

Licensing Act 2003 Sub-Committee on 6th June 2006

Report title: Application to Vary a Premises Licence for Star Bar 18-20 Park Road, Crouch End, London, N8 8TD

Report of: The Lead Officer Licensing

Ward(s) affected CROUCH END

1. Purpose

To consider an application by RICKY MICHAELS to provide a licensable activity in the form of Supply of alcohol, Provision of Regulated Entertainment and Provision of Entertainment.

2. Recommendations

- 2.1 (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them
- (c) Reject the whole or part of the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

Report authorised by: Robin Payne 
Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

3. Executive summary

For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence

4. Access to information:

Local Government (Access to Information) Act 1985

Background Papers

The following Background Papers are used in the preparation of this Report:

File: STAR BAR, 18-20 PARK ROAD

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

5. REPORT

Background

5.1 Application by **RICKY MICHAELS**, for a New Premises Licence in respect of **18-20 PARK ROAD** under the Licensing Act 2003.

5.2 Details of proposed Variation.

To extend licensing hours on Thursday, Friday and Saturday until 03.00am the following day, with 30 minutes wind down.
And Sunday to Wednesdays until 01.00am the following day, with 30 minutes wind down.

St Georges Day, St Patrick's Day, St Valentines Day, Christmas Day and boxing Day until 03.00am the following day.

To provide live music on Tuesday, Wednesday and Thursdays from 19.00hrs to 24.00hrs midnight.

To extend recorded music Thursday, Friday and Saturday fro 23.00 t 03.00am the following day, and Sundays to Wednesdays from 12.00 (midday) until 01.00am the following day.

To provide facilities for dancing on Sunday to Wednesdays from 19.00hrs to 01.00am the following day and on Thursdays, Fridays and Saturdays from 19.00 hrs to 03.00am the following day.

CURRENT LICENSE

Sale of alcohol and Regulated Entertainment

05.00pm – 12 midnight – Monday to Thursday

05.00pm 01.00am Friday

12 noon – 01.00am Saturday

12 noon – 12 midnight Sunday

Hours open to the public

Monday – Thursday 05.00pm – 00.30am

Friday 05.00pm – 01.30am

Saturday 12noon – 01.30am

Sunday 12noon – 00.30am

5.2 Crime and Disorder

CCTV will be installed an intruder alarm will be upgraded. Doormen operating Friday and Saturday nights.

5.4 Public Safety

Emergency lighting installed, fire warning system and fire equipment all installed.

5.5 Public Nuisance

Live music must be reduced in volume after 01.00am
Doormen on duty
Entrance to the premises by one door only and is controlled

5.6 Child Protection

Children can come into the premises and must be accompanied by an adult until 21.00hrs only.

No gaming machines and no adult entertainment.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

Noise team has commented on this application and advised that this premise was served with a noise abatement notice on 02/03/06 since the abatement notice was served there has been a market improvement. The complaints report that noise is not a problem at present. **See App 2**

However, given the history of this case, permitting recorded music Thursday to Saturday, 2300hrs till 0300hrs and live music Tuesday and Thursday until midnight, is likely to give rise to a nuisance unless the music is well controlled.

Food Team

Have no objections to this application

Health and Safety

Have no objections to this application

Have no objections to this application

6.3 Fire Officer

The Fire Officer has not made a representation against this application.

6.4 Planning Officer

Planning do not have any objections to this application.

6.5. Comments of Child Protection Agency or Nominee

Protection of Children Identification Condition:

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

7.0 Interested Parties

5 letters of representation have been received against this application.
See App 3

8.0 Financial Comments

The fee which would be applicable for this application was **£190.00**

9.0 Licensing Comments

This matter was adjourned by the Licensing Committee sitting on 8th May 2006 to enable the applicants to serve evidence they had brought to the meeting and were wanting to use in support of their application. These further documents are now attached in **Appendix 4**

The evidence submitted by the applicants relates to the lowering of a floor with the tenants flat (Mrs Wallace) who lives above the bar. The applicants argue that the lowering of this floor and removal of sound proofing has contributed to the tenant problems of noise breakout from the bar below.

The applicants also submitted a letter from the then noise officer Mr Ian Kelly written to the then licensee withdrawn a noise abatement notice due to the fact that it could not be substantiated because of the lowered floor. Members should note that the noise report and letter submitted by the applicants were first submitted between 2002/2003.

Members will see a letter at **Appendix 4A** dated 14th March 2003 once again addressed to the previous licensee from a chartered surveyor in which the surveyor states that the floor has now been raised back to the original level throughout the flat save the bathroom area which is directly above the toilet area in the bar downstairs.

At Appendix 4B is a letter from The Wallace Family in which they state that the lowered floors areas has subsequently been replaced. The letter also states that

the use of the premises in question was as a shop when originally given planning permission. The change from a shop to a bar was unfeasible.

Licensing requested information on the current noise situation. Members are reminded that there have been a number of visits made to the premises since January 2006 and that Noise Abatement Notices have been served. The Noise Team are intending to prosecute.

The Scientific Officer also visited the premises and advised the current applicants that the very large speakers currently in situ at the premises were not acceptable for the size of premises and advised them to replace with smaller speakers. This has not been undertaken.

The comment of the Noise Officer is attached at **Appendix 5**,
' In relation to a letter from Ian Kelly saying that the Council would not be taking any enforcement action (on advice from Legal) due to the fact that the floor of Ms Wallace's (the objector) flat had been altered by themselves and that is why the noise was breaking through into her premises we are having to take this historical information into account in the action we are currently taking and are satisfied that this is not the sole reason for current nuisance (if it even contributes)

We would not support any license which gives agreement to music being played late and the proprietor when playing any music must not play at a level so as to cause nuisance to the first floor flat occupier

If the floor has been interfered with by the first floor flat leaseholder then this is a civil matter which the ground floor leaseholder and freeholder should take their own civil action having regard to the terms of the lease'

Application to vary a premises licence 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/We **RICKY MICHAELS**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number NOT KNOWN NOT ISSUED AT THE PRESENT TIME
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE STAR (WAS KNOWN AS THE ICE BAR) 18-20 PARK ROAD CROUCH END			
Post town	LONDON	Post code	N8 8TD

Telephone number at premises (if any)	0208 341 3280
Non-domestic rateable value of premises	£31500

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND LICENSING HOURS ON THURSDAYS, FRIDAYS AND SATURDAYS UNTIL 03.00AM THE FOLLOWING DAY. WITH 30 MINUTES WIND DOWN. AND SUNDAYS TO WEDNESDAYS UNTIL 01.00AM THE FOLLOWING DAY, WITH 30 MINUTES WIND DOWN.

ST GEORGES DAY, ST PATRICKS DAY, ST VALENTINES DAY, CHRISTMAS DAY AND BOXING DAY UNTIL 03.00AM THE FOLLOWING DAY

TO PROVIDE LIVE MUSIC ON TUESDAY, WEDNESDAY AND THURSDAYS FROM 19.00HRS TO 24.00HRS MIDNIGHT.

TO EXTEND RECORDED MUSIC THURSDAY, FRIDAY AND SATURDAY FROM 23.00 TO 03.00AM THE FOLLOWING DAY. AND SUNDAYS TO WEDNESDAYS FROM 12.00 (MIDDAY) UNTIL 01.00AM THE FOLLOWING DAY

TO PROVIDE FACILITIES FOR DANCING ON SUNDAYS TO WEDNESDAYS FROM 19.00HRS TO 01.00AM THE FOLLOWING DAY AND ON THURSDAYS, FRIDAYS AND SATURDAYS FROM 19.00 HRS TO 03.00AM THE FOLLOWING DAY.

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) TWO OR THREE MUSICIANS ONLY ON A QUIET NIGHT OF THE WEEK, LIGHT COUNTRY TYPE MUSIC		
Tue	19.00	24.00			
Wed	19.00	24.00	State any seasonal variations for the performance of live music (please read guidance note 4) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY ,CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE		
Thur	19.00	24.00			
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY ,CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE UNTIL 03.00AM FOLLOWING MORNING.		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12 NOON	1 AM	Please give further details here (please read guidance note 3) RECORDED MUSIC INCLUDING FROM CD/RECORD PLAYER AND TV WITH OR WITHOUT A DJ DURING NORMAL HOURS OR AS PART OF A FUNCTION AND MAYBE INCLUDING AUDIENCE PARTICIPATION.	Both	<input type="checkbox"/>
Tue	12 NOON	1 AM			
Wed	12 NOON	1 AM	State any seasonal variations for the playing of recorded music (please read guidance note 4) ST PATRICKS DAY, ST GEORGES DAY, ST VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE		
Thur	12 NOON	3AM			
Fri	12 NOON	3 AM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) ST PATRICKS DAY, ST GEORGES DAY, ST VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE UNTIL 3 AM THE FOLLOWING MORNING.		
Sat	12 NOON	3 AM			
Sun	12 NOON	1 AM			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing SMALL SPACE IN FRONT OF THE DJS BOOTH		
Day	Start	Finish	Please give further details here (please read guidance note 3) NO REGULAR TIMES , SPASMODIC MAINLY BY FEMALES		
Mon	19.00	01.00			
		NEXT DAY			
Tue	19.00	01.00			
		NEXT DAY	State any seasonal variations for providing dancing facilities (please read guidance note 4) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE		
Wed	19.00	01.00			
		NEXT DAY			
Thur	19.00	03.00			
		NEXT DAY	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE UNTIL 03.00AM FOLLOWING MORNING.		
Fri	19.00	03.00			
		NEXT DAY			
Sat	19.00	03.00			
		NEXT DAY			
Sun	19.00	01.00			
		NEXT DAY			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12.00	01.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE	Both	<input checked="" type="checkbox"/>
		NEXT DAY			
Tue	12.00	01.00			
		NEXT DAY			
Wed	12.00	01.00			
		NEXT DAY			
Thur	12.00	03.00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE UNTIL 03.00AM FOLLOWING MORNING.	
		NEXT DAY			
Fri	12.00	03.00			
		NEXT DAY			
Sat	12.00	03.00			
		NEXT DAY			
Sun	12.00	01.00			
		NEXT DAY			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NO GAMING MACHINES

NO ADULT ENTERTAINMENT

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE
Day	Start	Finish	
Mon	12.00	01.30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) SAINT PATRICKS SAINT GEORGE'S DAY SAINT VALENTINES DAY, CHRISTMAS DAY, BOXING DAY AND NEW YEARS EVE UNTIL 03.00AM FOLLOWING MORNING.</p>
		NEXT DAY	
Tue	12.00	01.30	
		NEXT DAY	
Wed	12.00	01.30	
		NEXT DAY	
Thur	12.00	03.30	
		NEXT DAY	
Fri	12.00	03.30	
		NEXT DAY	
Sat	12.00	03.30	
		NEXT DAY	
Sun	12.00	01.30	

		NEXT DAY	
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Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
NIL

Please tick yes

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

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
HAS NOT BEEN ISSUED BY THE COUNCIL

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS PER ORIGINAL APPLICATION

b) The prevention of crime and disorder

CCTV WILL BE INSTALLED AND INTRUDER ALARM WILL BE UPGRADED
DOORMEN ON FRIDAY AND SATURDAY NIGHTS

AS PER ORIGINAL APPLICATION

c) Public safety

AS PER ORIGINAL APPLICATION

EMERGENCY LIGHTING INSTALLED
FIRE WARNING SYSTEM AND FIRE FIGHTING EQUIPMENT ALL INSTALLED.

