22nd May as I mentioned in my email and which is an oversight on my part) we have had a very bad experience due to the loud noise coming from the Bar/Pub located under our flat. We have a 15 month old daughter who was also distraught by such nuisance. As per my email, the music being played was very loud and went on until the early hours of the morning. The vibrations were so strong that our daughter's toys were literally moving across the floor. And with our bedroom windows facing Park road, and right above the bar's entrance/exit door, we were deeply disturbed by the people's loud chatting, laughing and the constant slamming of the pub doors several times that caused our daughter to wake up abruptly several times due to the noise.

It is unacceptable to be living under such conditions especially when we are a family with a one and half year old toddler. We would therefore be grateful if the Council could review the Establishment's licence permit and other measures that are in place to resolve this issue as urgently as possible please.

Thank you.

Gabriela Nedelcia

[REDACTED]

Buca Laurentiu

[REDACTED]

Statement Concerning Activities from Kiss the Sky and their clientele on the Nights of Friday 21st, Sunday 23rd and Wednesday 26th of May 2021 as a result of their current permitted licences.

I am a resident of the apartment directly above Kiss the Sky Bar 18-20 Park Road. My statement is provided in order of the categories listed below.

1. Prevention of crime and disorder

Kiss the Sky clients were **not managed** around the premises by the bar staff or the local authority and towards the end of the night they became a disorderly nuisance shouting loudly, emotionally and unpredictably on the street up to 1 hour (02:00AM) after the bar had officially closed. This behaviour caused an unsettling disturbance to me and my children, and I am worried should anyone on the street be harmed when the clientele argue and fight with each other as no one was around to keep any order.

2. Public Safety

Because Kiss the Sky clients were **not managed** around the premises by the bar staff or the local authority and towards the end of the night they became a loud, disorderly and an intimidating crowd during the late hours of the night, it did not seem safe for the general public to remain within the proximity of Kiss the Sky clientele and should I have needed to leave my residence at this hour, I would have felt very unsafe and vulnerable as a potential target of any angry or provocative drunken clientele of the bar.

3. Prevention of public nuisance

A public nuisance occurred for two reasons from the activities of the Kiss the Sky bar:

- a. **Unpleasant and disturbing behaviour:** While Kiss the Sky clientele were permitted to linger on the street, all unpleasant and disturbing behaviour was audibly witnessed by me and my two children (at and below the age of 7 years) and directly affects us right until the late hours of the night. Our bedroom is located on the Park Road side and there are no other options for our bedroom to be located elsewhere in our apartment. On the above mentioned nights the noise from the clients was unbearable and we had to try to sleep in our living room. This is not sustainable.
- b. **The noise and vibrations** that travelled through the building from the music played by the bar throughout the night. The levels of the bass in the music were so strong my kitchen pots and utensils were rattling creating even more noise and disturbance. Psychologically it was very distressing as we had no control over the noises we could hear in the house at a time when we need the house and family to settle in order to have a healthy routine for our young family. When I tried to sleep it was impossible and upsetting as I could only hear the music below and felt the vibrations travel straight through our timber floor and through my pillow.

4. Protection of Children from harm.

As described above, my children and I have been directly impacted by the noises we hear from Kiss the Sky bar. While I was trying to put my children to sleep, we could all clearly hear the clients on the Park Road pavement outside the bar speaking and shouting loudly at each other including all the usual swear words, this is despite the windows of our apartment having new double glazing fitted over a year ago. It is not appropriate for the children to witness this type of behaviour nor to be subjected to listening to loud bass music coming through their bedroom floor and through their beds and pillows.

This disturbance also affected my children's sleep as it took longer than normal for them to settle with the noise and they were woken up several times from the loud voices from the bar's clients standing outside the bar. This made them exhausted the following days which made it impossible to maintain our normal healthy routine with the children.

The disturbance from the bar imposed a significant amount of distress on me and deprived me from sleeping on time at 22:00. This stress and the lack of sleep from the noise disturbance meant I could not do the things I normally need to do for my children as well or at all, and this is not fair for them.

Conclusion

I have lived at this property for over 7 years, and have suffered from the consistent disturbance caused from the same types of disruptive activities from the bars operations – unmanaged clients allowed to mingle on the public pavement, and music and voices coming through the floor from the late night activities in the bar below. I have made complaints to Haringey noise department countless times and have felt powerless and voiceless to find an end to this disturbance.

The crowds in the bar naturally want to be free to raise their voices and have a good time, the bar naturally wants the freedom to raise the levels of music without having to worry about the local residents around them and the local residents (me and my neighbours) naturally want the freedom to a peaceful night in our own homes at a reasonable time.

The root of the problem for the noise within the bar is the structure of the building. It is an old building, supported with some core concrete pillars and beams, but the majority of the floor that divides my apartment with the bar below, is timber and there is no structural separation between us. This means that bass vibrations from music, as well as any banging and tapping against the shared pillars that hold the building up and connect the ground floor with our first floor apartment, travels through the structure into our apartment and the only way of preventing this noise travelling through is having a structural separation. However structural separation is not possible without rebuilding the separating floor, and that is not a possibility.

Successful management of a bars clients to prevent them creating noise on the streets outside the bar require at least one bouncer and a lobby area separating the bar area from the street and allows the bouncer to remind the clients to keep voices down before the enter the street. Kiss the Sky bay does not have this separation, which has made it impossible for previous bouncers to manage the clients successfully as they are usually ignored by the clients. I would consider such a lobby area separation, one of the requirements that would need to be met for a licence for a bar to be granted.

Whilst I believe the licence was given to Kiss the Sky with good intentions, I also believe the provision of this licence to a premises that is simply unsuitable to accommodate the acoustic demands of the activities the current licence permits has been a gravely unfortunate oversight. Licences provided to premises that are unsuitable for the activity they are applying for is due to a gap within the licencing department procedures, and there should be requirements set upon each licence application to demonstrate suitability of the premises they are applying for and the licence department should be sufficiently trained to understand whether these requirements have been met. This may be the case now, but I believe these steps were not in place at the time when the original licence was being given, and therefore this licence for a bar should be reviewed and withdrawn.

I trust you will consider this issue with the utmost importance, and look forward to learning of the next steps to tackle this issue.

Sincerely,

[Redacted signature]

Ms Bysshe Wallace

Add: [Redacted]
Tel: [Redacted]
[Redacted]



PUBLIC NOTICE

Notice of Application for the review of a Premises Licence.

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**KISS THE SKY
18-20 PARK ROAD
CROUCH END
LONDON N8 8TD**

The application for review has been made on the following grounds:

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING OBJECTIVE OF:

- **THE PREVENTION OF CRIME AND DISORDER**
- **PUBLIC SAFETY**
- **THE PREVENTION OF PUBLIC NUISANCE**
- **PROTECTION OF CHILDREN FROM HARM**

The operation of the venue has led to noise nuisance impacting nearby residents and non-compliance such as failure to have a Designated Supervisor assigned to authorise alcohol sales from the start of the operation of the venue under the new management in late May.

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

Lead Officer – licensing@haringey.gov.uk

By: 29th June 2021

The grounds for review and Haringey Councils Licensing register may be viewed by emailing licensing@haringey.gov.uk

IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Appendix 2 – Current Premises Licence

PREMISES LICENCE

Receipt: F00109011677

Premises Licence Number: LN/00002388
LN/000003556

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
1ST Floor-North, River Park House, 225 High Road,
Wood Green, London N22 8HQ**

Signature:

Date: 14th April 2006
Vary DPS: 16th June 2021

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**KISS THE SKY
18-20 PARK ROAD
HORNSEY
LONDON
N8 8TD**

Telephone: 020 8341 3280

Where the Licence is time limited, the dates:

Licensable activities authorised by the Licence:

Supply of Alcohol

Regulated Entertainment

- Recorded Music
- Provision of Facilities for Dancing

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Thursday 1700 to 0000

Friday 1700 to 0100

Saturday 1200 to 0100

Sunday 1200 to 0000

Regulated Entertainment

Monday to Thursday 1700 to 0000

Friday 1700 to 0100

Saturday 1200 to 0100

Sunday 1200 to 0000

The opening hours of the premises:

Monday to Thursday 1700 to 0030

LICENSING ACT 2003
Sec 24

Friday 1700 to 0130
Saturday 1200 to 0130
Sunday 1200 to 0030

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

Supply of alcohol for consumption **ON** the premises only.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Ray Assets Ltd

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

13130651

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Ramgolam Yogendra

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

Personal Licence: 3389492
Issued By: The London Borough of Barnet

Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. (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.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on

Annex 1 –Mandatory Conditions

request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

Annex 1 –Mandatory Conditions

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.

Annex 2 – Conditions consistent with the Operating Schedule

- 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.

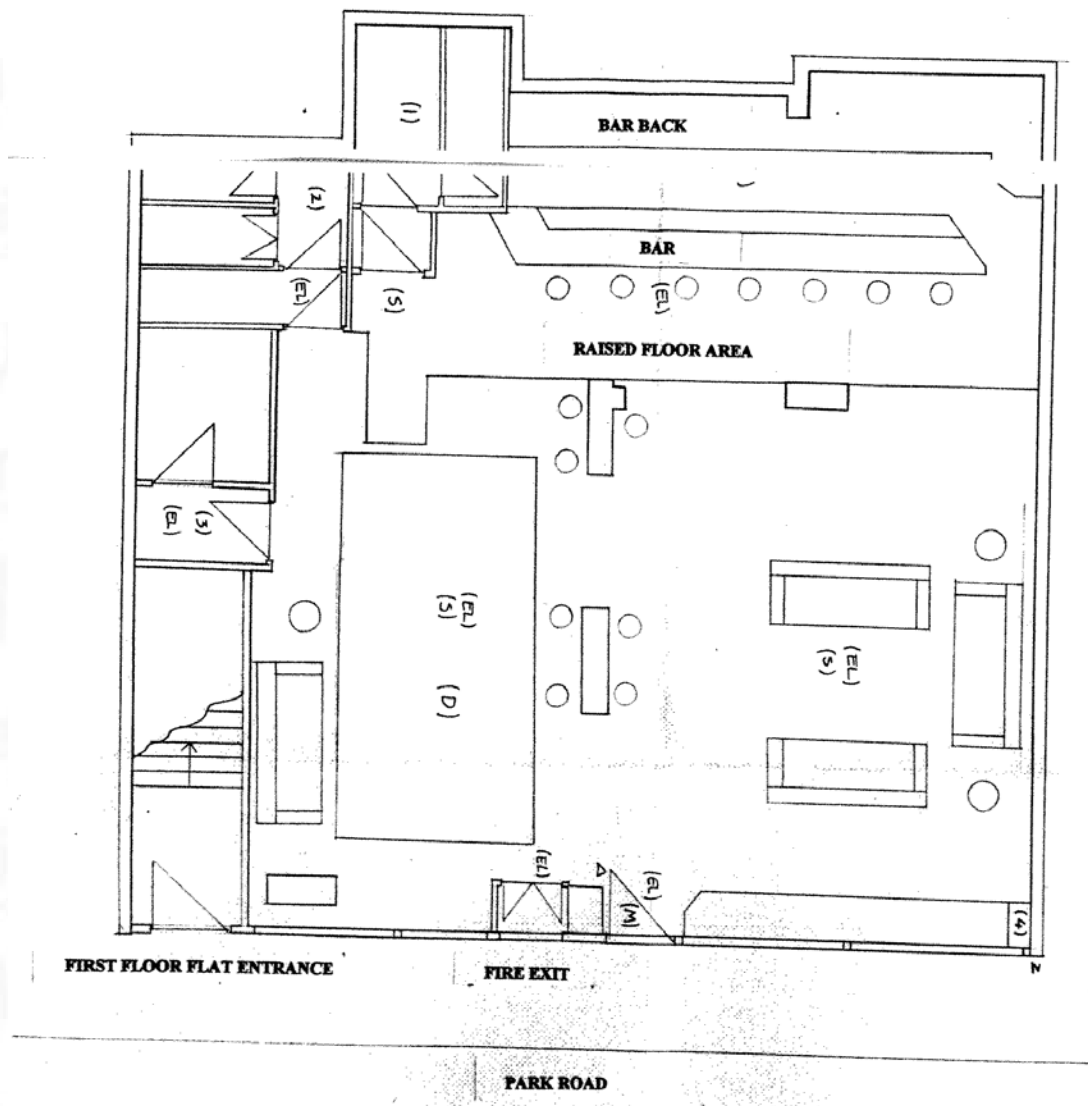
THE PROTECTION OF CHILDREN

- Current strict entrance policy where ID is regularly requested.
- “No Children Allowed” signs.

