

## 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 <sup>th</sup> 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 2<sup>nd</sup> 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.

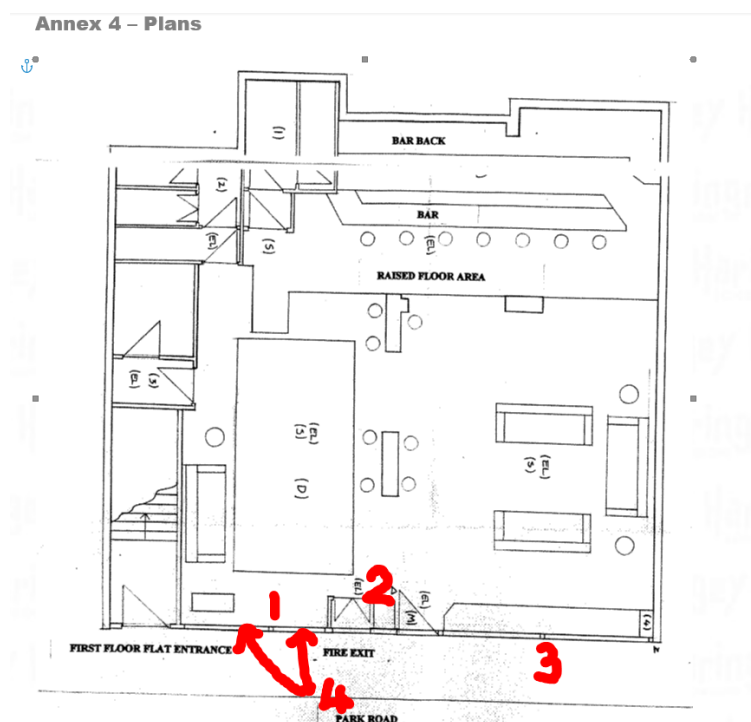


Figure 1: Kiss the Sky Site Plan

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