d) The prevention of public nuisance

LIVE MUSIC WILL BE REDUCED IN VOLUME AFTER 01.00AM
DOORMEN ON DUTY
AS PER ORIGINAL APPLICATION
ENTRANCE BY ONE DOOR ONLY AND IS CONTRIOLLED

e) The protection of children from harm

CHILDREN CAN COME INTO THE PREMISES ACCOMPANIED BY AN ADULT UNTIL
21.00HRS ONLY

NO GAMING MACHINES AND NO ADULT ENTERTAINMENT.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Young Smith</i>
Date	<i>9.3.2006</i>
Capacity	YOUNG AND SMITH (AUTHORISED AGENTS)

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

YOUNG AND SMITH
REGENTS HOUSE
105 GLOBE ROAD
STEPNEY

Post town LONDON Post code E1 4LB

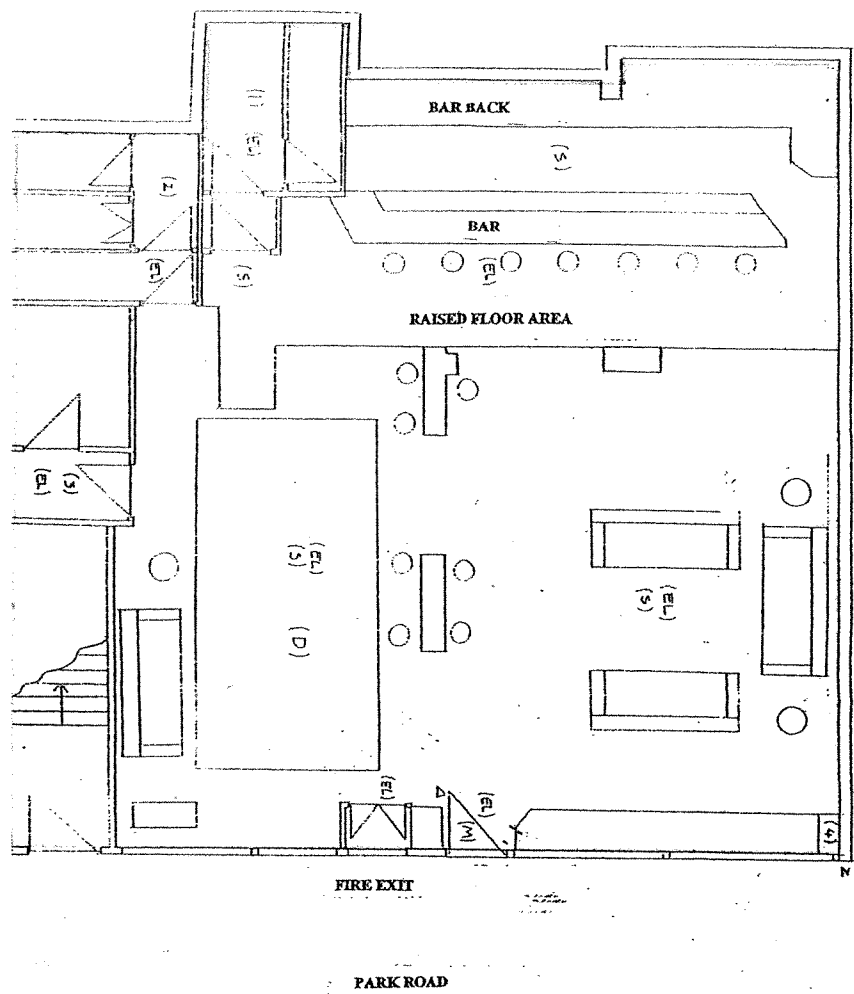
Telephone number (if any) 020 7709 8788

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
tracy@youngandsmith.com

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



ICE BAR 18 PARK RD, N8

SCALE 1:100

KEY	
MALE W/C	
FEMALE W/C	
DISABLE W/C	
EL	= EMERGENCY LIGHTING
S	= SMOKE DETECTOR
D ₂	=DANCE FLOOR
M	=MAIN ENTRANCE
	= FIRE BREAK GLASS
N	=FIRE BELL
4	= EXTRACTOR

CERTIFICATE OF SERVICE

RE: THE STAR, 18-20 PARK ROAD, CROUCH END, LONDON, N8 8TD

I, Tracy Morpew, of Young and Smith, Regents House, 105 Globe Road, London, E1 4LB hereby certify that I served the following parties with notice of application for variation of premises licence:

Licensing Officer, London Borough of Haringey, Environmental Services, 639 High Road, London, N17 8BD

Metropolitan Police Service, Licensing, Wood Green Police Station, 347 High Road, London, N22 4HZ

LFEPa, Edmonton Police Station, 99 Church Street, Edmonton, London, N9 9AA

London Borough of Haringey (pollution, noise and health), Commercial and Environmental Protection Group, Enforcement Services, 639 High Road, London, N17 8BD

London Borough of Haringey, Planning Enforcement, Enforcement Services, 639 High Road, London, N17 8BD

Inspector Chris Thorpe, Metropolitan Police Service, Licensing, Wood Green Police Station, 347 High Road, Wood Green, London, N22 4HZ

By sending the said application by first class post to them by me at the General Post Office situated at MPSO, Globe Road, London, E1 at 2.30 p.m. in the afternoon on the 9th March 2006 and addressed to them as set out above, being their last known or usual addresses.

Dated this 9th day of March 2006

Signed *Tracy Morpew*



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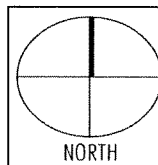
Site plan

Star Bar, 18-20 Park Road N8

HARINGEY COUNCIL

**Directorate of
Environmental
Services**

Robin Payne
Assistant Director
Enforcement Service
639 High Road
London N17 8BD
Tel 020 8489 0000
Fax 020 8489 5525



Drawn by	DW
Scale	1:1250
Date	08/05/2006



FIRE AND COMMUNITY SAFETY DIRECTORATE
Roy Bishop Deputy Commissioner

Date 14 March 2006	Our Ref. FS/31/015450/LH	Your Ref.
Addressee The Senior Partner Young and Smith Regents House 105 Globe Road Stepney London E1 4LB	Please reply to Tony Cadman Inspecting Officer Direct Telephone 020 8803 7530 Direct E-mail haringeygroup@london-fire.gov.uk	Direct Fax 020 8807 7196

Dear Sir or Madam,

LICENSING ACT 2003

Premises: The Star Bar, 18-20 Park Road, Crouch End, London, N8 8TD

With reference to the application dated 9 March 2006, as shown on plan, un-numbered, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation.

Any queries regarding this letter should be addressed to the person named at the top of the letter. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,


for Assistant Commissioner

cc.: Ms D Barrett, Lead Licensing Officer, Haringey Council, 2nd Floor Civic Centre, High Road, Wood Green, London, N22 8LE

Data Protection Act 1998: The information you have given on this form will be processed by London Fire Emergency Planning Authority for the purpose of **fire and emergency planning and control**. We will keep your details secure and will not disclose them to other organisations or third parties (except contractors or suppliers working on our behalf) without your permission unless we are legally required to do so.

For more information about how we use your personal information, see our notification entry (Z7122455) www.informationcommissioner.gov.uk or visit: www.london-fire.gov.uk

Memo

To: Deliah Barrett
Licensing, Haringey Council

From: Derek Pearce
Noise Team, Haringey Council

Phone: 020 8489 5103

Phone: 020 8489 5264

Date: 30/03/2006

Re: Application to vary a premises licence.

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Applicant Details:

Star Bar, 18-20 Park Road, Crouch End, London, N8 8TD

Noise Team Comments:

1. History

Ice Bar

- 20/09/00, one complaint, advice given
- 29/12/00, one complaint, no action required
- 08/06/01, one complaint, no action required
- 23/06/01, one complaint, no action required
- 28/06/01, one complaint, no action required
- 30/06/01, one complaint, warning letter recommended
- 06/07/01, one complaint, no action required
- 11/07/01, one complaint, no action required
- 12/07/01, warning letter issued
- 14/07/01, one complaint, no action required
- 28/09/01, one complaint, advice given
- 29/09/01, one complaint, no action required
- 08/10/01, one complaint, no action required
- 28/02/02, one complaint, no action required
- 22/03/02, one complaint, no action required
- 20/04/02, one complaint, no action required
- 24/05/02, one complaint, no action required
- 31/05/02, one complaint, warning letter recommended
- 07/06/02, one complaint, warning letter recommended

- 10/06/02, warning letter sent
- 14/06/02, one complaint, Abatement Notice recommended
- 21/06/02, Abatement Notice served (however withdrawn on 16/05/03)
- 22/06/02, one complaint, no action required
- 29/06/02, one complaint, no action required
- 05/07/02, one complaint, no action required
- 23/07/02, one complaint, no action required
- 02/08/02, one complaint, no action required
- 18/08/02, one complaint, no action required
- 16/08/02, one complaint, prosecution recommended
- 22/08/02, one complaint, prosecution recommended
- 23/08/02, Ns 11 prosecution letter sent
- 30/08/02, one complaint, no action required
- 27/09/02, one complaint, prosecution recommended
- 04/10/02, one complaint, prosecution recommended
- 18/10/02, one complaint, no action required
- 01/11/02, one complaint, no action required
- 09/11/02, one complaint, prosecution recommended
- 10/11/02, one complaint, no action required
- 16/11/02, one complaint, no action required
- 29/11/02, one complaint, no action required
- 04/12/02, two complaints, no action required
- 20/12/02, one complaint, prosecution recommended
- 10/01/02, Ns 11 prosecution letter sent
- 14/03/03, one complaint, no action required
- 26/04/03, one complaint, warning letter recommended
- 01/05/03, warning letter sent
- 13/08/03, one complaint, no action required
- 26/09/04, one complaint, no action required
- 08/01/05, one complaint, warning letter recommended
- 15/01/05, one complaint, warning letter recommended
- 17/01/05, warning letter sent
- 15/01/05, one complaint, no action required
- 25/02/05, one complaint, no action required
- 26/02/05, one complaint, no action required
- 04/03/05, one complaint, Abatement Notice recommended
- 05/03/05, one complaint, no action required
- 11/03/05, Abatement Notice served
- 15/05/05, Special Warning Letter recommended
- 28/05/05, one complaint, prosecution recommended
- 21/06/05, prosecution withdrawn

Star Bar

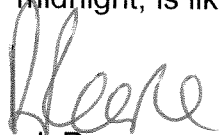
- 17/12/05, one complaint, warning letter recommended
- 30/12/05, one complaint, warning letter recommended
- 06/01/06, one complaint, warning letter recommended
- 07/01/06, one complaint, no action required
- 13/01/06, two complaints, abatement notice recommended
- 17/01/06, warning letter sent

- 21/01/06, four complaints, abatement notice recommended
- 24/01/06, one complaint,
- 08/02/06, one complaint, abatement notice recommended
- 10/02/06, one complaint, no action required
- 11/02/06, one complaint, abatement notice recommended
- 16/02/06, one complaint, abatement notice recommended
- 24/02/06, one complaint, abatement notice recommended
- 02/03/06, abatement notice served

2. Noise Team Comments:

Since the abatement notice was served there has been a marked improvement. The complainant reports that noise is not a problem at present.