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

Not applicable

Annex 4 - Plans



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Appendix 3 – Licensing Authority Representation

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

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 comprehensive 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.

- 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

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.

 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

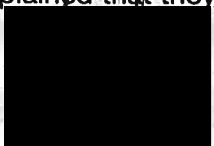
Age of Witness (If under 18): Over 18

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.

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Appendix 4 – Noise Environmental Health Representation

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.

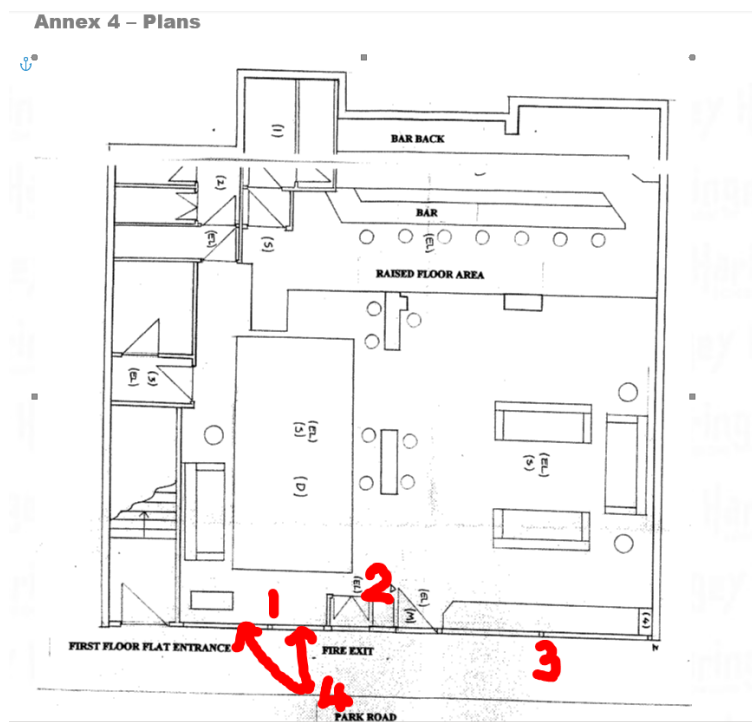


Figure 1: Kiss the Sky Site Plan

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

Appendix 5 – Resident Representations

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 signature block]

From: [Redacted]
Sent: 14 June 2021 20:18
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Subject: 18-20 Park Road Bar - Invitation to collaborate

[Redacted] has invited you to **contribute** to the following shared folder:
[Redacted]

Dear Ms Barrett,

Please find attached link to folder with videos of disturbance from Kiss the Sky bay Patrons over the weekend 12-13th June.

Kind regards,

[Redacted signature block]

Google Drive: Have all your files within reach from any device.
Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email [Redacted] shared a file or folder located in Google Drive with you.



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: 18 June 2021 13:09

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

Cc: [REDACTED]

Subject: Re: Submission of video evidence - Kiss the Sky Bar

Dear Ms Barrett and the Licensing team,

Further to my email below, access to the video evidence in the google drive is now directly accessible (without any requirement for a password): [REDACTED]

Last night, Kiss the Sky bar hosted an acoustic performance which seems to occur at least once a week. I recorded a sample of this disturbance which coincides with our quiet time when our kids should be asleep by and when I need to begin winding down for an early night. Because our apartment is kept quiet at this time and also due to the ineffective sound proofing between Kiss the Sky bar and our apartment, the noise from the music played becomes the dominant noise we can hear. I have saved the recording here:

[REDACTED]

Please note the recording was made at approximately 9PM when all windows were shut and my phone was resting on my pillow next to me on my bed, and is representative of what I can hear. The recording is only 2

minutes long and demonstrates the loudest and most persistent noise above all the ambient noise occurring is the piece of music the musician is singing. As it is so clear to hear even the song he is playing (well enough to sing along with him), I hope it is also clear how our right to peace in our own home is regularly breached by the performances Kiss the Sky hosts on a weekly basis.

Please kindly email me directly if you have further issues in accessing the evidence.

Kind regards,

[Redacted]

[Redacted]

Sent: 19 June 2021 11:30

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

Cc: [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

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

From: [Redacted]

Sent: 22 June 2021 08:26

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

Subject: Kiss the Sky licence

Good morning, I hope this finds you well.

My name is [Redacted] and I am e-mailing regards the licence review of Kiss the Sky bar at 18-20 Park Road.

I have lived on Park Road for 4 years now, and with living on a main road such as Park Road I do expect a certain of level noise at times, however since Kiss the Sky has re-opened in May the noise and disruption has been unacceptable. I have already e-mailed the council with a noise complaint, not know I could e-Mail here to review their licence.

Over loud bass music and what sounds like a DJ have kept me awake into the small hours on a weekend, then adding to that the loud, raucous inappropriate behaviour from the customers that take to the streets.

The bar as been a disruptive, stressful strain on the community, especially in these current times of covid; rules of which the bar dosent appear to follow.

Many thanks for letting me have the opportunity to have my say on the matter.

Best,

[Redacted]

From: [Redacted]

Sent: 23 June 2021 16:00

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

Subject: Kiss the Sky licence

Hi,

ny name is [Redacted] and I am resident of Park rd [Redacted]

I am writing to complain about the conduct of Kiss the Sky's clientele.

I live in this apartment with my son who is 6 years old and goes to bed early. He has been kept awake several times by the noise caused by people going to Kiss the Sky and from the bar's loud music. The place always closes too late at night, way later than supposed to.

Kiss the Sky fails to follow its licencing objectives:

preventive crime and disorder: there have been several cases of anti social behaviours since the reopening: fights, people shouting and arguing, people peeing on the street and especially in the Mews next to my place. Public safety is jeopardized by this conduct.

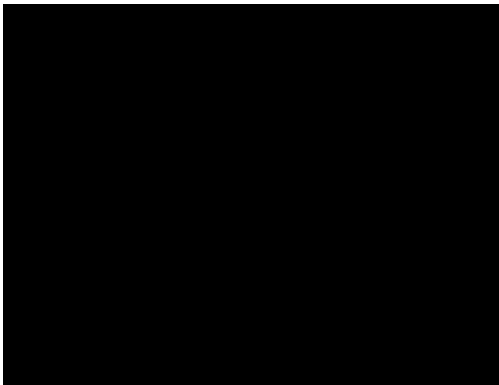
It fails to prevent public nuisance.

It fails to protect children from harm: my son is scared by people shouting at night and I as a parent is powerless against them.

Please do something to protect us and Crouch End from. this public enemy.

Thanks

Kind Regards



From: [Redacted]
Sent: 23 June 2021 20:31
To: Licensing <Licensing@haringey.gov.uk>
Subject: Licensing review

Dear Lead Officer,

I write to you in regards to the review of 'Kiss the Sky' Premise License.

Admittedly when kiss the sky re-opened in May, bearing in mind every venue in the area had been closed or have had restrictions for the best part of a year and a half, leaving the area extremely quiet, there was an initial issue regarding noise, however after talking to the new owners of the bar they have been ever so accommodating in minimising noise and listening to our initial concerns.

We were approached by the homeowner who lives directly above Kiss the sky, our neighbours - about signing a petition to shut the bar down. We found their approach to be extremely harsh, even when the owner made changes and soundproofed their venue to accommodate the community. The home owners were extremely dismissive about any form of communication with us or the bar owners solutions unless we were to complain to the council.

When one choses to live on a high street, you have to appreciate the sound of businesses that have been closed for so long trying to make money to survive. However it would seem that the homeowners above the bar seem to have a vendetta against the business and have created a witch hunt in promoting people to complain about it to the council.

Personally as someone who lives pretty much above the venue, I feel that Kiss the Sky have actually listened and

made immediate changes. As someone who lives and owns a business in the area, we welcome Kiss the sky and it's unique live music experience that it brings to Crouch End. We would like you to consider in your review that we would be extremely disappointed to see a business that brings, arts, music and life to our high street as apposed to see it shut down due to a personal vendetta between the homeowner above and that of the previous owners. I also find it extremely unfair that they have posted through everyone's door a letter promoting the closure of a venue, which we have very few in this area.

I hope that you take into consideration my version of events, bearing in mind the complaints that we can see on this letter here do not match the experience we have witnessed over the past month or so.

Kind regards

[Redacted signature block]

URGENT**Park Road Community**

Respond by

29
JUNE

Dear Park Road Neighbours,

We are sending this note to ensure you are aware that **Kiss the Sky** is currently having its premises licence 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 its 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

From: [REDACTED]
Sent: 25 June 2021 22:24
To: Licensing <Licensing@haringey.gov.uk>
Subject: Re Kiss The Sky in Park Road, N8

Dear Madam/Sir,

It has been brought to my attention that there have been issues with the new owners of Kiss The Sky, ostensibly a bar. From noise complaints to fouling the side streets, this place has become a disaster. It is, in fact, no longer a bar - it is a nightclub. That's not going to work in this area.

I've lived on Park Road since July 2019. The previous version of the bar was a charming, friendly, fun place. There were no issues. I'm told that the new owners have never run a bar before. You can tell. They encourage partying on the street outside the bar by its very nature (lack of yard space around the back, the need for patrons to smoke). The hours are too late as it is. And now they want to open 7 days a week? This is not acceptable.

Adding to the issue is Ready Burger, next door, which provides another place for people to gather, drunkenly. This combination - nightclub plus very, very cheap fast food joint, which has no space to wait inside, is a nightmare for residents. The music is twice the volume it should be and can be heard streets away. My flat is not too far from it, but even when I've gone into the hall and locked the door, I can still hear the music perfectly. This is untenable. The new owners have no idea what they are doing and should not be granted a licence for 7 days. Further, they should be subject to inspections and noise abatement notices. They need to turn the volume way, way down in order to operate at all. It can be a local pub, it can be a nice bar. What the space is not correct for is a nightclub.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 26 June 2021 12:40
To: Licensing <Licensing@haringey.gov.uk>; Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Cc: [REDACTED]
Subject: Re: Kiss the sky Bar - 18-20 Park Road N8 8TD

Dear Daliah and the License team

Please find below the video link evidence regarding noise, disturbance, nuisance and threat to peace and welfare of the residents by KTS bar, its patrons and staff on the night 25 June 2021.

Please kindly pay attention to the volume level of the music played during the recording. You should also find inappropriate use of language being used and towards the end of the video, how one of the patrons were singing out loud!

It's becoming more and more obvious that the establishment is unable to manage both their business, staff and patrons. This inevitably poses a threat to all the 4 points as per the council's rules and regulations.

Please note that the noise team were at the scene round about 23:40 when the music was turned down but subsequently put back up later following their departure.

Thank you and regards

[REDACTED]

From: [REDACTED]
Sent: 26 June 2021 12:55
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; [REDACTED]
[REDACTED]

Cc: festus.akinboyema@haringey.gov.uk

Subject: After hours nuisance from Kiss The Sky:Friday 25 June 2021

Dear Dalia,

I hope this finds you well.

Further to previous correspondence on the matter of Kiss the Sky and the review of their licence, I wish to report the disruption and nuisance from Kiss the Sky's operation still continues but as expected. Last night the music played included the heavy bass vibrating our floors and furniture, which continued on and off all evening until they closed.

The patrons were not managed by the staff and were left to behave as they please shouting both inside the bar and on the street and treating the street as an extension to the premises. This nuisance continued until after 02:00AM. I have attached a link to a video I took of patrons activity at 01:40AM.

[REDACTED] If you have any difficulty accessing this recording please let me know.