However, given the history of this case, permitting recorded music Thursday to Saturday, 2300hrs till 0300hrs, and live music Tuesday and Thursday until midnight, is likely to give rise to a nuisance unless the music is well controlled.



Derek Pearce
Noise Team Leader

MEMORANDUM



Date: 16th March 2006 Tel: 5103 My Ref: DB/KB/ANN/LIC Your Ref:
From: Daliah Barrett To: See below
Section: Enforcement Services

Building Control
Food Group
Health & Safety
Noise Team
Planning
Planning Enforcement
Waste Enforcement
Legal
Cleansing Dept.
Trading Standards

APPLICATION TO VARY A PREMISES LICENCE - STAR BAR 18-20, PARK ROAD, CROUCH END, LONDON, N8 8TD

Please find enclosed a copy of an application to vary a Premises License for Star Bar 18-20, Park Road, Crouch End, London. Details of the variation are as follows

Supply of Alcohol
Sunday to Wednesday 1200 to 0100
Friday & Saturday 1200 to 0300

Regulated Entertainment

Live Music
Tuesday to Thursday 1900 to 2400

Recorded Music
Sunday to Wednesday 1200 to 0100
Thursday to Saturday 2300 to 0300

Provision of Facilities for Dancing
Sunday to Wednesday 1900 to 0100
Thursday to Saturday 1900 to 0300

All responses must be received within in 21 days, even if you have no comments a response would still be appreciated.

Daliah Barrett
Licensing Lead Officer

Dunn Brett

From: Wendy Hawley [aush.wenh@blueyonder.co.uk]
Sent: 06 April 2006 18:23
To: Dunn Brett
Cc: Licensing
Subject: Petition to silence Bysse's noisy neighbours

From: Wendy Hawley
28 Landrock Road, Crouch End,
London N8

To: Planning and Environmental Control Services Licensing Department Civic Centre,
High Road Wood Green, N22 8LE

Dear Sirs
RE: 18 - 20 Park Road, N8 8TD
Application for later opening hours.

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object for reasons of :

1. Protection of children from harm
2. Prevention of a public nuisance
3. Public safety
4. Crime and disorder
5. Noise Pollution

Yours Sincerely

Wendy Hawley
Austin Howard

.....
e-mails: 1.licensing@haringey.gov.uk or 2.
brett.dunn@haringey.gov.uk
by post: Planning and Environmental Control Services, Licensing Dept
Civic Centre, High Road, Wood Green, N22 8LE

Closing date for objections 10th of April 2006

STAR BAR
REPRESENTATIONS

Dunn Brett

From: Richard Fisher [richardfisher@onetel.net]

Sent: 09 April 2006 17:43

To: Dunn Brett

Cc: Licensing

Subject: STAR BAR - 18-20 Park Road N8

Dear Sirs

Re: Star Bar, 18-20 Park Road N8 8TD - Application for later opening hours

I write to object to the above application. We have already had problems in Crouch End owing to drunkenness and resulting violence through licensed premises remaining open for such long hours, and permitting yet longer hours will only serve to aggravate the problem.

The above premises are surrounded by flats above shops and residential property nearby, both in Park Road and Middle Lane. Such extended hours would result in disturbance to residents in need of a quiet night's sleep when the bar eventually closes and its customers finally leave.

The proposed extension does not provide anything by way of a necessary service to the public, and is clearly sought for no other reason than to increase the profits of the licensee.

Yours faithfully

J R Fisher
1 Middle Lane
N8 8PJ

The London Borough of Haringey

Licensing Team
Civic Centre
High Road
Wood Green
London
N22 8LE

RE: 18 – 20 Park Road, N8 8TD
Application for later opening hours

10 April 2006

Dear Sir/Madam

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object to reasons of:

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

Yours Sincerely



Anna Karlsson
41b Park Road
London N8 8TE

Dunn Brett

From: Anna Karlsson [karlsson.a@gmail.com]
Sent: 09 April 2006 10:01
To: Licensing; Dunn Brett
Subject: Letter of complaint, The Star, Park Road, N8

Planning and Environmental Control Services
Licensing Department
Civic Centre, High Road
Wood Green, N22 8LE

Dear Sir/Madam
RE: 18 – 20 Park Road, N8 8TD
Application for later opening hours.

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object to reasons of :

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

Yours Sincerely

Anna Karlsson
41b Park Road
London N8 8TE

.....
e-mails: 1.licensing@haringey.gov.uk or 2.brett.dunn@haringey.gov.uk
by post: Planning and Environmental Control Services, Licensing Dept
Civic Centre, High Road, Wood Green, N22 8LE

Closing date for objections 10th of April 2006

Dunn Brett

From: LCApcar05@aol.com
Sent: 07 April 2006 13:56
To: brett.dunn@haringey.go.uk
Subject: Star Bar late licence

RE: 18-20 PARK ROAD, N8 8TD
Application for late opening hours.

We the undersigned hereby strongly object to the application being made by the above premises for late opening hours to 3am Thurs-Sat & certain public & religious holidays, & 1am on other nights plus a half-hour winding-up time for the following reasons:

- 1/ Our bedrooms are facing the road & noise due to music & drunken disorderly behaviour is unbearable.
- 2/ People started vommiting & urinating under our alleway entrance.
- 3/ Our sleep is disturbed.

Yours Sincerely

D. J. Varney - 11b Park Road N8
P. Kaur - 11c Park Road N8
S. Kavri - 11d Park Road N8

Dunn Brett

From: dt201jh@gold.ac.uk
Sent: 06 April 2006 17:34
To: Licensing
Subject: Letter of Complaint

From: Mr Jacob Howard
28 Landrock Road
Hornsey
London N8 9HL

To: Planning and Environmental Control Services Licensing Department Civic Centre, High Road Wood Green, N22 8LE

Dear Sirs
RE: 18 - 20 Park Road, N8 8TD
Application for later opening hours.

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object to reasons of :

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

Yours Sincerely

Jacob Howard

Dunn Brett

From: Ellie Gill [elliegill@hotmail.com]
Sent: 10 April 2006 15:39
To: Dunn Brett
Subject: Letter of complaint

Planning and Environmental Control Services
Licensing Department
Civic Centre, High Road
Wood Green, N22 8LE

Dear Sirs
RE: 18 - 20 Park Road, N8 8TD
Application for later opening hours.

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object to reasons of :

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

Yours Sincerely

Ellie Gill

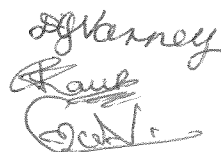
RE: 18-20 PARK ROAD, N8 8TD
Application for late opening hours.

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- 1/ Our bedrooms are facing the road & noise due to music & drunken disorderly behaviour is unbearable.
- 2/ People started vomiting & urinating under our alleyway entrance.
- 3/ Our sleep is disturbed.

Yours Sincerely

D. J. Varney - 11b Park Road N8
P. Kaur - 11c Park Road N8
S. Kavri - 11d Park Road N8



Subj: **RE: Star Bar late licence**
Date: 07/04/2006 15:29:33 GMT Standard Time
From: Brett.Dunn@haringey.gov.uk
To: LCApcar05@aol.com

Dear Sir/Madam,

Your representations have been received and recorded. However please note that you now must send a signed copy to authenticate your representation to the Licensing Authority:

Our address is:

The London Borough of Haringey
Licensing Team
Civic Centre
High Road
Wood Green
London
N22 8LE

Please note that false representations bear a maximum penalty of a £5,000 fine.

If you do not send a signed copy of this representation to the Licensing Authority your objection will not be valid.

If you have any further queries feel free to contact me on 020 8489 5544.

Yours sincerely,

Brett Dunn
LICENSING STRATEGY OFFICER

From: LCApcar05@aol.com [<mailto:LCApcar05@aol.com>]
Sent: 07 April 2006 13:56
To: brett.dunn@haringey.gov.uk
Subject: Star Bar late licence

RE: 18-20 PARK ROAD, N8 8TD
Application for late opening hours.

We the undersigned hereby strongly object to the application being made by the above premises for late opening hours to 3am Thurs-Sat & certain public & religious holidays, & 1am on other nights plus a half-hour winding-up time for the following reasons:

- 1/ Our bedrooms are facing the road & noise due to music & drunken disorderly behaviour is unbearable.
- 2/ People started vomiting & urinating under our alleyway entrance.
- 3/ Our sleep is disturbed.

Yours Sincerely

D. J. Varney - 11b Park Road N8
P. Kaur - 11c Park Road N8
S. Kavri - 11d Park Road N8

Ellie Gill,

13 Middle
Lane,
London, N8
8PJ.

10/04/06

Planning and Environmental Control Services
Licensing Department
Civic Centre, High Road
Wood Green, N22 8LE

Dear Sirs

RE: 18 – 20 Park Road, N8 8TD
Application for later opening hours.

I the undersigned hereby object to the application being made by the above premises for later opening hours to 3am Thurs-Sat and certain public and religious holidays, and 1am on other nights plus a half-hour winding-up time.

I want to object to reasons of :

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

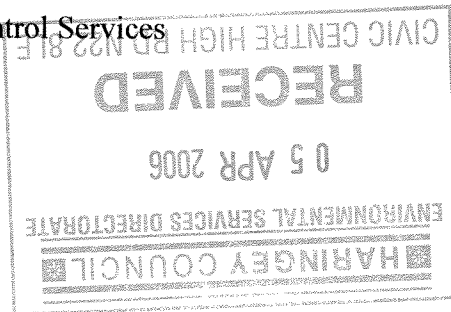
Yours Sincerely

Ellie Gill



20a Park Road
London
N8 8TD
3 April 2006

Planning and Environmental Control Services
Licensing Department
Civic Centre
High Road
Wood Green
N22 8LE



Dear Sirs

RE: 18-20 Park Rd, London, N8 8TD, Star Bar

We write to you about a Notice recently placed in the window of the above property in which the proprietors give notice that they wish to extend their hours of opening and music-playing to 3am on Thurs-Sat and certain public and religious holidays, and 1am on other nights with an extra half hour winding-up.

We write to register our objection to any application that has been made in these terms. We live in the flat upstairs from the bar, and would ask you to turn down the application on the grounds set out below.

1. Planning permission

As far as we are aware, the proposed hours of opening exceed those given in the Planning Permission granted to the premises.

The reason that the planning department originally gave for limiting the bar's hours of opening was "ensuring that the amenities of adjacent residential properties are not diminished".

Noise and smoke smell emissions from the bar already significantly affect the "amenities" of our property. Please check this with your noise and smell departments. The owners of the premises were served a Notice under Section 80 of the Environmental Protection Act 1990 on 24 February 2006, due to recurrent noise nuisance.

In our view, an increase in opening hours will result in an increase in noise nuisance from the music in the bar. Not only will the nuisance continue for longer, but due to the decrease in other ambient noise, and due to our wish to be asleep after 11pm, the nuisance will be more intense.

2. The prevention of crime and disorder

We consider that the increase in opening hours is likely to lead to an increase in alcohol-related crime and disorder. We are often witness to noise and disturbance directly outside the flat. This year alone, since the change from "Ice" to "Star", we

have witness and been disturbed by drunken people coming out of the bar: singing; vomiting; arguing; talking loudly and fighting.

Your own Crime Audit 2001 acknowledges that alcohol-related violence is a serious problem in "night-time entertainment areas", and that there is an increase in the number of arrests in those areas. With over 50 restaurants and bars in Crouch End, we consider this to be such an area. It is clear to us that an increase in opening and drinking hours inside this bar will lead to an increase in drunkenness and violence coming out of this bar.

3. The prevention of public nuisance

In our view your own Statement of Licensing Policy is relevant:

"13.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.

13.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination."

We are affected by all of the above nuisances. We are also affected by: acrid smoke rising through our floor due to the failure of ventilation in the bar; and by loud conversations held on mobile phones in the street outside of our windows.

We already suffer from sleep deprivation from Thursday through to Saturday nights, and the proposals are that we should have another two hours taken off our sleep on each of those nights plus another hour on every other night of the week.

We attach a letter signed by other close neighbours in order to show that we are not the only family to experience nuisance from the bar and to object to their proposal.

4. Protection of children from harm

As previously stated, smoke leaks up through the floor of our flat, and it concerns us that Finn Wallace (aged 1 years), who is currently living in the flat whilst Alex is working in London is regularly exposed to the smoke coming from a bar full of people. Passive smoking has been proven to be harmful to children.

5. Human Rights Act

As you will be aware, the Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law, and makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right. As far as possible, legislation, such as the Licensing Act 2003 which is before you, should be read in a manner compatible with the Convention rights.

We consider that our rights of "respect for private and family life" under Article 8 of the European Convention have been violated. Although the infringement is caused by the proprietors of the bar, we consider that responsibility for it lies with your public authority, which has allowed the bar to operate under ever-increasing hours of opening, which has so far failed to provide us with effective protection from the nuisance.

We refer you to a case brought before the European Court, *Mareno Gomez v Spain* Nov 16 2004. In this case, the Court upheld the Applicant's complaint about the failure of her area authority to take steps to prevent nuisance to her. From our point of view, the most important part of the Court finding was that the authority had a positive obligation to prevent third party infringements of the Applicant's Article 8 rights.

We consider that you have an obligation to consider our Convention rights, in particular when discussing the Licensing Objective of "public nuisance".

Please let us know of the date that you will be hearing the licensing application in order that we can be present at the meeting.

We look forward to hearing from you in this matter.

Yours faithfully

The Wallace family: Pat Wallace, Sian Barlow, Alex Wallace.

Three handwritten signatures are present, separated by dots. The first signature is 'Pat Wallace', the second is 'Sian Barlow', and the third is 'Alex Wallace'.

APPENDIX 4

NEW EVIDENCE SUBMITTED BY MS MICHEALS

The Star Bar
18-20 Park Road
Crouch End
London
NS 8TD

19.4.2006

Dear Mr. Young

Thank you for the letter sent regarding objections raised by Mrs. Wallis to our variation premises licence.

Under the No 1 heading...Planning permission Mrs Wallis has stated that noise and smell omissions from the bar significantly affect the amenities of her property. This is untrue. We were visited by a Mr Fred Rowbotham of the Enviromental Services to inspect our bar. On his inspection he thoroughly checked every aspect of the bar and stated that no smoke or smell could possibly escape and penetrate into the flat above. We spoke to Mr Rowbotham today; he is going to send us a letter to verify this which I will forward to you as soon as it arrives. He also said today and I quote Mrs Wallis called Enviromental Services to her flat about two weeks ago complaining of smoke and smells coming from the bar into her flat. On inspection, Mr Rowbotham's colleague said this was untrue - no smoke or smell of any kind was detected.

With regard to the noise abatement notice served on 24th February, we have put in an appeal as Mrs Wallis has lowered the floors and removed the soundproofing in her flat in 2 places. Photos and acoustic reports can be supplied to prove this. The noise team are aware of this, but state if they enter her premises and can hear noise that they are within their rights to serve a notice. They advised that we contact the landlord of both premises requesting his assistance in this matter. We wrote to the landlord and a copy of his reply is attached. He has stated that in his opinion, Mrs Wallis is behaving unreasonably and suggested a restraining order. The landlord's solicitor has contacted us and informed us that Mrs Wallis has lowered her floors and removed the soundproofing illegally as she did not ask the landlord for permission. The solicitor is now in the process of serving Mrs Wallis with an order to reinstate her floors and the soundproofing otherwise she will be in direct breach of the terms of her lease. So, as you can clearly appreciate, Mrs Wallis's noise problem is directly of her own making due to the illegal lowering of her floors which she has refused to put right. However this is now in the landlord's solicitors' hands and is being dealt with.

Under the heading The Prevention of Crime and Disorder Mrs Wallis has stated they are often witness to noise and disturbance directly outside her flat by drunken people coming out of the bar, vomiting, talking loudly and fighting. This is completely untrue. There has not been one fight or incidence of anyone vomiting or singing loudly. A doorman is outside the bar at weekends and has not once had to deal with any of the above accusations. The police

have never been called. There is never any litter outside as cleaners are employed. There has not been a single broken bottle or glass or urinating outside the premises

Mrs Wallis states again about smoke rising through her floors, but as previously explained Mr Rowbotham states quite clearly this is untrue. Mrs Wallis also states that there is no ventilation in the bar. This is not true there are 2 large extractors in the windows and a unit in the bar that extracts smoke. This also covers section 4 Protection of Children from harm. Mrs Wallis states that Finn Wallis, age 1, who lives in the flat is regularly exposed to smoke coming from the bar. This has been proven to be untrue.

Under the heading Human Rights Act Mrs Wallis states that her rights of respect for private and family life have been violated. This is untrue as explained in the previous sections. This covers all points raised in Mrs Wallis's objections and the letter from the landlord and from Mr Rowbotham will be forwarded to you in the post.

Please contact me if you need any more information.

Yours sincerely,

Jane Michaels

Supaspot Limited
18 Seaforth Gardens
London N21 3BS

13 March 2006

Mr R Michaels
Shop Premises
18/20 Park Road
London N8

MICHAELS

Dear Mr Michaels

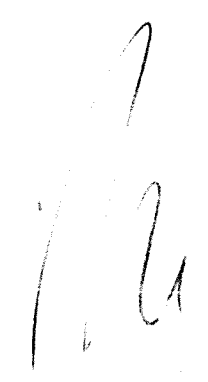
Re Shop Premises 18/20 Park Road London N8

We are sorry to hear that you are having problems with Ms Wallace, the occupant of the upper part of the property, and have asked our solicitor to contact you in order that he may act on your behalf.

In our opinion, it would seem that if she is behaving unreasonably and causing nuisance you might obtain a court restraining order. Perhaps this is something that you might discuss.

We take this opportunity to draw your attention to our letters dated 3 February 2006, copy enclosed, and 5 January 2006, and ask that you address the issue therein and pay £62.50 which you still owe.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. G.' or similar, written over a faint circular stamp.

charge at the offices of SPW
Poppleton & Appleby, Gable
House, 239 Regents Park Road,
Finchley, London, N3 3LF on
the two business days prior to
the meeting.

Dated this Tuesday 14th day of
March 2006

By Order of the Board
C Giambrone, Director

**NOTICE OF APPLICATION
MADE UNDER THE LICENSING
ACT 2003**

Notice is given that Ricky
Michaels has applied to the
London Borough of Haringey for
variation of a premises licence for
the premises at 18/20 Park Road,
Crouch End, London, N8 8TD
known as The Star for the follow-
ing variation - To extend licens-
ing hours on Thursdays, Fridays
and Saturdays until 3 am the fol-
lowing day and Sundays to
Wednesdays until 1 am the fol-
lowing day both with 30 minutes
wind down. To extend hours on St
Georges Day, St Patricks Day, St
Valentines Day, Christmas Day
and Boxing Day until 3 am the
following day. To provide live
music on Tuesday, Wednesday
and Thursday from 19.00 pm
until midnight. To extend the pro-
vision of recorded music on
Thursday, Friday and Saturday
until 3.00 am and Sunday to
Wednesday until 1.00 am. To pro-
vide facilities for dancing on
Sunday to Wednesday from 19.00
pm until 01.00 am and Thursday,
Friday and Saturday from 19.00
pm until 3.00 am.

Anyone wishing to make repre-
sentations about this application
must give notice in writing speci-
fying the grounds of representa-
tion to the London Borough of
Haringey, Environmental
Services, 639 High Road,
London, N17 8BD to be received
by 10th April 2006.

Please note it is an offence to
knowingly or recklessly make a
false statement in connection
with an application and may be
prosecuted by this authority
where on summary conviction
you will be liable to a fine of
£5,000.

Persons making representations
will be invited to attend in person
a public hearing before a com-
mittee of the council.

A record of the application may
be inspected at London Borough
of Haringey, 639 High Road,
London, N17 8BD

MICHAEL SEGEN &

7TH FLOOR, BATH 1
52 HOLBORN VIADU
EC1A 2FD

Solicitors for the said Ex.

**Licensing Act
Notice of Applica
a Premises Lic**

NOTICE IS HEREBY
that Hornsey Vale C
Association have appl
Licensing Authority
Borough of Haring
premises License
Annual Community e
as the May Day
Firework Night Cele
occasional events
International Evenin
the Park and quiz nig
premises: Horns
Community Centre at
Park, Mayfield, Ro
N8 9LP.

A register of
applications can be
Environment Service
Rd, Tottenham, Lonc
or www.haringey.gov
Representations mu
writing to the LE
Licensing Team at
above no la
April 7th 2006.

Dated this ?? day of
Signed: Hornsey Vale
Community Associati

**L
GRANT**

Notice is given
Islington Council
premises licence,
premises known as
Street, Farringdon
licensable activitie
for consumption
and 2300 hours.

Anyone who wish
this application m
Public Protection
N1 1RE. Represe
8th April 2006.

be viewed betv
address or at w

It is an offenc
2003 knowin
in connectio
for which a
the offence
(£5,000).

Dorset Li
Authoris

01202 6

Enforcement Service

Civic Centre, High Road, Wood Green, London, N22 8LE
Tel. 0208 489 5183
Fax. 0208 489 5578

Mr R Michaels
The Star Bar
20 Park Road
Crouch End
London N8 8TD

Our Ref. ES/ES/FRR

Your Ref.

This matter is being dealt
with by Fred Robotham

10 April 2006

Dear Sir,

RE: STAR BAR, 20 Park Road, N8
Smoke Complaint

I refer to our recent telephone conversation regarding the above matter.

I write to confirm that an officer visited the flat above on the 17th March 2006 at about 23:40. His observations were. "I caught a whiff of what could have been tobacco smoke when entering the front bedroom, but it went quickly". No smell of smoke anywhere else.

Should you require any further information please do not hesitate to contact me.

Yours faithfully



Fred Robotham
Scientific Officer

Environmental Services

Planning & Environmental Control Service
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000 Fax: 020 8489 5530
Minicom: 020 8489 5549

Inventornet Ltd.,
T/A: Ice Bar,
18-20, Park Road,
London, N8.

Your Ref:

Our Ref: ES/PECS/DRG/NT/K/JH

Contact: Ian Kelly

Ext: 5250

Date: 16th April 2003

For the attention of Mr. Richard Cooney and Mr. Chetan Dave

Dear Sirs,

Re: Environmental Protection Act 1990, Part III
Noise Nuisance
Ice Bar, 18-20 Park Road, London, N8

I refer to my meeting at these offices with your Mr. Richard Cooney and Mr. Chetan Dave to discuss this department's action in respect of the noise outbreak from your premises into the dwelling above.