Due to the lack of control and poor management of the premises, we are not able to sleep peacefully, we are not able to open our windows for ventilation due to the loud and explicit language patrons use and due to the smoking that takes place directly under our windows.

Kind regards,

[REDACTED]

From: [REDACTED]

Sent: 27 June 2021 14:26

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

Cc: [REDACTED]

[REDACTED]

[REDACTED]

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

Dear Daliah and the license team,

Please find the video link for the night 26-7 June 2021.

[REDACTED]

There was also a dispute (from 7 mins in the video) between a young man and a woman with loud voices and inappropriate language.

Patrons were out mingling and chatting loud out front of the premises until past 2am!

This situation cannot simply go on like this. I strongly believe a review towards a revocation of the licences would be the most appropriate and fair measure for these ongoing issues to go away and where the establishment should not be given opportunities to re-apply for the license. They have consistently been in breach of the relevant rules.

Thank you for your understanding.

Regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Monday, 28 June 2021

Licensing Licensing@haringey.gov.uk
Barrett Daliah daliah.barrett@haringey.gov.uk

Dear Mrs Dahlia and Team,

Re: issues in support of the Review application for 18-20 KISS THE SKY – LONDON N8 8TD
URGENT ATTENTION TO REVOKE KISS THE SKY BAR LICENSE DUE TO MISMANAGEMENT

The change-over of leasehold management now owners of the Kiss the Sky bar in Crouch End N8 8TD have demonstrated incompetence and have shown to have no respect for their neighbourhood. The licence for late hours and serving of alcohol should be revoked.

Point one, DOMESTICALLY -the noise volume that is coming up through my building floors at night are disturbing maddening and intolerable. Items vibrate. Sleep is disturbed. The noise Team are called but they are busy. We talk to the management. No observation is taken. The management are deaf. We now experience malicious sound invasion coming into our premises through all cracks seems and joists which the first floor have no control of at late night and any hours. The bar's owners have no courtesy concept. And will not acknowledge our suggestions to control the sound when approached.

The late night hour license that was previously given to the bar was originally unacceptable. With the noise team not always being available little slips have been made to let our rights slip through the cracks. We have made notice of the issue.

POINT TWO :PUBLIC SAFETY IGNORED-We have potential dangers to street crime. The public are not safe along the Park Road N8 late evening pavements. Aimless road walking and shouting.

The hours of closing are not observed and hardly ever were. There is insufficient to no management or door man to disperse the crowd. The pub owners do not acknowledge safety for the village's public

I have lived at Park Road now for over 40 years. This area is a domestic area. Not an industrial site. Just because it is night time gives no right for anyone to turn up ones music. And further more no right for the Council to grant licenses for late night bars that have flats in close vicinity. Living is tight now in this area. And KTS's new management although superficially polite are the most disturbing.

I deplore upon you to revoke the Kiss the Sky in Crouch Ends' alcohol license. They should not be allowed a licence to serve alcohol. They should not ever be allowed to open late. Let alone at all due to their weak inexperienced and disrespectful management.

I wish you to intelligently consider and embrace my complaints as I am disappointed, furious saddened with this situation.

All the Best, [REDACTED] 28/06/2021

From: [REDACTED]
Sent: 28 June 2021 11:52
To: Licensing <Licensing@haringey.gov.uk>
Subject: Fwd: Kiss the Sky Noise and Nuisance Complaint

Good morning Sir/Madam,

My name is [REDACTED] and I live at [REDACTED]

I would like to formally complain about the noise and nuisance issues from Kiss The Sky.

Also the issue with drunk people littering the streets behaving badly.

I used to be a barman and it's illegal for people to be served alcohol when drunk. Yet every weekend the streets are littered with excessively drunk people from Kiss the Sky falling out on the the streets being drunk and abrasive.


There are families with children living in this area.

Please take this as a formal complaint.

Thank you

[Redacted signature]

From: [Redacted]
Sent: 28 June 2021 14:39
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>
Subject: Re: Neighbour response to License Review for Kiss the Sky of N8 8TD

 [NEIGHBOURREQUEST TO HGY TO REVOKE KTS LICENSE 28062021.pdf](#)
[189 KB](#)
[Preview attachment NEIGHBOURREQUEST TO HGY TO REVOKE KTS LICENSE 28062021.pdf](#)



 NEIGHBOURREQUEST TO HGY TO REVOKE KTS LICENSE 28062021.pdf
[189 KB](#)

On Mon, Jun 28, 2021 at 2:33 PM Pat Wallace [Redacted] wrote:
Dear Dahlia- Hope you are well.
In light of the KTS license Review please consider my disturbing report attached respectfully.
All the Best, [Redacted]

From: [Redacted]
Sent: 28 June 2021 22:35
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; [Redacted]
Cc: festus.akinboyema@haringey.gov.uk
Subject: Re: After hours nuisance from Kiss The Sky:Friday 25 June 2021

Dear Dalia and Licensing team,

Please find below video links to media previously uploaded to Google drive, for your ease of access.

[Redacted list of video links]

[Redacted]

Kind regards,

[Redacted]

[Redacted]

Lead Officer, Haringey Licensing
licensing@haringey.gov.uk

Sunday 27th June 2021
Letter Reference: DK/101/KISS_REV

Re: Licensing Act 2003 – Kiss The Sky, 18-20 Park Road, Crouch End, N8 8TD

To whom it may concern,

I am writing to make official representation in respect of the license review regarding the continued non-compliance; anti-social behavior and public nuisance surrounding the licensed premises of Kiss The Sky bar 18-20 Park Road, Crouch End, N8 8TD.

I am a local resident who lives directly opposite from Kiss The Sky on Park Road. Our home – which I share with my wife, a primary school teacher, and our two children, both of school age – is located across the road from the bar, above shops Ginger & Mint and SEW shops. There are over 60 domestic dwellings – houses and flats – homes with families many with young children all within earshot and close proximity to the Kiss The Sky venue.

Kiss The Sky bar has operated at the same premises with the same licensed activities for many years. It served the local community as a ‘vibrant, fun bar with kitschy decor, cocktails, craft beer and acoustic music’. Although the late licensing hours have in recent years become wholly inappropriate for the now heavily residential area, the venue’s previous incumbent and its management respectfully adhered to the terms of its license, and as such - other than occasional loud noise - successfully operated without real nuisance or incident throughout its tenure.

Reasons for representations

This has now changed. Since the very start of reopening in late May, the venue – under new management - has operated with a flagrant disregard in its adherence to the terms of its own license, impacting hugely on neighbouring residents and commercial businesses. The focus of Kiss The Sky bar appears now to be that of a central London Night Club with newly installed DJ Booth, Bass Booming PA System and - because of the late license - patrons who arrive 11pm in many cases far too loud and already drunk – from other establishments - looking to get trashed after hours. This has brought with it an increase in hostility amongst visiting patrons, door staff and management. A marked increase in crime and disorder, public damage and has added risk to public safety and negligence in the protection of children. This must stop....now!

The Prevention of Public Nuisance

A newly installed DJ Booth - located next to the front glass window and front door - pumps out bass busting dance music through its big new sound system has delivered an increase of loud

thumping music into the street throughout the evening - as the only door to the venue opens and closes all night. In warm weather – the venues windows covering the whole front of the venue have been fully open with no consideration of the noise pollution which continues all night and into the early hours of the morning. Currently on Wednesday nights 'Live Music' blares out – with loud electric guitar and vocals amplified into the street.

Little effort, if any, is being made to ensure that patrons remain inside the club for most of their stay and refrain from loitering out on the street on mass directly outside the venue. They come out to drink and smoke, shout and sing, in sizable numbers (20-30 at a time) often spilling into road throughout the night across its licensed hours and beyond.

Night after night, the peace is broken and working families with young children have their sleep ravaged, with incessant nuisance noise from loud music inside and outside the venue. Loud shouting and abusive language – often racist – late into the night's opening hours and sustained well beyond closing time.

The Prevention of Crime and Disorder and Public Safety

Time and again patrons are repeatedly lingering and loitering directly outside Kiss The Sky blocking up and down the pavement on either side of the venue, the lay-bay and spilling into the road and the pavement opposite. Residents door ways on either side of the venue are often blocked and residents fearful to come late in the evening to drop off refuse bags ready for collection.

After 11pm, patrons from other establishments try to pass by and many times over the past month trouble has broken out, incendiary behavior and language exacerbated by the Kiss The Sky doorman and other staff have stirred up trouble with those outside resulting in fights breaking out between patrons, passers by, Kiss The Sky Doorman and Bar staff kicking and punching unruly and abusive passers by on more than one occasion and as such the police have been called to attend.

At closing time – which under this management is a long and drawn out process and can be up to an hour from start to finish at weekends – as many as 50 noisy patrons spill out into the road, getting into vehicles both to drive themselves as well as being picked up by friends who park up with loud music and shouting, as well a plethora of private hire cabs and ubers halting in the middle of the road. After hours, many patrons leave the venue and continue their party loitering under the cover of Ginger & Mint café and out of sight alongside Park Mews where patrons persistently urinate, defecate and abuse illicit drugs right outside our building and communal front door and right underneath our bedroom windows. Complaints have been made. We're still awaiting a response.

Ref: Haringey Council Enforcement Service - Report a noise problem Ref No: HC-11503020

Ref: Haringey Council Enforcement Service - Report a noise problem Ref No: HC-11500424

In recent weeks we have woken up to find our communal toughened glass street facing door has been smashed, as too has Banners Restaurant window.

There is a genuine fear of public safety right outside our own homes.

In addition to Kiss The Sky's noisy and unruly patrons, is the issue of their staff. Once the venue has 'closed' and the streets cleared, in the early hours of the morning – around about 1am on weekdays and 2pm on weekends – the staff who appear to have a lock-in themselves whilst 'clearing up' appear outside the venue and across the road from the venue - numbers totaling 7 or 8 - to smoke and drink, laugh and joke as if it were midday – themselves a huge nuisance often until 3am!

The Protection of Children

When I have heard residents from both side of Park Road pleading with staff to move on and go home from their bedroom windows, alerting them to sleeping children which are now awake, and have been disturbed by their loud behaviour and bad language – often racist – they have been rebuked by staff with disdain and told “ok relax and chill out”, before moving off at their leisure back into the venue to empty bins and glass bottles outside before they finally locking up and leaving after 3am on Saturday and Sunday mornings.

It's beyond unacceptable. The venue has only been re-opened for a month and we have experienced debilitating sleep deprivation. No sleep until 3am when getting up for work at 6am is not sustainable.

It's become clear that its wholly inappropriate to have a night club with a late license in what is an increased residential are. Kiss The Sky has in a calendar month become a reckless blot on the landscape.

I would therefore humbly petition the Lead Officer at Haringey Licensing to assist in this matter by revoking this current license in a bid to help secure a much safer Haringey.

Sincerely

[Redacted signature]

[Redacted contact information]

From: [Redacted]

Sent: 29 June 2021 00:11

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

Subject: Licence Review for Kiss The Sky Bar 18-20 Park Road, N8

Dear Daliah.

I believe further to my previous accounts of nuisances occurring from the activities from the Kiss the Sky Bar, it is important to offer my view on what would be the best adjustment for the current licence.

The premises for Kiss the Sky Bar was never built or designed to contain the typical noise from a bar which we have been experiencing over the past 10+ years. This type of noise is live and recorded music and the voices of the clients/patrons. No amount of sound insulation can resolve this as it is the structure of the building that absorbs and transmits the sound through the building. I cannot see this ever being resolved, yet not resolving this means the bar will continue to be a public nuisance and a source of harm to the children living directly above the bar.

The previous management of the bar (Ice Bar, then Kiss the Sky owned by Steph and Mohammed and now the current owner) have persistently tried to create a club atmosphere that encourages loud music, dancing, loud voices and shouting until the early hours of the morning. The premises are not physically capable of containing this music and the management have never effectively implemented the necessary measures to keep the bar's activities contained inside the premises and within acceptable noise limits.