I have considered the information you have provided and in particular:-

- 1) Report and recommendations of Shaun Murkett Acoustics Consultants Ltd dated 14th October 2000 concerning the provision of sound insulation for the conversion of the premises to a licenced bar.
- 2) Report and recommendations of Shaun Murkett Acoustics Consultants Ltd dated 2nd July 2002 concerning the provision of additional sound insulation to the bar, following service of a Noise Abatement Notice dated 21st June 2002.
- 3) Building plans held by the Building Control Group of this department.
- 4) Letter from Shaun Murkett Acoustics Consultants Ltd dated 24th March 2003 which describes their findings and recommendations in September/October 2000 and June 2002, and the reasons for those recommendations.
- 5) Report dated 14th March 2003 from Paul J. Spence Chartered Surveyor dealing with the areas of the floor which were lowered in the dwelling above your premises.
- 6) Letter dated 8th April 2003 from Paul J. Spence Chartered Surveyor dealing with the void between the original ceiling of the ground floor premises and the floor of the first floor premises and how the void is demised to you as the leaseholder of the ground floor and to the leaseholder of the first floor dwelling.

Having regard to the circumstances of this case it has been decided that the Council will not proceed against you for the contraventions of the Noise Abatement Notice which were witnessed on 16th and 22nd August 2002 and on 20th December 2002. I am of the opinion that had all the facts of this case been available to this department in June 2002 then a Noise Abatement Notice would not have been served on you. I have taken legal advice on maintaining the Notice in force and I am able to inform you that the Noise Abatement Notice dated 21st June 2002 is withdrawn with immediate effect.

Environmental Services

Planning & Environmental Control Service
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000 Fax: 020 8489 5530
Minicom: 020 8489 5549

Mrs. P. Wallace,
20A, Park Road,
London, N8 8TD.

Your Ref:
Our Ref: ES/PECS/DRG/NT/IK/JH
Contact: Ian Kelly
Ext: 5250
Date: 16th April 2003

Dear Mrs. Wallace,

**Re: Environmental Protection Act 1990, Part III
Noise Nuisance
Ice Bar, 18-20 Park Road, London, N8**

I refer to your complaints about noise from the above premises and the action taken by this department.

The proprietors of Ice Bar, Inventornet Ltd., have claimed for some time that the noise outbreak from their premises into your home only arose after areas of your floor were lowered sometime after the change of use of the ground floor to a licenced bar when I visited your home on 29th August 2002, one of the lowered floor areas was in use as a bathroom and you and your son told me that the other area was to be fitted as a kitchen. At the time of my visit on 29th August 2002 I was not aware that the floor areas had been lowered below the level existing at the time of the change of use of the ground floor.

My department has recently been provided with information from acoustics consultants and a chartered surveyor employed by Invenornet Ltd which confirms that the floor was lowered after the ground floor became a bar in 2000 and that the sound insulation between the bar and your home was reduced as a result. I must now conclude that the noise outbreak into your flat arose as a result of lowering the 2 areas of floor and consequently that it was incorrect to serve the Noise Abatement Notice on Inventornet Ltd because the noise nuisance did not arise as a result of their actions.

I understand that the floor area in the rear right hand corner has now been reinstated within your flat, but that the bathroom retains the lowered floor. Unless effective sound insulation works have been carried out to the bathroom floor and the walls below the main floor level, then the sound insulation in this area will remain poor and noise nuisance may continue to arise. If alternative works have not been carried out the best way to return the sound insulation to the required standard is probably to reinstate the floor to the main floor level and replace any sound insulation materials which may have been removed when the floor was lowered.

If you require any further clarification of the contents of this letter please do not hesitate to contact me.

Enclosed is a copy of a letter of even date, to Inventornet Ltd, informing that that they will not be prosecuted for breaches of the Noise Abatement Notice and that the Notice is being withdrawn with immediate effect. A copy of this letter is being sent to Inventornet Ltd.

Yours sincerely,



Ian Kelly
Noise Co-ordinator

End.

Director **Peter Norton**
Assistant Director - Planning & Environmental Control Service **Shifa Mustafa**

MALCOLM DEAR WHITFIELD EVANS LLP
SOLICITORS

297-299 Keston Lane, Keston, Harrow, Middlesex, HA1 3AF
Telephone: (20) 8907 1366 DX 47508 Keston Fax: (20) 8907 5143 E-mail: evans@mdwe-law.com

Your Ref:

Our Ref: NAE JB MISC/MICHAELS

04 May 2006

Mr Jane Michaels
87 Osier Crescent
Muswell Hill
London
N10 1QT

Dear Mr Michaels,

Re: 18-20 Park Road Crouch End

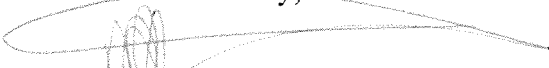
Further to our recent telephone conversation, I write to confirm that I am instructed on behalf of Supaspot Limited and we are aware of the structural alterations made to the property by the tenant of the first floor.

I would advise you that we are aware that this has exasperated the situation with regard to noise suffered by the tenant of upstairs due to her having removed certain soundproofing material.

We are arranging to serve a 146 Notice upon the residential tenant requiring her to rectify the unauthorised alteration which in itself should lead to resolving her own problems with regard to the alleged noise emanating from the Bar.

I anticipate issuing this Notice within the next few days.

Yours sincerely,


NEIL A. EVANS
n.evans@mdwe-law.com

Report on Noise survey at The Ice Bar, 20 Park Rd. Crouch End, London N8

Date of report 2nd July 2002
Dates of visits. Thursday 27th June
Present. Richard Cooney; Cheetn; Shaun Murkett,
Location. Ice Bar, 18-20 Park Rd. Crouch End, London N8
Purpose. To conduct a noise survey and investigation.
Author of report. Shaun Murkett BSc. C.Eng. MIEE. MIOA.

1 Executive summary

- 1.1 The bar appears to be well run and managed, however the local authority had concerns about noise breakout in the evening, and a noise abatement order has been served. This report gives suggestions and recommendations, and addresses those concerns.
- 1.2 The bar has been investigated for building construction and potential noise problems. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.
- 1.3 Noise break-out was observed initially, and requires some immediate attention for the bar to be able to play music at a reasonable volume without any complaints, especially to meet the requirements of the noise abatement order.
- 1.4 A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations was made, and these have been put into action. The improvements to the building will have long term benefits and enable the bar management to fulfil all the necessary local authority noise criteria.
- 1.5 When these works are complete then a final noise test should be performed. This will involve the setting up and calibration of the limiter and an inaudibility test, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide reasonable grounds for lifting the abatement order in due course.

1 Clissold Road, Stoke Newington, London N16 9EX
tel 020 7923 7275 fax 020 7503 4917
mb 07956 367598 e-mail murkett@aol.com
registered company no. 3708245 vat. reg no. 778 - 2825 - 80

Managing Director and Principal consultant: Shaun Murkett BSc. C.Eng. MIEE. MIOA

2 Introduction and Background.

2.1 This report was commissioned by Richard Cooney, of the Ice Bar investigate the noise situation. A resident has made complaints to the local authority and after a visit a noise abatement order has been served. The local authority has asked for an independent acoustic consultants' report into the noise situation. There has been some concern about the effectiveness of the building construction to contain noise break out. This report will address those concerns and give advice on how to meet the noise criteria set by the authority. Our first report on the Ice Bar at 20 Park Rd, Crouch End was dated the 14th October 2000 and this report detailed that a transmissions test was carried out and advice was given for improving the soundproofing and the report made recommendations for the conversion to A3 use for background music in the bar.

2.2 History.

The Ice Bar has now been in operation for over a year since the complete refurbishment and has been playing music in the evenings under the present operation since the bar opened. It is understood that a lot of work has already been done to improve the building in terms of soundproofing and interior décor of the bar; this was detailed in our previous report. The independent suspended ceiling has been installed and additional plasterboard was applied to the existing ceiling and all the holes made good. Background music has been played through a permanently installed CD sound system. It is understood that there have only been one or two complaints to the bar manager directly about the noise and the management responded immediately. The Local Authority Environmental Health Officer has visited recently and there was an alleged noise issue and they served a Noise Abatement Order to prevent any further noise nuisance. At the time of the alleged noise nuisance it is understood that the prime concern of the officers involved and the residents was the sound of peoples' voices gathered around the bar area towards the rear of the bar. It was confirmed there was no excessive noise break-out from the front of the bar. The Local Authority's main concern is primarily about noise break-out to the residents above. Relations with the local police are good. It is understood that they have not been called to the bar since the refurbishment. The bar is licensed for around 150 people in total.

2.3 Location. (See the sketch map and photographs).

The two storey terraced building is located on the busy Park Road of Crouch End. To the north adjoining the bar is a large commercial premises, to the west over the road are shops and residential accommodation above. To the south is commercial premises with residential accommodation above. To the east is the back yard and gardens with residential accommodation behind. The area is mixed commercial and residential with many shops, bars and pubs in the area, many of which have late licenses for music and dancing.

Nearby residents.

The nearest residents live directly above the bar in 20a Park Road. There are also residential flats above the shops and bars opposite at a distance of about 20m.

2.4 Local authority noise criteria.

The local authority noise team criteria is basically to prevent a noise nuisance, and is generally for no difference or increase in Laeq sound level after 11pm measured in the residents home between when the music is on and when off in the bar. This amounts to near inaudibility of the bar music at the nearest residents' home, after 11pm.

2.5 Operating times.

The bar now has a supper license until 12 midnight on Friday and Saturday evenings. For the rest of the week it operates until from around late afternoon, until 11.00 pm.

2.6 Layout and construction of bar. (See sketch map and photographs)

The main part of the bar is on the ground floor, and is one large area with the bar serving area towards the rear. There are toilets to the rear with a disabled toilet to the side. The building is made of brickwork with substantial party walls of at least 15" thick. The width of the bar is about 8m and this wall is mainly windows and doors directly onto the pavement of Park Road. The depth of the bar is about 8m and the ceiling height is about 2.2 m. There are two supporting columns in the centre of the room.

2.7 Ventilation.

The bar at present is ventilated by a mechanical extract system with fans pulling air in and out from the grilles located in the front windows onto Park Road. It is intended in the future, to install a full air conditioning system within intake and extract on the windows of this side of the bar.

2.8 Sound system. Main bar.

There was a simple background sound system owned by the management and permanently installed. This comprised a Technics Hi Fi amplifier V620 and a Technics CD player behind the bar with a pair of medium sized, full range Bose loudspeakers located in each corner of the bar at the rear, and a sub-base loud speaker unit, was located under the bar. There were no limiters or volume controllers fitted to the sound system; at present the sound levels are controlled by the bar management. The DJ when playing on the Friday or Saturday evening plugs his mixer into a socket near the front window wall and the amplifier is switched to play the DJ music direct from his mixer.

Proposed Limiter installation.

It is recommended to install a Formula Sound AVC 2 volume controller to ensure that the internal sound levels do not exceed a set level; this is now becoming the normal requirement for any licenced venue in London which has a music and dance licence music after 11pm.

2.9 Mode of operation.

The DJs set up around 8.00 pm on Friday nights and Saturday nights and play until the end of the evening. In the evenings at weekends there are always two registered security staff employed throughout the bar.