The poor management of the patrons creates a great nuisance on the street for all the local residents. For us living above the bar, the activities of the patrons lingering outside on the street mostly below our windows means opening the windows is not possible without letting in:

- the noise from the patrons voices, and often arguments, shouting, offensive language and fighting.
- cigarette smoke which comes straight into our bedrooms.

A licence allowing late night activity means we are unable to access fresh air at night or to have a peaceful night because the bar's activities are a public nuisance and a source of harm to the children living directly above the bar and in the surrounding local residences.

If the licence would be shortened to 10-11PM for example, all the issues mentioned above would persist and the bar itself would not survive either. I cannot see how the licence for any late night activity can be appropriate at the premises 18-20 Park Road, after many years of thought and working and speaking with the managers of the bar to improve the sound conditions and better manage the patrons, I have to conclude the premises is physically unsuitable to accommodate late night entertainment activities and the location being so close to so many local residents with young families is simply unsuitable, and this is unsolvable except by removing the activity that is causing and encouraging this nuisance.

I thank you for your time and consideration in this matter.

Kind regards,

████████████████████

Statement Concerning Activities from Kiss the Sky and their clientele on the Nights of Friday 21st, Sunday 23rd and Wednesday 26th of May 2021 as a result of their current permitted licences.

I am a resident of the apartment directly above Kiss the Sky Bar 18-20 Park Road. My statement is provided in order of the categories listed below.

1. Prevention of crime and disorder
2. Kiss the Sky clients were not managed around the premises by the bar staff or the local authority and towards the end of the night they became a disorderly nuisance shouting loudly, emotionally and unpredictably on the street up to 1 hour (02:00AM) after the bar had officially closed. This behaviour caused an unsettling disturbance to me and my children, and I am worried should anyone on the street be harmed when the clientele argue and fight with each other as no one was around to keep any order.

2. Public Safety

Because Kiss the Sky clients were not managed around the premises by the bar staff or the local authority and towards the end of the night they became a loud, disorderly and an intimidating crowd during the late hours of the night, it did not seem safe for the general public to remain within the proximity of Kiss the Sky clientele and should I have needed to leave my residence at this hour, I would have felt very unsafe and vulnerable as a potential target of any angry or provocative drunken clientele of the bar.

3. Prevention of public nuisance

A public nuisance occurred for two reasons from the activities of the Kiss the Sky bar:

- a. Unpleasant and disturbing behaviour: While Kiss the Sky clientele were permitted to linger on the street, all unpleasant and disturbing behaviour was audibly witnessed by me and my two children (at and below the age of 7 years) and directly affects us right until the late hours of the night. Our bedroom is located on the Park Road side and there are no other options for our bedroom to be located elsewhere in our apartment. On the above mentioned nights the noise from the clients was unbearable and we had to try to sleep in our living room. This is not sustainable.

b. The noise and vibrations that travelled through the building from the music played by the bar throughout the night. The levels of the bass in the music were so strong my kitchen pots and utensils were rattling creating even more noise and disturbance. Psychologically it was very distressing as we had no control over the noises we could hear in the house at a time when we need the house and family to settle in order to have a healthy routine for our young family. When I tried to sleep it was impossible and upsetting as I could only hear the music below and felt the vibrations travel straight through our timber floor and through my pillow.

4. Protection of Children from harm.

As described above, my children and I have been directly impacted by the noises we hear from Kiss the Sky bar. While I was trying to put my children to sleep, we could all clearly hear the clients on the Park Road pavement outside the bar speaking and shouting loudly at each other including all the usual swear words, this is despite the windows of our apartment having new double glazing fitted over a year ago. It is not appropriate for the children to witness this type of behaviour nor to be subjected to listening to loud bass music coming through their bedroom floor and through their beds and pillows.

This disturbance also affected my children's sleep as it took longer than normal for them to settle with the noise and they were woken up several times from the loud voices from the bar's clients standing outside the bar. This made them exhausted the following days which made it impossible to maintain our normal healthy routine with the children.

The disturbance from the bar imposed a significant amount of distress on me and deprived me from sleeping on time at 22:00. This stress and the lack of sleep from the noise disturbance meant I could not do the things I normally need to do for my children as well or at all, and this is not fair for them.

Conclusion

I have lived at this property for over 7 years, and have suffered from the consistent disturbance caused from the same types of disruptive activities from the bars operations – unmanaged clients allowed to mingle on the public pavement, and music and voices coming through the floor from the late night activities in the bar below. I have made complaints to Haringey noise department countless times and have felt powerless and voiceless to find an end to this disturbance.

The crowds in the bar naturally want to be free to raise their voices and have a good time, the bar naturally wants the freedom to raise the levels of music without having to worry about the local residents around them and the local residents (me and my neighbours) naturally want the freedom to a peaceful night in our own homes at a reasonable time.

The root of the problem for the noise within the bar is the structure of the building. It is an old building, supported with some core concrete pillars and beams, but the majority of the floor that divides my apartment with the bar below, is timber and there is no structural separation between us. This means that bass vibrations from music, as well as any banging and tapping against the shared pillars that hold the building up and connect the ground floor with our first floor apartment, travels through the structure into our apartment and the only way of preventing this noise travelling through is having a structural separation. However structural separation is not possible without rebuilding the separating floor, and that is not a possibility.

Successful management of a bars clients to prevent them creating noise on the streets outside the bar require at least one bouncer and a lobby area separating the bar area from the street and allows the bouncer to remind the clients to keep voices down before they enter the street. Kiss the Sky bar does not have this separation, which has made it impossible for previous bouncers to manage the clients successfully as they are usually ignored by the clients. I would consider such a lobby area separation, one of the requirements that would need to be met for a licence for a bar to be granted.

Whilst I believe the licence was given to Kiss the Sky with good intentions, I also believe the provision of this licence to a premises that is simply unsuitable to accommodate the acoustic demands of the activities the current licence permits has been a gravely unfortunate oversight. Licences provided to premises that are unsuitable for the activity they are applying for is due to a gap within the licencing department procedures, and there should be requirements set upon each licence application to demonstrate suitability of the premises they are applying for and the licence department should be sufficiently trained to understand whether these requirements have been met. This may be the case now, but I believe these steps

were not in place at the time when the original licence was being given, and therefore this licence for a bar should be reviewed and withdrawn.

I trust you will consider this issue with the utmost importance, and look forward to learning of the next steps to tackle this issue.

Sincerely,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]

Sent: 29 June 2021 00:30

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

Subject: Representation regarding Kiss the Sky Premises Licence Review

Attention Lead Officer, Haringey Licensing Team,

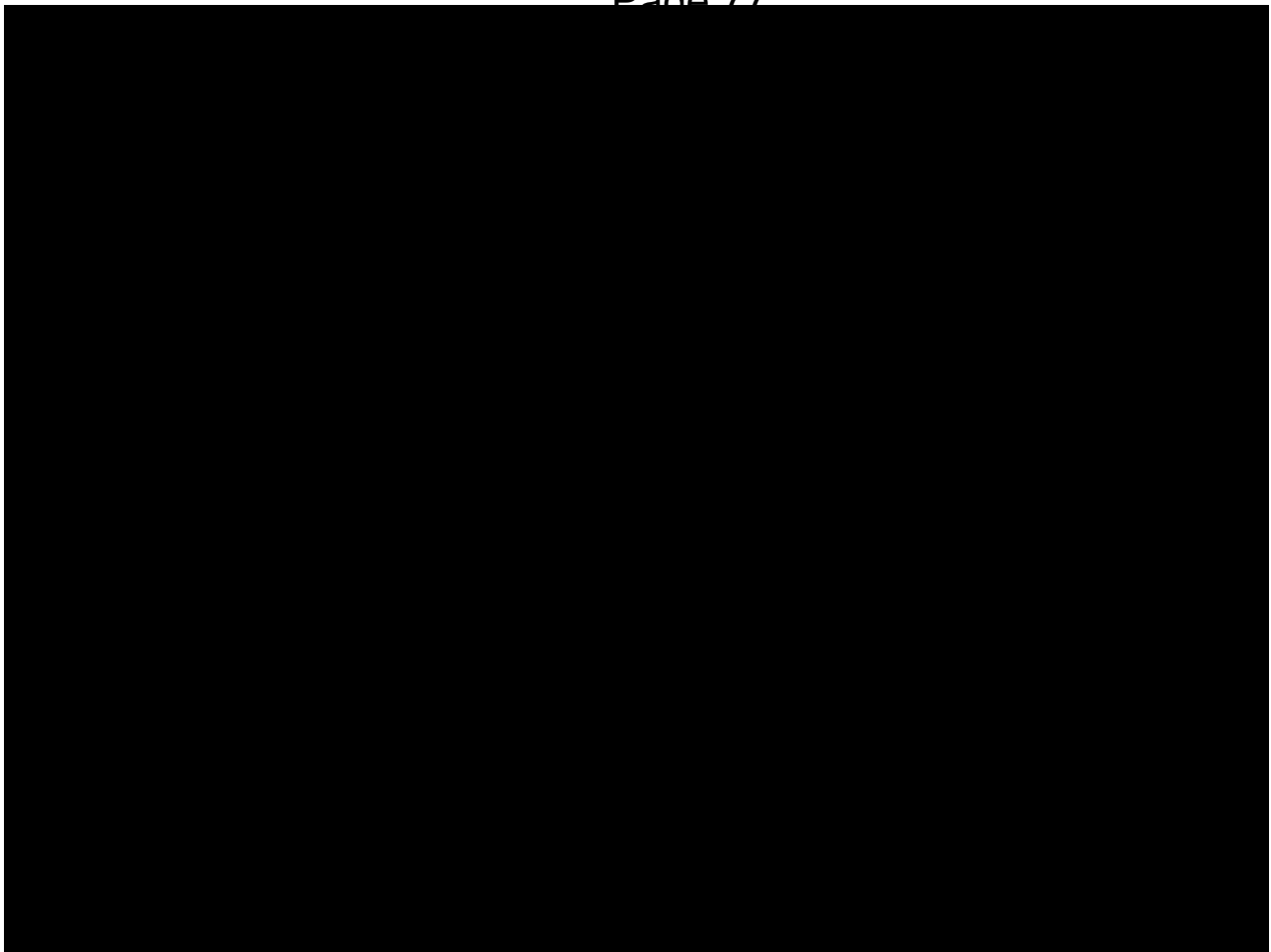
We are writing this submission regarding Kiss the Sky's premises licence in frustration on a Saturday morning after yet another night of noise disturbances affecting our sleep, right up to 3am. This has now become a regular pattern. Over the past month, new operators of Kiss the Sky have repeatedly demonstrated that they have little consideration for the community within which they operate.

Our representation will focus on 2 of the licensing objectives and touch on the 2 others.