3 Measurements and Observations.

3.1 Evening visit. Thursday 27th June 2002 9.00 pm – 1.00 am

The visit was made to meet the management team and to inspect the premises and look at the construction of the building, and to get an idea of the layout of the bar and location, and relation to nearby residents.

This visit was also to determine any noise break out routes and to discuss the local authority requirements of a late entertainment licence, and to produce an immediate list of recommendations to the bar management. Background noise levels were measured outside before the music was started and then later with music playing. The sound system was set up and music played at a loud volume sufficient to indicate the potential noise breakout routes, and the sound level meter set up to measure the music sound level. The music level was set to give the manager an idea for the kind of level that would be acceptable without a major building work program. If this needed to be increased in the future then more substantial building work would be considered and a fresh evaluation of the situation commissioned.

The building construction was examined and the effectiveness of the doors, windows, walls, and roof of the building was then checked on a simple basis by walking around outside and listening critically, accompanied by the manager.

Arrangements had been previously made with the residents living above and access was kindly granted to the flat directly above the bar. The flat had changed significantly since my last visit when the refurbishment of the bar was being considered as part of the first report dated 14 October. A new floor had been installed in the large, open plan area, a sunken kitchen area made, and a similar shower room. Visits were made to the residents and transmission tests undertaken. The main room above the bar to the right comprises one open plan area with a kitchen to the rear in a sunken section of the room, sunken by about 500mm to an area of 4m by 3m. The flat is arranged as a two bedroom flat with one large bedroom and kitchen/lounge immediately above the bar. The lounge and bedroom windows have been double glazed but traffic noise could still be heard easily. There was a large skylight in the middle of the room (which had no opening windows) and a door on the rear wall, also with no opening windows. There is now a new shower room leading off the main open plan room, also in a sunken area.

3.2 Noise breakout points

- Sunken area where the proposed kitchen will be placed, especially the wall separating the sunken area from the rest of the open plan area.

Sunken Kitchen Area

Building work

The sunken kitchen area has been recessed by 500mm from the normal floor level of the rest of the flat. This was not the situation upon the first visit made over a year ago and while the refurbishment was underway in the bar, the refurbishment was also started in the upstairs flat. There was a void which both parties believed belonged to the other one. The result is that the independent suspended ceiling which covers the rest of the bar area has not been installed in this area. Sinking the kitchen floor of the flat above has gained more head room in this area due to a reduced ceiling height above that part of the flat but has in fact reduced the effectiveness of the original soundproofing. A test pilot drill was drilled through the wall to come out into the bar area below to confirm distances and depths of the construction. The soundproofing as specified in the previous report was inspected as best could be with access holes and confirmed the quantity of Rockwool and the depths were as specified. An inspection was made of the independent joists. The noise breakout appeared to be coming particularly from the internal wall in the sunken area, especially around the service pipes for the plumbing and an access hole was left available to investigate further. The sound of

people talking could be distinctly heard and music noise also. Throughout the rest of the flat, the noise breakout was predominantly from this area and the base "thump" was also particularly noticed.

3.3 Initial discussions, for immediate recommendations

Discussions were held with the management about what had already been done about noise control, and some possible solutions to improve the noise break out which could be put into place quickly. A list of recommendations was discussed and is summarised in the discussion section of this report. The soundproofing and construction of the ceiling of the bar was inspected, especially in the sunken area and since access would effectively make the improvements more effective in this area this would be the first part to make a start on solving this detailing problem of noise breakthrough through the wall

3.4 Sound measurements and locations.

The main monitoring locations were chosen, and sound levels measured. The main sound level meter, a CEL 593 type 1 sound analyser, was used at a height of 1.2m on a tripod.

The meter was set in third octave and octave band environment mode and snapshot mode as appropriate to each measurement period.

The meter was used with a wind shield, and calibrated before and after the survey. The weather was about 15°C, dry and calm.

The monitor locations were chosen as below;

- A in the centre of the bar, some 4 m from the nearest loudspeaker
- B in the centre of the flat above, in the residence.

4 Results and Analysis.

4.1 Music sound levels inside bar.

The sound system was set with a CD playing at a loud volume for the purposes of the tests and measured a distance at around 4 m from the nearest speaker. The sound level meter was set in octave band snap shop mode and gave the result in terms of music sound level in Leq. Initial music sound level was 75 dBA Laeq. Although this was fairly quiet for a bar, it was just audible in the resident's flat above. Later, when the music was turned up to a higher level at approximately 90 dBA Laeq it was certainly audible and the bass could clearly be heard and individual vocals.

5 Discussion.

5.1 The bar has been investigated for building construction and potential noise break out. Noise levels have been monitored, at various locations around the bar, with the music off, and then with the music on, at typical times of the day.

The bar appears to be well run and managed, however there has been some concern from the local authority about noise breakout, on two occasions, and this has resulted in a noise abatement order being served. The construction of the building was examined and potential sources of noise break out identified and pointed out to the management. A detailed list of recommendations was discussed with the manager after the first visit and most of these are now being fully considered.

5.2 Sound system and sound levels measured in bar.

The inhouse sound system equipment was all in good condition and sounded OK; although the speakers were not in the most effective positions in the bar. Standing near the bar the predominant sound was from the sub bass speaker which was located under the bar and the sound was not crisp at all. This is not the ideal position as it is near the bar and away from the customers and also there is a fairly good structural route up to the flat above through the supporting walls. Discussions were held to improve the quality of the sound system for the audience in the main area by the addition of some small full range speakers on brackets with anti vibration mounts, or anti vibration foam mat, and to remove the sub bass unit completely. Part of the system has two existing full range medium sized Bose loudspeakers. These are fairly adequate and could be retained on anti vibration mats, but away from the ceiling.

5.3 Noise reduction measures

A simple immediate solution would be to turn down the volume of the music to a lower level, and keep it at this level. Although some reduction in music sound level may be desirable, the bar is operating as an entertainment venue and it would not be realistic to reduce the sound level to very low levels as this would become unviable as a music business.

Of course the more improvements are made to the construction of the building the louder the music can be without giving rise to complaints. To continue to play the music at a reasonable volume some immediate basic soundproofing improvements to reduce the noise breakout are recommended, and are detailed below.

5.4 Noise breakout routes and proposed solutions. (See sketches).

Potential Noise breakout at the following areas:-

- Kitchen sunken area in flat above, particularly around the internal wall separating the kitchen area from the rest of the open plan room.

5.5 Proposed solutions.

Soundproofing.

The basic soundproofing improvements detailed below, when complete, will enable the music sound levels in the bar to be operated at a reasonable level, if desired, and still meet the criteria of the local authority. If the sound levels are required to operate at a much higher level, then much more substantial building work will be necessary. The volume controllers would then need be re-calibrated and set for a sound limit that still meets the criteria when all the building work improvements have been completed. The building works could be considered in phases to see if more work is necessary to still maintain the sound level, or if a reduction in sound level is acceptable then less building work is needed. Note that building control and also the fire officer must give confirmation of acceptance after these works are complete.

5.6 List of initial Recommendations for Ice Bar.

Building works. (See sketches).

Bar Area Ceiling

It is recommended to install under this section, within the bar area, a completely new independent suspended ceiling comprising 3 layers of 15 mm plasterboard with 100 ml of RW3 rockwool infill in the void above. This construction should still allow reasonable working access to the bar below and maintain sufficient ventilation for the bar area. The construction should not touch the existing supporting front and rear beam in the bar area. The construction will be supported from the existing suspended ceiling in the main part of the bar area and the wall hangers fixed to the rear wall on the east side.

Kitchen sunken area, resident's flat. See sketch

This is the weakest part of the new floor construction that has been recently installed in the flat. Given the resident's expenditure and time constructing a hard oak floor in this area and the consequent expense and labour involved in removing this to improve their floor to a suitable standard, it is recommended to concentrate on the internal wall as a first stage, and only to consider improving the floor at a later stage if necessary. The internal wall should have a layer of 19 mm plasterboard soundboard plank attached over the complete area, floor to ceiling and effectively screwed and fixed to the existing wall to substantially increase the mass. It is further recommended to construct an independent stud wall with 2" joists at 600 centres separated from the existing wall by 20 mm and for this wall to be clad with two layers of 15 mm DB sound check plasterboard with 50 mm of RW Rockwool infill. All existing gaps and air spaces should be sealed air tight with mastik, particular needs to be made for access for services into the kitchen; It is recommended to use small, cotton or canvas, sand filled bags to tuck around the pipes on completion and then seal with the finished plasterboard leaving the absolute minimum of air space around.

New additional independent ceiling in bar below sunken kitchen area See sketch

2 layers of 19 mm chiprock plank plasterboard should be fixed to the existing ceiling and sealed at the edge with low modulus mastik. A new ceiling comprising 3 layers of 15 mm soundcheck plasterboard should be installed, supported such that the plasterboard clears the existing beams by a distance of 20 mm. The joists should be on 300 mm centres and supported by joist hangers on the rear east wall and the brickwork beam. The front-rear beam boxing in, should be supplemented by three layers of 15 mm chalk plasterboard and then at a distance of 100 mm a small independent wall section installed.

Second phase.

It is recommended to inspect and re-test the system and then to consider improving the overall mass of the floor in the sunken area and the isolation by consideration of a floating floor with a new flooring system if the noise breakthrough is still sufficient to be causing a problem..

5.7 Sound system.

Main bar.

It is recommended to:-

- Remove the very small Bose speakers and the sub bass unit completely.
- Install 4 additional full range, small loudspeaker units on brackets and shelves, each equipped with anti-vibration foam mat away from the ceiling.
- The 2 full range, existing Bose loudspeakers at the front of the bar should be retained and installed on an anti-vibration mat.
- Install formula sound AVC2 volume control as discussed.
- Consultant to calibrate controller when all building work complete and sound system ok.
- Install AVC 2 volume controller as discussed,
- Consultant to calibrate controller when all building work complete and sound system OK.

5.8 Volume limiters and controllers.

It is generally understood that most local authorities now require licensed premises in operation with music after 11pm to have some kind of volume controller or limiting device to control sound levels. The use of a volume controller does give a lot of peace of mind to senior management when the possibility of complaints exists with music noise breakout.

This will ensure that in future the local authority noise criteria is always met, and there are no more complaints. The management is also given more peace of mind with new staff, who generally are not so aware of the problems caused by high sound levels.

The volume controller can be installed and then set up and calibrated to a set music sound level which is determined by listening outside the bar. It is recommended to use a Formula Sound AVC 2 which has been successfully used in many similar situations. Obviously when the soundproofing improvements are complete then this level can be higher since the noise break-out will be reduced. When the local authority noise criteria is met near the residents for inaudibility after 11pm the music sound level is set on the controller and the unit is calibrated. A full certificate of calibration is then issued by the consultant.

5.9 Staff and management procedure.

It is essential that all the staff are made aware of the noise implications to the business and the consequences of further noise complaints. A briefing is recommended to inform staff, with notices to remind staff placed in the bar. Lobby doors should be kept closed as much as possible as this forms a clear route for the music noise to break out; customers must be persuaded not to linger around near the doors and come in and out as quickly as possible.

Regular checks should be made outside by simply listening late in the evening to confirm very low audible music noise outside near any residents.

A set of notices posted on each of the exit doors would remind customers of the noise situation and ask them to respect the neighbours and leave as quietly as possible.