Public Nuisance

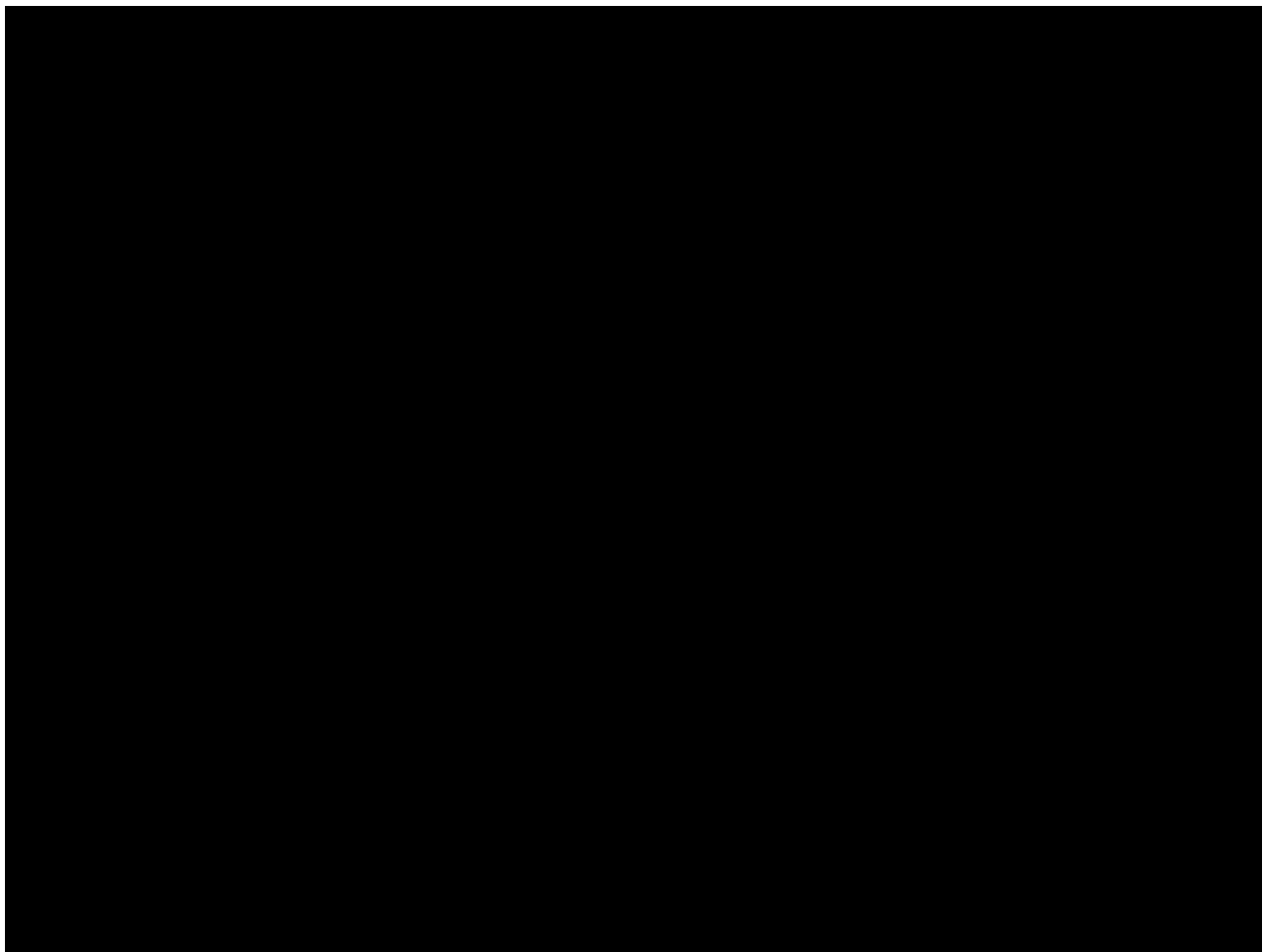
Last night, the weather was pleasant. We would have liked to have sat in our outdoor space, but couldn't because of nightclub volume music coming from the open windows of Kiss the Sky. We lodged a noise complaint with the Haringey Noise Response Team at 22:30. About 15 minutes later Kiss the Sky closed their windows. I received a call from the noise team shortly after, where I reported that the noise problem had improved since the bar closed its windows, but bass from the bar was still penetrating the walls and closed windows of our home. A short while later the volume decreased, but then increased again — to even higher volumes. Despite having triple glazing on our bedroom windows, like other nights over the past month, it was impossible to consider going to bed before the music at Kiss the Sky stopped.

Following the stopping of music at 01:00, a tipsy parade of noisy patrons gradually filed out of the bar onto the pavement. This typically takes 30-45minutes which means the neighbourhood does not return to quiet until around 01:45. Patrons flow in and out of the bar onto the pavement throughout operating hours. Noise on the pavement escalates through these hours. Little effort is made by the staff to control the noise from their patrons or move lingering groups on. Staff are often involved in the chattering, shouting, and laughter that can balloon to groups of 20 or more. We cannot consider opening our bedroom windows nights when this bar is operating, regardless of how hot it might be, because of noise disturbances.



Under the bedroom windows of Crouch End. 18/06/21 22:55

To top things off, groups later emerge from the bar, often after 02:00 sometimes after 03:00, and linger out front while having loud boisterous conversation as if it were the middle of the afternoon. I do not understand why people are still in the bar hours after it has closed.



Conversations out front of bar 03:01 26/06/21

This is just one example from many we have experienced over the past month. These issues typically happen Friday, Saturday, or Sunday nights when the bar operates "DJ Nights", but have also occurred midweek.

Noise nuisance is not a new problem with Kiss the Sky. Local residents have been struggling with it for years. But what has opened under the new ownership, takes these already existing issues to a whole new level. In the early evening the reopened Kiss the Sky operates much as it had before, as a local bar without excessive volume of music or patrons. In the later evening, starting at 22:00 — when most businesses in the area have shut or are winding down — the bar now transforms into a full-on nightclub. As illustrated on the pavement sign below, 22:00 is when things begin at the new Kiss the Sky. Previously, operations continued on as a neighbourhood bar, with the occasional event. Music volume from within the bar was typically kept at a moderate level and not a primary issue. Nuisances were from overly loud drunken patrons situated on the pavement in the later hours.

This licence which may have been appropriate for the area 15 years ago, does not seem appropriate for the family oriented, densely residential neighbourhood it is today. The area is quiet the nights Kiss the Sky is closed despite there being two other bars, Banners and Allora Hall, as neighbours — which we have never been disturbed by.



Protection of Children From Harm

Consideration must be given to all children impacted by this licensed establishment, whether within or outside its doors. Our 7 year old daughter's bedroom window, like many, faces onto Park Road. Typically she is a heavy sleeper. But since Kiss the Sky reopened, her sleep has repeatedly been disrupted by noise from the bar's operations and its patrons. These disruptions are much worse than they had been with the previous operations of the bar. We are aware of 5 other children who have bedrooms in a similar proximity. Considering how many

families are living in Crouch End and how many residences are in the immediate area, there are likely more children who are being impacted.

According to the Royal College of Paediatrics and Child Health website, "Good quality sleep is important for everyone but especially for children as it directly impacts on their mental and physical development." Also, in their bedroom environment "...noise needs to be at a level that it does not disrupt sleep." <https://what0-18.nhs.uk/parentscarers/sleep>

Drunken shouting and yelling, is stressful for young children who do not understand what is going on outside their windows. This is happening regularly as a side effect of this late night establishment.

The Prevention of Crime and Disorder, Public Safety

As Kiss the Sky has been operating as nightclub during its later hours, it is attracting a different clientele. As a part of this, we have begun to see groups of youth congregate and linger on the pavement around bar after 11pm - escalating the street commotion and noise further.

Fights have happened on the pavement outside Kiss the Sky over the past month, with the police required to attend on at least one occasion.

During and after rowdy nights at the bar, patrons drunkenly stumble into and criss cross Park Road, increasing noise of car horns that would otherwise not occur. The morning after, on more than one occasion, we have been greeted by the smell of urine in the Park Mews lane across from the bar.

Late night shouting and noise is now coming from Park Mews leading behind 11 Park Road.

We cannot expect bar staff to police the entire area, but effects of the operations of this late-night establishment are beginning to spread to the wider community, and It has only been open 4 weeks.

We strongly believe that at a minimum the following updates need to be made to the premises licence to reflect the community it exists within today.

1. **Removal of the provision for dancing.** This provision encourages the operation as something akin to nightclub, which is accompanied by inevitable nuisance from high volume music and street disorder. This location is not suitable for such an operation.
2. **Reduction of the hours of operation to 23:00.** This will bring the establishment in line with many other pubs and bars operating within residential areas of London.
3. **Zero-tolerance noise policy.** Children are typically in bed asleep by 21:00. We would like it to be required of the bar to enforce a quiet operation in line with the community.
 1. - Close the bar's windows when noise increases from patrons or the playing of music, from 21:00.
 2. - Responsibility placed onto the business to keep the noise of their operations and patrons, inside and on the pavement, to a minimum after 21:00.

As a part of this licence review, it is important that the committee see the history of Kiss the Sky noise complaints from the Haringey Noise Response Service. The following is a log of our complaints to the Noise Response Service over the past 12 months.

Date and Time Submitted: 06/06/2021, 00:03
Noise Problem Reference ID: HC-11495226

Date and Time Submitted: 06/06/2021, 01:33
Noise Problem Reference ID: HC-11495236

Date and Time Submitted: 10/06/2021, 01:26
Noise Problem Reference ID: HC-11497856

Date and Time Submitted: 12/06/2021, 22:41
Noise Problem Reference ID: HC-11499704

Date and Time Submitted: 13/06/2021, 00:06
Noise Problem Reference ID: HC-11499726

Date and Time Submitted: 19/06/2021, 01:14
Noise Problem Reference ID: HC-11505000

Date and Time Submitted: 25/06/2021, 22:40

Noise Problem Reference ID: HC-11511157

Date and Time Submitted: 27/06/2021, 00:17
Noise Problem Reference ID: HC-11512164

Date and Time Submitted: 11/07/2020, 23:24
Noise Problem Reference ID: HC-1717078

As a neighbour succinctly put it while discussing Kiss the Sky related disturbances, "This cannot go on. Things have to change."

We thank the Licensing Team for taking the community's concerns into consideration while reviewing Kiss the Sky's Premises Licence.

Kindest regards,

[Redacted signature]

From: [Redacted]
Sent: 29 June 2021 13:09
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; Licensing <Licensing@haringey.gov.uk>; [Redacted]
Subject: Re: After hours nuisance from Kiss The Sky:Friday 25 June 2021

Dear Daliah,

I have uploaded some videos taken on the Saturday 27th June which I was meant to include in my upload yesterday.

They are all clearly named on the [Redacted] I am using to upload evidence for your viewing: [Redacted]

Kind regards,

[Redacted signature]

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

From: [Redacted]
Sent: 29 June 2021 21:46
To: Licensing <Licensing@haringey.gov.uk>
Subject: Kiss the Sky licensing review

Hello

I am getting to in touch to raise my concerns about the licensing for Kiss the Sky bar on Park Road, Crouch End. The noise from the bar since it's reopening has been significant, and it's new later opening hours, are a great disturbance to those living nearby. There have also been instances with groups leaving the bar and causing more disturbance. Although I recognise that there will be some noise living on a busy road, the noise from the recorded music and the live performers is distinctly louder than other bars and pubs on the same road.

I do hope you will take this into consideration when reviewing their licence.

Yours sincerely

[Redacted signature]

Sent from my iPhone

[REDACTED]
Sent: 14 June 2021 20:30

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

[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]

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

From: [REDACTED]
Sent: 22 June 2021 08:26
To: Licensing <Licensing@haringey.gov.uk>
Subject: Kiss the Sky licence

Good morning, I hope this finds you well.

My name is [REDACTED] and I am e-mailing regards the licence review of Kiss the Sky bar at 18-20 Park Road.

I have lived on Park Road for 4 years now, and with living on a main road such as Park Road I do expect a certain of level noise at times, however since Kiss the Sky has re-opened in May the noise and disruption has been unacceptable. I have already e-mailed the council with a noise complaint, not know I could e-Mail here to review their licence.

Over loud bass music and what sounds like a DJ have kept me awake into the small hours on a weekend, then adding to that the loud, raucous inappropriate behaviour from the customers that take to the streets.

The bar as been a disruptive, stressful strain on the community, especially in these current times of covid; rules of which the bar dosent appear to follow.

Many thanks for letting me have the opportunity to have my say on the matter.

Best,

[REDACTED]

From: [Barrett Daliah](#)
To: [Barrett Daliah](#)
Subject: FW: Kiss the sky Bar - 18-20 Park Road N8 8TD - Nuisance notification
Date: 03 July 2021 17:46:54

From: Barrett Daliah **On Behalf Of** Licensing
Sent: 24 May 2021 19:03
To: 'Phil Emamally'Licensing <Licensing@haringey.gov.uk>
Cc: Akinboyewa Festus <Festus.Akinboyewa@haringey.gov.uk>
Subject: RE: Kiss the sky Bar - 18-20 Park Road N8 8TD - Nuisance notification

Dear Phil,

The existing premises licence is being transferred into the new owners details. This process is not open to public consultation under the law. However, we are aware of the public nuisance that took place at the weekend and the action taken by the Noise Team.

Residents are able to apply for a review of the business if they operate in such a way to not uphold or promote the licensing objectives.

The new management will be contacted by the Licensing Team. If residents wish to lodge a Review based on what took place at the weekend that is your right to do so.

I have attached the guidance above and the application form. Happy to discuss further with you if need be.

Regards

Daliah Barrett

Licensing Team Leader

From: Phil Emamally
Sent: 24 May 2021 18:16
To: Licensing <Licensing@haringey.gov.uk>
Cc: festus.akinboyema@haringey.gov.uk
Subject: Kiss the sky Bar - 18-20 Park Road N8 8TD - Nuisance notification

Dear All,

We, some residents on Park Road and Back Lane, understand that the above mentioned Establishment is under New Management as of recently. As a result we are hereby enquiring, whether:

- 1) they are legally obliged to apply for a renewed license or a new one or,
- 2) are they legally allowed to continue to operate under the previous license?
- 3) Either way, will this imply that they could be in breach of the Licensing Act if they failed to display the license application & submission details on the premises for the attention of the general public?

The reason for me reaching out to you for clarification and assistance is because from Friday 21 May

2021, there was a "launch party" which effectively became a real nuisance and caused severe disruption and distress to the residents, by way of:

- loud music with deep vibrating bass literally shaking the floor of the apartment above from where the bar is located,
- loud patrons as they mingle, drink, smoke out front of the bar during its opening hours until late and after the bar is closed.

We had been in touch with your Noise Team via the out of hours helpline on the nights of the reported incidents and they visited the premises and witnessed the findings. Please kindly note that the reported incidents took place on the night of Friday & Sunday 21, 23 May 2021 respectively as the nuisance and disruption were more infernal on those two nights. We have been notified by the Noise team that a written warning was subsequently handed out to the management of the bar. Although we very much appreciate the proactive and professional approach taken by the team, notably by Mr Festus Akinboyema and his colleague Maria, in an attempt to address the issue in the best of ways, we do not feel that the council as a whole had been doing enough to eradicate this long standing issue. Please bear in mind that it has been **more than 7 years** that we have tirelessly been working with the council's relevant team with view to finding a resolution. Fast forward to 2021 unfortunately this has not led to any fruition.

I would like to draw your attention that there are also young children, (under the age of 7 as well as less than and equal to one year old), who are also being affected by these incidents. On top of having to deal with the recent pandemic's lockdown measures, we are now facing added stress which is cumulatively taking a toll on our mental health. One cannot be in their home and having to face such nuisance through no fault of theirs and especially where children are unable to sleep at night and overhearing, although inadvertently, inappropriate language stemming from what we would describe as irresponsible drunken behaviour, insensitive to the peace and quiet of the residents nearby.

The reason why we are raising the above points to your attention is so that the Licensing department of The Haringey Council may take a proactive and effective approach to reviewing the Establishment's current operating Late License and look into possible breach on part of the Licensee pertaining to the non-display of their License application. This is the least we would expect.

We understand however that as a governing body of the Borough, the Council cannot act unfairly to businesses operating lawful activities. However there should still be a legal, ethical, considerate and social responsibility on their part to review an application thoroughly prior to granting the relevant license. This should perhaps be extended to a building structure inspection/surveying to see if the business is fit for purpose. The premises in which the Establishment is operating, is not fit for purpose (i.e a bar / Night club) due to the structure of the building being a "one unit" and where no appropriate structural engineering separation is in place, between each floor! Therefore regardless of how much a business may claim to have invested towards insulation and noise reduction equipment, this will still not resolve the underlying problem. Two years ago, we have had all our windows changed but these haven't solved the ongoing issue. Therefore advice that residents are given by professionals, including the Council, towards the installation of Noise reduction equipment, is quite simply a wild goose chase. We happened to have learned about the building structural issue being unfit for such activities (late bar / Night club) by one of the Council's own Noise Team member while addressing a previous complaint to the old Establishment's Management a few years ago. Our questions therefore are:

If the Council was aware of this building structural issue and how unfit it would be for such businesses, why was/is a Licensing of this sort (late bar) still granted to the business, knowing the potential ramifications? Where is the moral, ethical, environmental and social responsibility?

For the record, we have been advised by the Noise team to download the "Noise App" and to record the necessary incidents, which we have done and subsequently sent for someone to review and action. As you can hopefully appreciate, we are, to this day, cooperating but we are sadly not getting the required assistance by the very body that is able to do something about it: The Haringey Council.

Therefore we would like to mention that after a very distressing weekend (sadly and possibly many more to come, to which we are not looking forward to) we would be grateful nevertheless for your urgent, diligent and swift consideration into this matter. We have taken on board your suggestion about getting in touch with you regarding any concerns we have as residents, about some business

licenses and we now hope that the Council will do what is necessary for the welfare of its tax paying residents.

If you require any further queries please do not hesitate to get in touch with us. Thank you.

Regards
Phil Emamally

From: William Mokrynski <
Sent: Thursday, July 8, 2021 4:24:22 PM
To: Licensing <Licensing.Licensing@haringey.gov.uk>; Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Cc: Barrett Jennifer <Jennifer.Barrett@Haringey.gov.uk>; festus.akinboyema@haringey.gov.uk <festus.akinboyema@haringey.gov.uk>; Cllr Cawley-Harrison Luke <Luke.Cawley-Harrison@haringey.gov.uk>
Subject: COVID profiteering at Kiss the Sky

Dear Haringey Licensing Team,

I have been forwarded evidence documents regarding the licence review of Kiss the Sky that was shared with my neighbour Phil Emamally, and am quite taken aback by what I have seen in the reports from the various Haringey Officers. Actually I am shocked. Perhaps I am misunderstanding what I have seen, but would like an answer to a couple of concerns raised by reading the reports.

Is it not a criminal act to sell alcohol without a licence?

As reported by Officer Cone in his report of 09/06/21, Mr K Ray, the new owner of Kiss the Sky was clearly advised that he could not open his establishment without a licence, and that he could not have the premises licence transferred to him because "he failed to comply with requirements". Yet Mr. Ray opened his establishment against this advice, and sold alcohol from 21/05.


Is it not a serious offence in Haringey to operate a bar without a DPS?

As reported by Officer Cone, and Officer Oluwatoki on their repeated visits, Kiss the Sky was operating without a DPS. Officer Barrett's report mentions that the DPS for Kiss the Sky was not varied until 16/06, which means the bar was operating and selling alcohol without a DPS for nearly a month.

Is it not a serious offence to lie to a Licensing Officer?

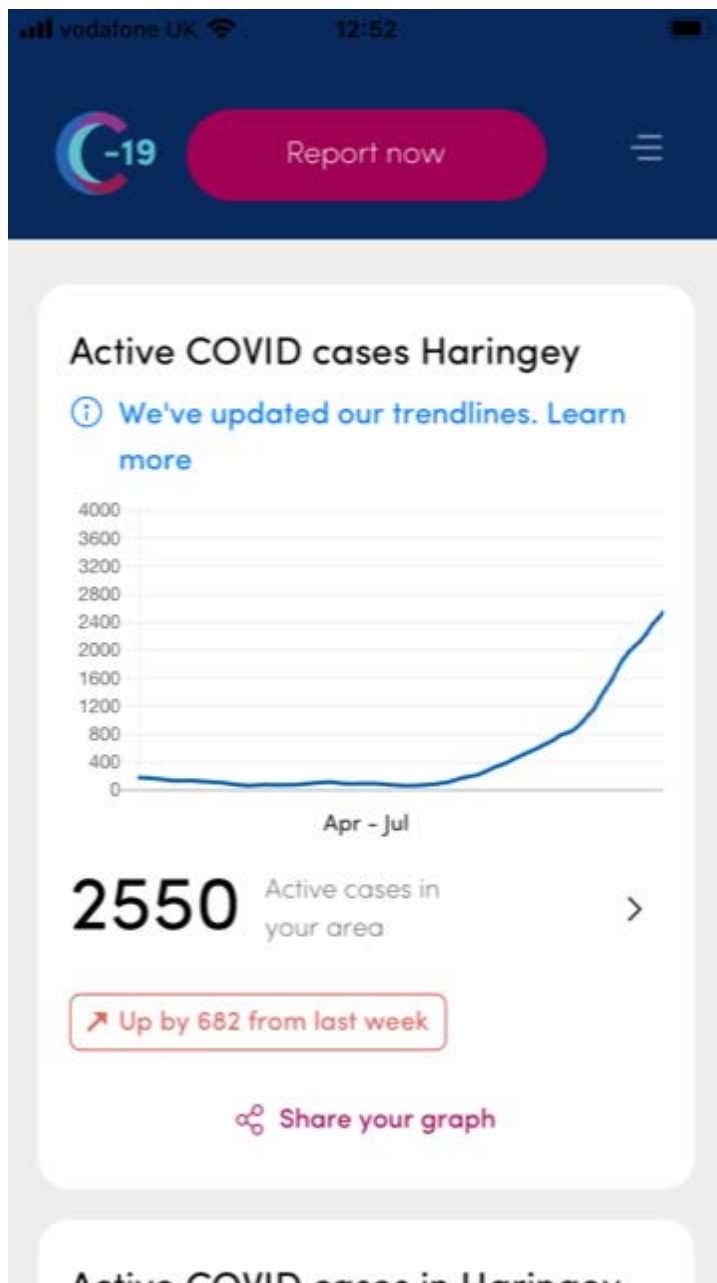
In Officer Oluwatoki's report from his visit on 28/05, the owner told him that the DPS matter had been resolved that morning. This officer then left the venue feeling intimidated by the aggressive tone of the owner and behaviour of door staff.

Is it not a serious offence to break COVID regulations?

Officer Cone, Officer Oluwatoki, and Officer Akinboyewa all identified serious infractions including overcrowding, lack of social distancing, no masks, along with the playing of overly loud music, and dancing. Officers explained the regulations to staff, issued warnings, and Kiss the Sky continues to ignore these regulations. Please see the following video  as evidence from 26/06 that dancing and loud music is still continuing at the bar.

There are no misunderstandings, or ignorance of these rules. Kiss the Sky has been repeatedly warned by Haringey Officers since reopening. The bar's operators and owner know what they are doing. There is a word for operations that deliberately break rules that are required to be followed in times such as these — profiteering. Kiss the Sky is profiteering from the COVID situation. It is no coincidence that the bar is attracting crowds that disturb local residents on it's DJ nights. Kiss the Sky is likely the only establishment in the region playing loud nightclub dance music while turning a blind eye to dancing, social distancing, and mask requirements. It may or may not be a coincidence that COVID infections in Haringey, particularly amongst the under-vaccinated age group attending the bar,

have spiked during the same period.



What I have seen in the reports appear to go beyond simple licence infractions.

- unlicensed selling of alcohol
- operating a bar without a DPS
- using security without SIA accreditation
- continuous breaking of COVID regulations

Why have there been NO penalties issued for these?

I would particularly like an explanation as to why this business was allowed to continue operating when it was discovered by Haringey Officers that they were selling alcohol without a licence?

Certainly this matter alone should have brought operations to a halt, and been referred to the police?

Have COVID Marshalls attended the venue since 28/05 as reported by Officer Oluwatoki, to follow-up and ensure COVID regulations that the bar were now being abided by? From what I have seen, nothing has changed.

Tomorrow is another of Kiss the Sky's weekly DJ nights that local residents will have to endure. Since

Kiss the Sky reopened in May, I have repeatedly been woken by noisy groups exiting the bar long after it had closed. In a couple of instances this occurred several hours after the bar had closed. A neighbour I have spoken with has seen groups leaving as late as 04:40-05:00. This has taken place every Friday night, and happened again last Friday at about 02:20. These groups have no regard for the neighbours of the bar. They make no effort to be quiet, actually the opposite. Bar staff rather than attempt to quiet their patrons, are often amongst them chatting, shouting, laughing as they linger for 15 minutes or more before finally moving on.