5.10 Door security, and outside bar.

Security doormen, registered with the local authority are essential after 11pm to control the customers entering and leaving the bar; a good doorman can make a big difference in the behaviour of the customers, and prevent unnecessary shouting and car door slamming. This is already in place and working successfully.

5.11 Progress so far.

The bar management are well aware of the implications of the noise issues surrounding the bar, and have taken professional advice in commissioning this report to investigate the noise situation.

Immediate instructions have been given to contractors based on the recommendations given in this report. They are currently doing as much as possible to implement the recommendations made in this report as quickly as possible in order to meet the noise criteria of the local authority and to keep any disturbance to nearby residents to the absolute minimum. Most of the building works are now being implemented, and the limiters considered. The inaudibility criteria has yet to be confirmed at the nearest residents, when most of the building work is complete, and the changes to the sound system. Most of the building works are now being implemented and the limiters have been ordered. The noise criteria has yet to be confirmed at the nearest residence, when most of the building work is complete and the changes to the sound system are finalised.

5.13 Noise abatement order.

The local authority noise criteria for a late licence application after 11pm is one of inaudibility at the nearest residents house. There has been some noise break out observed, however the noise reduction measures recommended in this report should achieve that requirement and a simple inspection after the final recommendations are complete will confirm the acceptability of the bar. The bar management will then have fulfilled all the requirements and conditions of the local authority noise abatement order. After a short time of acceptance that noise breakout will not occur again and the control over sound levels is confirmed then the abatement order should be able to be lifted in due course.

6 Conclusion and Recommendations.

6.1 The bar appears to be well run and managed, however the local authority had concerns about noise breakout in the evening, and a noise abatement order has been served.

6.2 The bar has been investigated for building construction and potential noise problems. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.

6.3 Noise break-out was observed initially, and requires some immediate attention for the bar to be able to play music at a reasonable volume without any complaints, especially to meet the requirements of the noise abatement order.

6.4 A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations was made, and these have been put into action. The improvements to the building will have long term benefits and enable the bar management to fulfil all the necessary local authority noise criteria.

6.5 The bar management are well aware of the implications of the noise issues surrounding the bar, and have taken professional advice in commissioning this report to investigate the noise situation. They are currently doing as much as possible to implement the recommendations made in this report as quickly as possible in order to meet the conditions of the abatement order, and to keep any disturbance to nearby residents to the absolute minimum.

6.6 When these works are complete then a final noise test should be performed. This will involve the setting up and calibration of the limiter and an inaudibility test, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide reasonable grounds for lifting the abatement order in due course.

6.7 List of initial Recommendations for Ice Bar.

Building works.

- In bar, install independent suspended ceiling around lowered bar ceiling under sunken kitchen area.
- In resident's flat install additional plasterboard to existing wall, seal all air gaps and install independent additional wall.

Sound system.**Main bar**

- Remove the very small Bose speakers and the sub bass unit completely.
- Install 4 additional full range, small loudspeaker units on brackets and shelves, each equipped with anti-vibration foam mat away from the ceiling.
- The 2 full range, existing Bose loudspeakers at the front of the bar should be retained and installed on an anti-vibration mat
- Install all speakers on anti-vibration foam mat (shelves).
- Install formula sound AVC2 Controller volume control as discussed.
- Consultant to calibrate controller when all building work complete and sound system finalised.
- Do not allow any additional amplifiers and speakers to be used by DJs.

Staff management.

- Keep all windows closed after 7 pm
- Keep all lobby doors closed as much as possible.
- Do not allow DJs to bring additional amplifiers and speakers..
- Perform regular sound checks outside to confirm absence of music noise breakout.
- Prevent customers lingering under direction of security staff.
- Sufficient Registered security staff on doors to supervise clients leaving late at night.
- Remind all staff of the noise issues; briefing to staff and notices in kitchen and bar.
- Instruct staff in operating sound system correctly, and advising musicians.
- Notices posted asking customers to respect the neighbours and to leave quietly.
- Calibrate and service the controllers annually to maintain licence conditions.

Shaun Murkett 2nd July 2002

Environmental Services

Planning & Environmental Control Service
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000 Fax: 020 8489 5530
Minicom: 020 8489 5549

Your Ref:
Our Ref: ES/PECS/DRG/NT/IK/JH
Contact: Ian Kelly
Ext: 5250
Date: 16th April 2003

Mrs. P. Wallace,
20A, Park Road,
London, N8 8TD.

Dear Mrs. Wallace,

**Re: Environmental Protection Act 1990, Part III
Noise Nuisance
Ice Bar, 18-20 Park Road, London, N8**

I refer to your complaints about noise from the above premises and the action taken by this department.

The proprietors of Ice Bar, Inventornet Ltd., have claimed for some time that the noise outbreak from their premises into your home only arose after areas of your floor were lowered sometime after the change of use of the ground floor to a licenced bar when I visited your home on 29th August 2002, one of the lowered floor areas was in use as a bathroom and you and your son told me that the other area was to be fitted as a kitchen. At the time of my visit on 29th August 2002 I was not aware that the floor areas had been lowered below the level existing at the time of the change of use of the ground floor.

My department has recently been provided with information from acoustics consultants and a chartered surveyor employed by Invenornet Ltd which confirms that the floor was lowered after the ground floor became a bar in 2000 and that the sound insulation between the bar and your home was reduced as a result. I must now conclude that the noise outbreak into your flat arose as a result of lowering the 2 areas of floor and consequently that it was incorrect to serve the Noise Abatement Notice on Inventornet Ltd because the noise nuisance did not arise as a result of their actions.

I understand that the floor area in the rear right hand corner has now been reinstated within your flat, but that the bathroom retains the lowered floor. Unless effective sound insulation works have been carried out to the bathroom floor and the walls below the main floor level, then the sound insulation in this area will remain poor and noise nuisance may continue to arise. If alternative works have not been carried out the best way to return the sound insulation to the required standard is probably to reinstate the floor to the main floor level and replace any sound insulation materials which may have been removed when the floor was lowered.

If you require any further clarification of the contents of this letter please do not hesitate to contact me.

Enclosed is a copy of a letter of even date, to Inventornet Ltd, informing that that they will not be prosecuted for breaches of the Noise Abatement Notice and that the Notice is being withdrawn with immediate effect. A copy of this letter is being sent to Inventornet Ltd.

Yours sincerely,



Ian Kelly
Noise Co-ordinator

Encl.

Environmental Services

Planning & Environmental Control Service
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000 Fax: 020 8489 5530
Minicom: 020 8489 5549

Your Ref:
Our Ref: ES/PECS/DRG/NT/IK/JH
Contact: Ian Kelly
Ext: 5250
Date: 16th April 2003

Inventornet Ltd.,
T/A: Ice Bar,
18-20, Park Road,
London, N8.

For the attention of Mr. Richard Cooney and Mr. Chetan Dave

Dear Sirs,

**Re: Environmental Protection Act 1990, Part III
Noise Nuisance
Ice Bar, 18-20 Park Road, London, N8**

I refer to my meeting at these offices with your Mr. Richard Cooney and Mr. Chetan Dave to discuss this department's action in respect of the noise outbreak from your premises into the dwelling above.

I have considered the information you have provided and in particular:-

- 1) Report and recommendations of Shaun Murkett Acoustics Consultants Ltd dated 14th October 2000 concerning the provision of sound insulation for the conversion of the premises to a licenced bar.
- 2) Report and recommendations of Shaun Murkett Acoustics Consultants Ltd dated 2nd July 2002 concerning the provision of additional sound insulation to the bar, following service of a Noise Abatement Notice dated 21st June 2002.
- 3) Building plans held by the Building Control Group of this department.
- 4) Letter from Shaun Murkett Acoustics Consultants Ltd dated 24th March 2003 which describes their findings and recommendations in September/October 2000 and June 2002, and the reasons for those recommendations.
- 5) Report dated 14th March 2003 from Paul J. Spence Chartered Surveyor dealing with the areas of the floor which were lowered in the dwelling above your premises.
- 6) Letter dated 8th April 2003 from Paul J. Spence Chartered Surveyor dealing with the void between the original ceiling of the ground floor premises and the floor of the first floor premises and how the void is demised to you as the leaseholder of the ground floor and to the leaseholder of the first floor dwelling.

Having regard to the circumstances of this case it has been decided that the Council will not proceed against you for the contraventions of the Noise Abatement Notice which were witnessed on 16th and 22nd August 2002 and on 20th December 2002. I am of the opinion that had all the facts of this case been available to this department in June 2002 then a Noise Abatement Notice would not have been served on you. I have taken legal advice on maintaining the Notice in force and I am able to inform you that the Noise Abatement Notice dated 21st June 2002 is withdrawn with immediate effect.



Richard Cooney
Ice Bar
18/20 Park Road
London N8 8TD

14 March 2003

Dear Richard,

20A PARK ROAD, N8 8TD

I have now had an opportunity to inspect Flat 20A above your bar and would report as follows: -

The son of the Leaseholder of the flat claims that when you saw the floor above the bar opened up and lowered, this was because he was working in this area laying triple plasterboard sound-proofing to reduce the noise coming from below.

As you can see from the photograph, the floor has now been raised back to the original level of the flooring throughout the rest of the flat (except the bathroom) and an oak-strip finish laid on top.

Since complaints were made to the Local Authority concerning noise emanating from your bar (and I understand from you that a restrictor was fitted to the sound system at that time), Mrs Wallace has not heard any further noise. She claims that she is experiencing 'quite enjoyment' at present.

The bathroom floor is at a lower level and is immediately above the toilets to your premises. It would appear from what you have said that this floor has been lowered by the Leaseholder since the grant of her Lease (1996). It is likely that this work was carried out as the roof level at this point in the building is slightly lower than other areas. Assuming that she has not obtained formal permission from the Freeholder to carry out these alterations, then she would be in breach of her Lease. She is now claiming that there is no noise problem from this area, however it would seem to me that, as it is fairly difficult to distinguish exactly where noise is emanating from, it is conceivable that past complaints to the Local Authority concerning noise from your bar could have been due to the facts that: -

- 1) The bathroom floor was lowered without formal consent.
- 2) The floor area above the bar was exposed for a considerable period of time whilst the Leaseholder's son was carrying out sound-proofing works.





Should you require any further clarification, please do not hesitate to contact me.

Yours sincerely,

PAUL J SPENCE

Enc.