I filmed a couple of minutes of this disturbance last Friday. 15 or more non-bar staff can be seen entering and exiting the establishment and lingering out front of KTS. I phoned the police non-emergency number to have them moved on as recommended by one of the Haringey Noise team in the past. I gave up on the police after my call rang through unanswered for about 10 minutes. As I was on the phone, noise escalated to what sounded like a party on the street. I suspect the bar may be running a lock-in on Fridays, and encourage the Licensing Team to investigate. Just before 02:00 would be the ideal time for officers to drop in.



In addition, several neighbours along with myself, have witnessed new drug activity connected with Kiss the Sky patrons criss crossing Park Road to the Park Mews underpass, directly adjacent to the entrance to 11 Park Road. We didn't have this problem before the bar under this new ownership opened.

I am concerned that a number of residents who have made representations have been excluded from correspondence and not received notice of the hearing or copies of the evidence. Could someone please ensure all are included?

As residents, we depend on the Licensing Team to uphold businesses to their obligations, and help keep our community safe. This business has demonstrated time and again that rules somehow don't apply to it, and local residents along with health of the wider community is paying the price. Has this deviant activity really not warranted a suspension of Kiss the Sky's licence until the hearing? What does it take??

Kind regards,
William Mokrynski

From:
Sent: Thursday, 8 July 2021, 01:07
To: Licensing; Barrett Daliah
Cc:
Subject: Evidence as at 7-8 July 2021. KTS bar, Park Road

Dear All
Please kindly see the below video links regarding the nuisance on the above mentioned date.

It's now past 1a.m and there are still patrons in the establishment and out on the street chatting, mingling and singing.



Thank you
Phil

From:
To: [Licensing; Barrett Daliah](#)
Cc: [Barrett Jennifer](#); festus.akinboyema@haringey.gov.uk
Subject: Evidence link-9-10 July 2021 - Kiss the sky Bar
Date: 10 July 2021 03:39:02

Dear All,

Please kindly see the below the link regarding evidence showing tonight's nuisance, and breach/disruption of peace by patrons as well as the establishment's staff until around 1:45am.



I noticed that the bar management staff and its doorman were tonight displaying intimidating behavioural tactics in an attempt to hinder me gathering the necessary recording evidence by way of looking back up our flat Windows intermittently, video recording us and alerting their patrons about our activities to the point where some shouts of verbal abuse were uttered by some of the patrons.

We sincerely believe that the ongoing unlawful activities of the establishment as well as the unacceptable, inconsiderate behaviour of their customers and staff are only escalating tension in the neighbourhood unless the right actions are taken by the relevant authorities. We therefore hope that this case is taken very seriously and where peace, security and the general welfare of the residents will be restored.

Thank you

Phil

From:
To: [Barrett Daliah](#); [Roya Chanel](#)
Subject: Fw: Kiss the sky - Crouch End - Noise complaint
Date: 10 July 2021 09:31:01
Attachments: [Outlook-Image.jpeg.png](#)
[Outlook-0eqjleoo.png](#)

Dear Daliah,

Please can you confirm you received the enclosed including the photographic evidence. I will forward separately a video taken after the hours of operation of the licence. May I add that I have 3 young children (7, 11 and 14 year old) residing at the property and disturbed by the noise. They are all scared of going out late at night even accompanied by me and scared that some patrons might intrude in the property. Many thanks,

Stephane

From: >
Sent: 21 June 2021 21:50
To: Licensing <Licensing@haringey.gov.uk>
Subject: Re: Kiss the sky - Crouch End - Noise complaint



20:39



Monday

are comedy night starting Mon 21st June featuring comedians from the UK and abroad.

Tuesdays

Bargain Tuesdays £2 beers, Masterclass learn how to make a cocktail

 Dear Chanel,

Many thanks for your reply.

I wanted to add new developments to my representation.

Firstly the venue advertise and operate live music events and DJs when the licence is for recorded music (see website extract in attachment). This is unsuitable for a residential area. It seems that the venue operates more like a night club.

On many occasions in June the venue has failed to control their patrons, spreading out and consuming on the pavement and by Ginger and Mint (opposite side of the road). The police had to intervene several times, only just in June.

In addition, the venue is not respectful of the licence timing with patrons coming in and out, and consuming outside way passed the end of their licence. You will find enclosed some photographic evidence taken at 00.15 on Monday 14th June.

I strongly believe that the licence should be reviewed to restrict noise and hours of operations to respect the local residents.

Let me know if you have any further questions,

Kind regards,

Stephane.

From: Roye Chanel <Chanel.Roye@haringey.gov.uk> on behalf of Licensing <Licensing@haringey.gov.uk>

Sent: 10 June 2021 12:09

To: >

Subject: RE: Kiss the sky - Crouch End - Noise complaint

Dear Stephane Euzen,

Thank you for your representation.

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

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

Please consider the environment before printing this email.

From: >

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,

Stephane Euzen

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From: Bysse Wallace
To: [Barrett Daliah](#); [Licensing](#); [Licensing](#)
Subject: Nuisance from Kiss the Sky bar Patrons 9th July 2021
Date: 10 July 2021 15:35:09

Dear Daliah,

Last night I found the patrons to be very loud again, making it very difficult to rest or to settle my children.

Disturbingly, the patrons and bar staff appear to be making conversation about their neighbours watching them as if they are surprised, and looking up to see if they might see them. I attach three links from yesterday night showing this:



I found this intimidating as despite patrons and staff were aware of us and why we might be looking outside (i.e because of the noise and disturbance they are causing us), they make no efforts to contain their presence on the street or to show consideration to their neighbours and surroundings as if we have no right to expect them to keep their noise down.

How long will we have to endure this kind of activity around our home? On the weekend and noisy evenings, our home feels like a prison, as we have no where else to go and no control over our home environment and the patrons and staff's hostile and blatant disregard for us. This is very stressful and mentally & emotionally draining.

Sincerely,

Bysse

From:
To: [Licensing; Barrett Daliah; Licensing](#)
Cc: festus.akinboyema@haringey.gov.uk
Subject: KTS bar 10-11 July 2021
Date: 11 July 2021 11:55:28

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 well being, 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.
Phil



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Appendix 6 – Correspondence



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



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



LETTER OF AUTHORITY

I, Kashka Anthony Ray Date of Birth: [REDACTED]

Nationality: British, hereby authorise and instruct **Oasis**

Associates, Christ Church Chambers, Candahar Road London SW11 2PU United

Kingdom to represent

me in my licensing matter. I also authorise Oasis Associates to inquire/ask for any relevant information/documents in relation to and/or connected to the above said matter from any source and to receive any payment of damages on my behalf.

The instructing party confirms that valid consent has been obtained by the data controller (the instructing solicitor), and that this consent identifies any third parties (e.g. expert witnesses) to whom personal data may be passed.

I confirm that all future communication/correspondence regarding my matter should be directed to my representatives, Oasis Associates.

Signed:

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

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

From: [Barrett Daliah](#)
To: [Barrett Daliah](#)
Subject: FW: Kiss The Sky 18-20 Park Road N8 8td
Date: 03 July 2021 17:00:41

From: Barrett Daliah < > **On Behalf Of** Licensing
Sent: 29 May 2021 14:04
To: Kiss The Sky < >
Subject: Re: Kiss The Sky 18-20 Park Road N8 8td

Dear Mr Ray,

The Licensing office is closed at the weekends, any applications submitted online will not be checked until the next available working day.

As things stand the offence of providing alcohol at a time when there is no assigned DPS has already been confirmed and the Licensing Authority is able to prosecute the Premises Licence holder for this.

If you are not familiar with the law it is a mandatory requirement that no supply of alcohol may be made under a licence when there is no DPS.

The conditions on the licence are also mandatory requirements that you must comply with. One of these conditions is the need for CCTV to be operational and that it is made available to Police / Licensing Authority.

Are you saying you do not have CCTV working onsite as per the terms of the Premises Licence?

An incoming DPS would not face prosecution for the matters that have arisen to date, those issues remain a matter for the Authority and residents affected by the operation of the business since last weekend to take forward with the options set out in the regulations, the options being a review of the license and or prosecution.

With regard your comments about visits to your premises by Council officers. It is their duty to carry out these visits. You were advised by a member of the Licensing Team on two occasions on Thursday that alcohol sales were not permitted as such it is standard practice that follow up compliance checks are made to any premises that has received such warnings.

The premises has also been the cause of noise nuisance complaints and as such will be visited as part of the process of establishing whether there is nuisance or not.

Furthermore, Kiss The Sky is licensed premises and therefore able to be visited by Council officers/Police at anytime it is open and also in the course of the officers checking on compliance issues at the premises.

Please also note that officers are not included in your Covid requirements that should be in place for customers. Officers are attending the premises to carryout their duties they are not there to consume food or drink onsite.

Please ensure that your staff are clear that they are not permitted to delay or obstruct officers carrying out their duties. We would however to see any notes of visits in your incidents recording book onsite.

Please also provide the SIA registration of the person who presented himself to officers as the SIA person on duty last night (Friday) but refused to provide any details when asked to do so?

Any further emails from you at this time will not be dealt with until the next working day, Tuesday 2nd June.

Regards
Licensing Team Leader

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From: [Barrett Daliah](#)
To: [Barrett Daliah](#)
Subject: FW: Kiss The Sky 18-20 Park Road N8 8td
Date: 03 July 2021 16:57:49

From: Barrett Daliah <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing
Sent: 29 May 2021 11:50
To: Kiss The Sky <kisstheskybar@gmail.com>
Subject: Re: Kiss The Sky 18-20 Park Road N8 8td

Dear Mr Ray,

Please ensure there is no alcohol sales taking place at the venue until such time a Designated Premises Supervisor has been assigned on the Premises licence to fulfill this statutory requirement under the law.

We have provided you with a list of measures in the earlier email that you need to be operating under at this time in terms of Covid requirements.

Licensing Officers will contact you on Tuesday. In the meantime we are requesting a copy of the CCTV recording from last week Friday 21st, Saturday 22nd, as well as Friday 28th. The footage should cover the entire hours of operation from start to finish.

Regards
D Barrett
Licensing Team Leader

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From: Kiss The Sky <kisstheskybar@gmail.com>
Sent: Saturday, 29 May 2021, 10:45
To: Licensing
Subject: Kiss The Sky 18-20 Park Road N8 8td

Dear Sir Madam

I would like an urgent call and response regarding last weekend.

I feel 100% like I am being hounded out. Why ?
The incidents occurred were loud music according to the officer which we immediately turned down and a few people standing up around their tables to dance who were told repeatedly to sit down. Even though I have been in charge 1 week, there was no leniency offered to me as a new business as the officer said " we have been visiting your premises a few times recently after the last few months " This indicated to me i would get zero tolerance which is not fair.

Last night the sound was lower , everyone was seated throughout no issues but yet still visited making customers and staff feel uneasy. We asked him is the sound to high or any issue with covid and he said no, he was now visiting over another issue which could have been resolved in business hours.

I met the licensing team at the premises and the noise complaint team to discuss sound limiters etc and I had a meeting with neighbours.

I have paid all the fees requested.

I am doing everything possible to cooperate and be a responsible business owner . I was told by the visiting licence officer that while my dps is going through to get someone acting for now which Mr A Mohammed contacted again but yet I have seen the response to him which is practically an email to scare him off saying he may prosecuted if he remains as dps.

I have rent to pay, staff wages to cover.

I have a community group using the premises for meetings next week, I need some clarity and fairness given..

I would like a call and an email response please

Thank you

Kashka Ray

From: [Barrett Daliah](#)
To: [Barrett Daliah](#)
Subject: FW: Transfer application
Date: 03 July 2021 16:57:06

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.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 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

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From: Barrett Daliah

Sent: 28 June 2021 14:04

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

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

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

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](https://www.facebook.com/haringeycouncil)

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Date	Time	Nature of complaint	Action	Team	Complainant	
17/12/2005	22:10	Loud Music	warning letter	Noise	Resident	no M3 record
29/12/2005		Application to vary the DPS to RM	granted	Licensing	LB Officer	no M3 record
30/12/2005	23:34	loud amplified music	warning letter	Noise	Resident	no M3 record
06/01/2006	22:59	Loud Music	warning letter	Noise	Resident	no M3 record
13/01/2006	01:14	Music	visited nuisance not established	Noise	Resident	no M3 record
02/03/2006	15:17	loud amplified music	prosecution referral withdrawn	Noise	Resident	
10/03/2006		Application to Transfer to RM	granted	Licensing	LB Officer	no M3 record
16/03/2006		Application to Vary the premises licence to extend hours	application received and consultation started	Licensing	LB Officer	no M3 record
21/04/2006	02:29	music	visited nuisance not established	Noise	Resident	no M3 record
05/05/2006	08:24	Music	nuisance established - prosecution recommended	Noise	Resident	no M3 record
07/05/2006	01:08	music	nuisance established - prosecution recommended	Noise	Resident	no M3 record
25/05/2006		committee hearing - variation on hours	application to vary - refused - appealed in court on 8/8/06	Licensing	LB Officer	no M3 record
11/06/2006		noise visit	reported to Licensing open after licensable hours	Noise	LB Officer	no M3 record
12/06/2006		proactive work	Licensing warning letter re: operating beyond hours	Licensing	LB Officer	no M3 record
13/07/2006		proactive work	Licensing warning letter re: noise witnessed and licence could be reviewed	Licensing	LB Officer	no M3 record
29/09/2006	22:46	Noise	No visit - cancelled	Noise	Resident	
06/10/2006	23:26	noise	noise confirmed - noise abatement notice	Noise	Resident	
07/10/2006	23:11	noise	no visit - noise stopped	Noise	Resident	
07/10/2006	23:30	noise	visited nuisance not established	Noise	Resident	

20/10/2006	15:23 noise		prosecution	Noise	Resident
02/11/2006	21:01 noise		noise confirmed - added to prosecution	Noise	Resident
10/11/2006	21:32 noise		visited nuisance not established	Noise	Resident
14/01/2007	02:39 noise		visited nuisance not established	Noise	Resident
23/02/2007	23:11 noise		nuisance confirmed and abated	Noise	Resident
28/04/2007		loud amplified music	prosecution referral withdrawn	Noise	Resident
02/06/2007	00:46	loud music	no visit - noise stopped	Noise	Resident
12/06/2007		prosecution at magistrates court	fined and costs awarded		
17/06/2007	02:17	loud music	no visit - noise stopped	Noise	Resident
24/06/2007	02:14	loud music	visited nuisance not established	Noise	Resident
29/06/2007	22:45	noise	nuisance confirmed and abated	Noise	Resident
28/07/2007	00:10	noise	no visit - noise stopped	Noise	Resident
31/08/2007		Application for Transfer & Vary DPS to Afzal Mohammed name of business changed to Kiss the Sky form Star Bar	app granted	Licensing	LB Officer
13/09/2007		Star Bar	trading name changed	Licensing	LB Officer
07/02/2008	23:26	noise	nuisance confirmed	Noise	Resident
18/07/2008	22:55	nosie	no visit - noise stopped	Noise	Resident
22/07/2008	22:41	loud amplified music	no visit - noise stopped	Noise	Resident
26/09/2008	09:02	dumping rubbish	FPN	NAT	LB Officer
10/11/2008		waste contract check	Notice	NAT	LB Officer
26/11/2008	08:44	noise reported after event	info provided	Noise	Resident
24/01/2009	01:13	loud music	no visit - noise stopped	Noise	Resident
24/02/2009	19:45	proactive work - Licensing visit	no issues raised	Noise	LB Officer
22/03/2009	00:53	loud music	no visit - noise stopped	Noise	Resident

07/07/2009	22:45	loud music	visited nuisance not established	Noise	Resident
21/10/2009	01:20	noise outside - proactive visit	premises closed	Noise	LB Officer
19/11/2009	22:52	music	no visit - noise stopped	Noise	Resident
12/01/2010	21:32	loud music	visited nuisance not established	Noise	Resident
27/03/2010	22:32	loud music	visited nuisance not established	Noise	Resident
27/03/2010	21:47	loud music	visited nuisance not established	Noise	Resident
03/10/2010	16:05	flytip	FPN	NAT	LB Officer
29/09/2010	00:01	people noise	visited nuisance not established	Noise	Resident
15/10/2010	00:03	loud music	nuisance confirmed	Noise	Resident
21/10/2010	22:30	loud music	visited nuisance not established	Noise	Resident
15/05/2011	00:07	music	no visit - noise stopped	Noise	Resident
04/10/2011	15:03	Loud music reported after event	info provided	Noise	Resident
23/02/2012	23:33	Loud music	no visit - noise stopped	Noise	Resident
14/04/2012	00:32	Loud music	visited nuisance not established	Noise	Resident
05/11/2012	17:27	failure to comply with EPA notice - waste	FPN	NAT	LB Officer
16/11/2012	23:13	Loud music reported after event	info provided	Noise	Resident
18/07/2013	00:18	alarm noise	resolved	Noise	Resident
29/11/2013	22:51	Music	Music confirmed - abated	Noise	Resident
30/11/2013	00:44	music	visited nuisance not established	Noise	Resident
23/02/2014	19:02	Loud music reported after event	info provided	Noise	Resident
29/03/2014	23:41	Loud music	visited nuisance not established	Noise	Resident
28/03/2014	23:07	Loud music	visited nuisance not established	Noise	Resident

30/03/2014	21:04 Loud music	visited nuisance not established	Noise	Resident
04/04/2014	23:39 Loud music	visited nuisance not established	Noise	Resident
08/04/2014	22:01 music	visited nuisance not established	Noise	Resident
05/04/2014	23:37 Loud music	visited nuisance not established	Noise	Resident
18/04/2014	22:04 Loud music	visited nuisance not established	Noise	Resident
03/05/2014	17:59 noise recorder installed in resident flat	visited nuisance not established	Noise	Resident
03/05/2014	00:23 Loud Music	officer had no time to visit	Noise	Resident
31/05/2014	23:57 Loud music	visited nuisance not established	Noise	Resident
19/07/2014	22.23 Loud Music	no response from complainant	Noise	Resident
19/07/2021	00:31 Noise	no response from complainant	Noise	Resident
02/08/2014	22:40 Loud music	visited nuisance not established	Noise	Resident
01/08/2014	23:12 Loud music	visited nuisance not established	Noise	Resident
09/08/2014	23:16 Loud music	visited nuisance not established	Noise	Resident
08/08/2014	23:42 Loud Music	officer had no time to visit	Noise	Resident
13/07/2014	00:37 Loud Music	no response from complainant	Noise	Resident
28/09/2014	22:48 Loud music	visited nuisance not established	Noise	Resident
28/09/2014	00:43 Loud Music	no response from complainant	Noise	Resident

29/06/2014	00:03 Loud Music	no response from complainant	Noise	Resident
16/08/2014	00:05 Loud Music	no visit - noise stopped	Noise	Resident
29/11/2014	00:02 Loud Music	Music confirmed - abated	Noise	Resident
30/11/2014	21:48 music	visited nuisance not established	Noise	Resident
07/12/2014	20:10 Loud Music	no visit - noise stopped	Noise	Resident
07/12/2014	20:35 Loud Live Music	visited nuisance not established	Noise	Resident
01/01/2015	02:30 Loud Music	officer had no time to visit	Noise	Resident
16/08/2014	22:07 noise	visited nuisance not established	Noise	Resident
30/01/2015	23:16 Loud Music	Music confirmed - reported	Noise	Resident
07/02/2015	23:00 music	visited nuisance not established	Noise	Resident
12/03/2015	16:07 Loud Music	S.80 EPA notice served	Noise	Resident
21/03/2015	00:35 Loud music	visited nuisance not established	Noise	Resident
04/06/2015	21:59 Loud music	visited nuisance not established	Noise	Resident
28/01/2016	20:46 Noise	Music confirmed - abated	Noise	Resident
30/01/2016	proactive work	Special warning letter served	noise	LB Officer
21/07/2016	proactive work	Breach of licence condition letter served	Noise	LB Officer
21/07/2016	Loud voices - Drunken patrons leaving premises	no visit - noise stopped	Noise	Resident
05/11/2016	00:27 People noise o/s premises and especially after closing time.	no visit - noise stopped	Noise	Resident
29/11/2016	01:29 Music	visited nuisance not established	Noise	Resident
01/01/2017	02:40 Music	officer had no time to visit	Noise	Resident
11/03/2017	01:39 Noise	visited nuisance not established	Noise	Resident

11/03/2017	11:44 Music	no visit - noise stopped	Noise	Resident
25/03/2017	01:40 Noise	visited nuisance not established	Noise	Resident
09/09/2017	22:50 Loud Music	visited nuisance not established	Noise	Resident
23/09/2017	21:49 Loud Music	Music confirmed - abated	Noise	Resident
06/10/2017	21:21 Loud Live Music	visited nuisance not established	Noise	Resident
07/10/2017	22:12 Loud Music	visited nuisance not established	Noise	Resident
18/08/2018	22:51 Noise	complainant did not want a visit	Noise	Resident
02/11/2017	proactive work	S.80 EPA notice served	Noise	LB Officer
31/08/2018	23:03 Noise	no response from complainant	Noise	Resident
13/09/2018	20:55 Loud Live Music	no officer on duty	Noise	Resident
17/11/2018	Loud Music	warning letter	Noise	Resident
22/11/2018	proactive work	Special warning letter served	noise	LB Officer
23/11/2018	23:45 Noise	visited nuisance not established	Noise	Resident
24/11/2018	23:04 Noise	visited nuisance not established	Noise	Resident
14/06/2019	22:11 Loud Music	visited nuisance not established	Noise	Resident
	Extremely loud music and disposal of empty			
08/07/2020	22:07 bottles late at night. Uncontrolled noise from patrons of Kiss the Sky drinking/partying on the pavement in front of	no action recorded	Noise	Resident
11/07/2020	23:24 establishment	no action recorded	Noise	Resident
	Music is extremely loud every night until late.			
23/07/2020	20:18 Level of bass vibrating	visited nuisance not established	Noise	Resident

		Group of 15-20 customers of Kiss the Sky sitting out front at chairs and tables provided by establishment shouting and having very			
13/08/2020	00:56	noisy drunken conversation.	visited no action	ASB	Resident
22/09/2020		Overflowing bins	FPN	ASB	Resident
25/09/2020		proactive work	warning letter	ASB	LB Officer
23/10/2020		Covid - Social Distancing	verbal advice	ASB	LB Officer
21/05/2021	22:44	Loud bass music	Noise confrimed Reported	ASB	Resident
10/05/2021		Covid - Social Distancing	compliant	ASB	LB Officer
			Noise confrimed Reported -		
22/05/2021	00:13	Loud Music	warning letter	ASB	Resident
23/05/2021	21:11	noise	Noise confrimed Reported	ASB	Resident
24/05/2021		Application to Transfer to Ray Assets Ltd	Application granted	Licensing	LB officer
26/05/2021		Covid - Social Distancing	FPN	H&S (PC)	LB officer
26/05/2021		Fly tip	Notice	ASB	LB officer
02/06/2021		Application to Vary DPS to Ramgolam Yogendra	Application granted	Licensing	LB officer
			visit heard light bass and people speaking)	ASB	Resident
12/06/2021	17:49	Noise (music & voices)	no response to phone no visit	ASB	Resident
13/06/2021	17:57	Noise	no response to phone no visit	ASB	Resident
13/06/2021	18:22	noise - music can be heard in bedroom loud music & shouting - Police called by	noise stopped when phoned - no	ASB	Resident
13/06/2021	19:51	resident	visit	ASB	Resident
17/06/2021	2.30am	noise - staff talking loudly	no action recorded	ASB	resident
			visited but no action or comments		
18/06/2021	22:29	noise - music and vibrations	recorded	ASB	Resident
19/06/2021	01:13am	crowd outside shouting and making noise very loud bass thumping club music and DJ	no action recorded	ASB	Resident
21/06/2021	09:08am	taking in the small hours	no action recorded	ASB	Resident
19/06/2021		Covid - missing signage and face masks	for enf action to be taken	ASB	LB officer
21/06/2021		Covid - missing signage and face masks	for enf action to be taken	ASB	LB officer

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