Appendix 4A

LETTER FROM CHARTERED
SURVEYOR



Richard Cooney
Ice Bar
18/20 Park Road
London N8 8TD

14 March 2003

Dear Richard,

20A PARK ROAD, N8 8TD

I have now had an opportunity to inspect Flat 20A above your bar and would report as follows: -

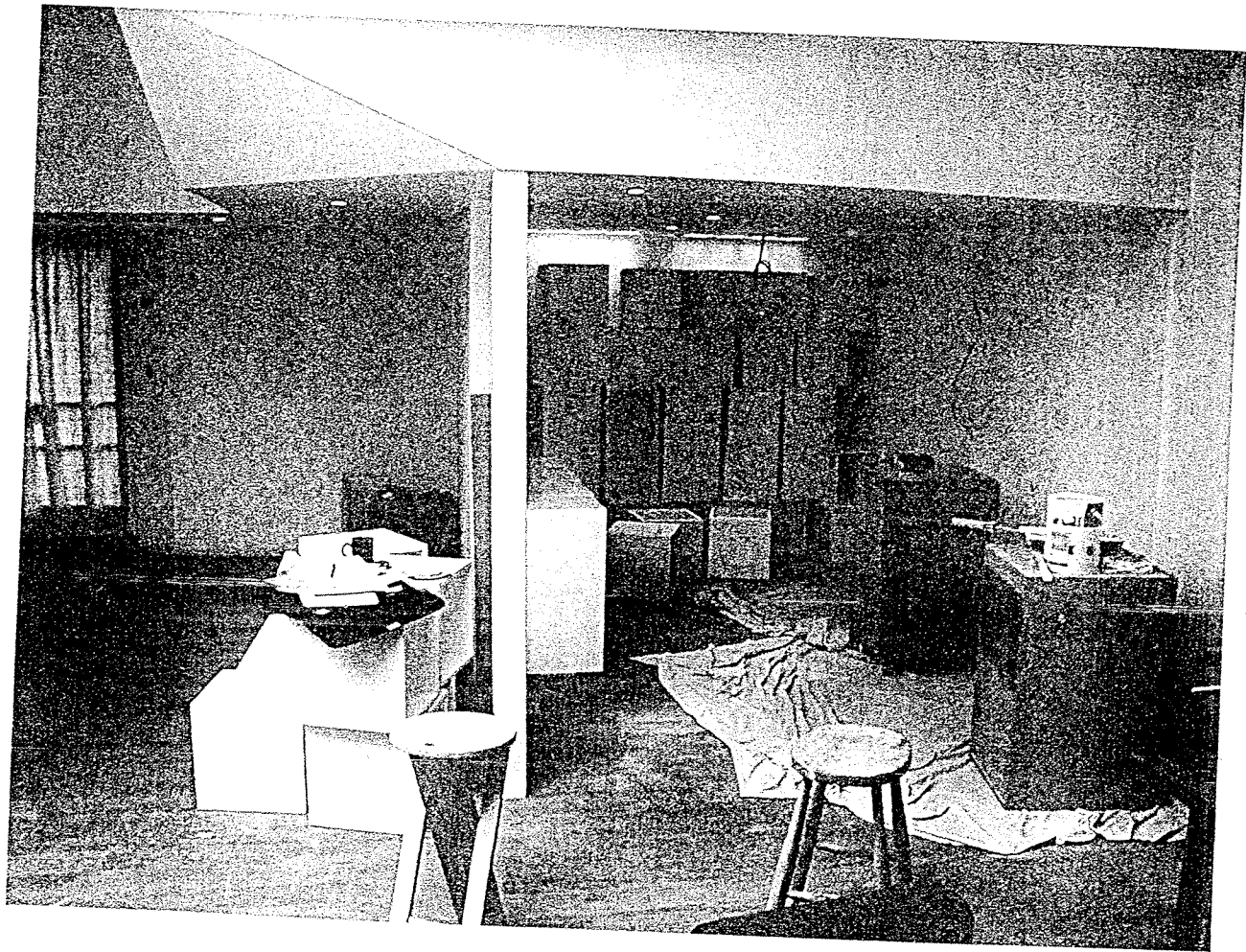
The son of the Leaseholder of the flat claims that when you saw the floor above the bar opened up and lowered, this was because he was working in this area laying triple plasterboard sound-proofing to reduce the noise coming from below.

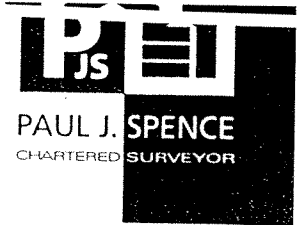
As you can see from the photograph, the floor has now been raised back to the original level of the flooring throughout the rest of the flat (except the bathroom) and an oak-strip finish laid on top.

Since complaints were made to the Local Authority concerning noise emanating from your bar (and I understand from you that a restrictor was fitted to the sound system at that time), Mrs Wallace has not heard any further noise. She claims that she is experiencing 'quite enjoyment' at present.

The bathroom floor is at a lower level and is immediately above the toilets to your premises. It would appear from what you have said that this floor has been lowered by the Leaseholder since the grant of her Lease (1996). It is likely that this work was carried out as the roof level at this point in the building is slightly lower than other areas. Assuming that she has not obtained formal permission from the Freeholder to carry out these alterations, then she would be in breach of her Lease. She is now claiming that there is no noise problem from this area, however it would seem to me that, as it is fairly difficult to distinguish exactly where noise is emanating from, it is conceivable that past complaints to the Local Authority concerning noise from your bar could have been due to the facts that: -

- 1) The bathroom floor was lowered without formal consent.
- 2) The floor area above the bar was exposed for a considerable period of time whilst the Leaseholder's son was carrying out sound-proofing works.





Should you require any further clarification, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Paul J. Spence', written in a cursive style.

PAUL J SPENCE

Enc.

APPENDIX 4B

LETTER FROM THE WALLACES

20a Park Road
London
N8 8TD
13 May 2006

Planning and Environmental Control Services
Licensing Department
Civic Centre
High Road
Wood Green
N22 8LE

Dear Sirs

RE: 18-20 Park Road, London, N8 8TD; Star Bar

We write further to the meeting held on 8 May 2006 regarding an application by the above bar for a variation to their current license, and further to our written objection to that application. Below are our comments on several points put by the bar's proprietors at the meeting. We enclose a sketch plan of the flat and photographs. We also enclose a list of witnesses that we would like to attend the next meeting in support of our objection to the application.

The proprietors' statement at the meeting gave incorrect information about this flat. This information has been given in the past in support of the bar proprietors at meetings and in letters, and has been repeated in correspondence to departments of Haringey Council. The incorrect information appears to stem from expert reports which were commissioned by the bar's previous proprietor.

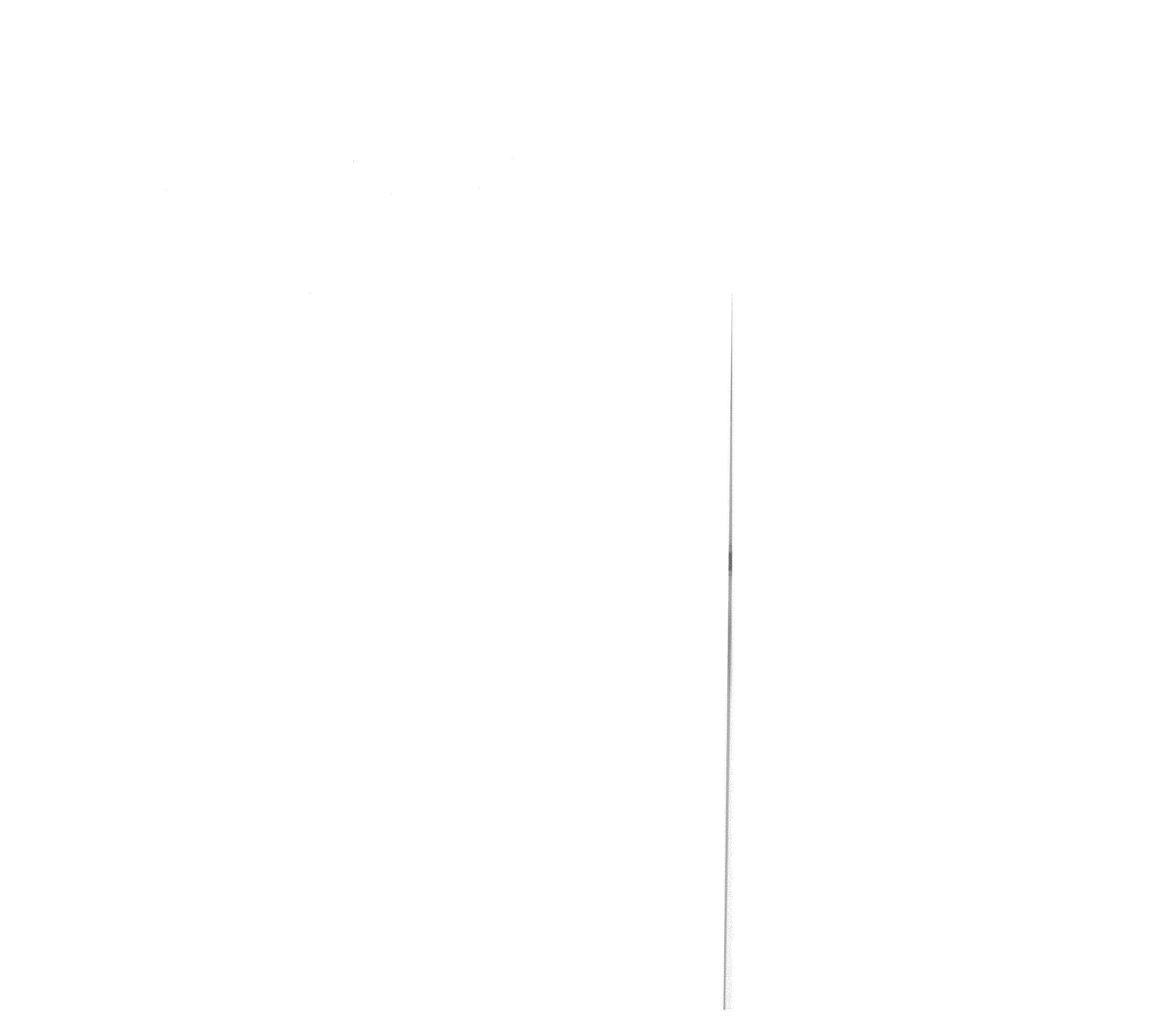
The implication is that the only complaint about the bar's conduct comes from Pat Wallace, and that she has not been truthful or fair in the complaints that she has made. What we say below is a true statement of what we have witnessed and experienced.

- 1. The proprietors sought to remove responsibility for noise nuisance in 20a Park Road from themselves; and stated that Mrs Wallace bears responsibility for the nuisance problems because of works done to the floors of this flat.**

Brief History

Alex Wallace, Pat's son, carried out works to 20a Park Road during the period when Ice Bar first began trading in 2001. Alex is a builder and plumber and has a good understanding of building and buildings. We would like to have him speak at the meeting as a witness.

At the time that he started work in 2001, Alex intended to replace the floor cover of approximately two thirds of the flat with wooden boards. This is the shaded area on the sketch plan.



He first of all removed the floor cover which was to be replaced. It is important to note that he was working above the level of the insulation work of the bar proprietor, and did not damage, alter or remove any sound insulation whatsoever.

Incorrect information has been given about the floor in area A (see sketch plan). Alex had decided to lower the floor in area A to the level of an existing disused floor. This disused floor is only present in area A. We then thought, and we still think, that the area above the joists of the disused floor belongs to Pat Wallace.

At this point it might be useful for the committee to understand the history of 18-20 Park Road, 20a Park Road and 7 Back Lane. All are the same building, used as a garage before Mr and Mrs Wallace moved in 26 years ago.

Pat Wallace is the leaseholder for both 20a Park Road and 7 Back Lane. The two parts of the building were originally connected by a doorway, an improved version of which still leads through a door in area A on the sketch plan. The door can be seen in photo A17 at top right.

The disused floor in area A corresponds with the door sill into 7 Back Lane; and is the same as the floor level in 7 Back Lane. In other words, people used to step down into area A, walk across it and through door connecting the two parts of the property.

Because of the dispute with the bar proprietor about noise, Alex later decided to make area A level with the rest of the flat, and to insulate properly underneath it.

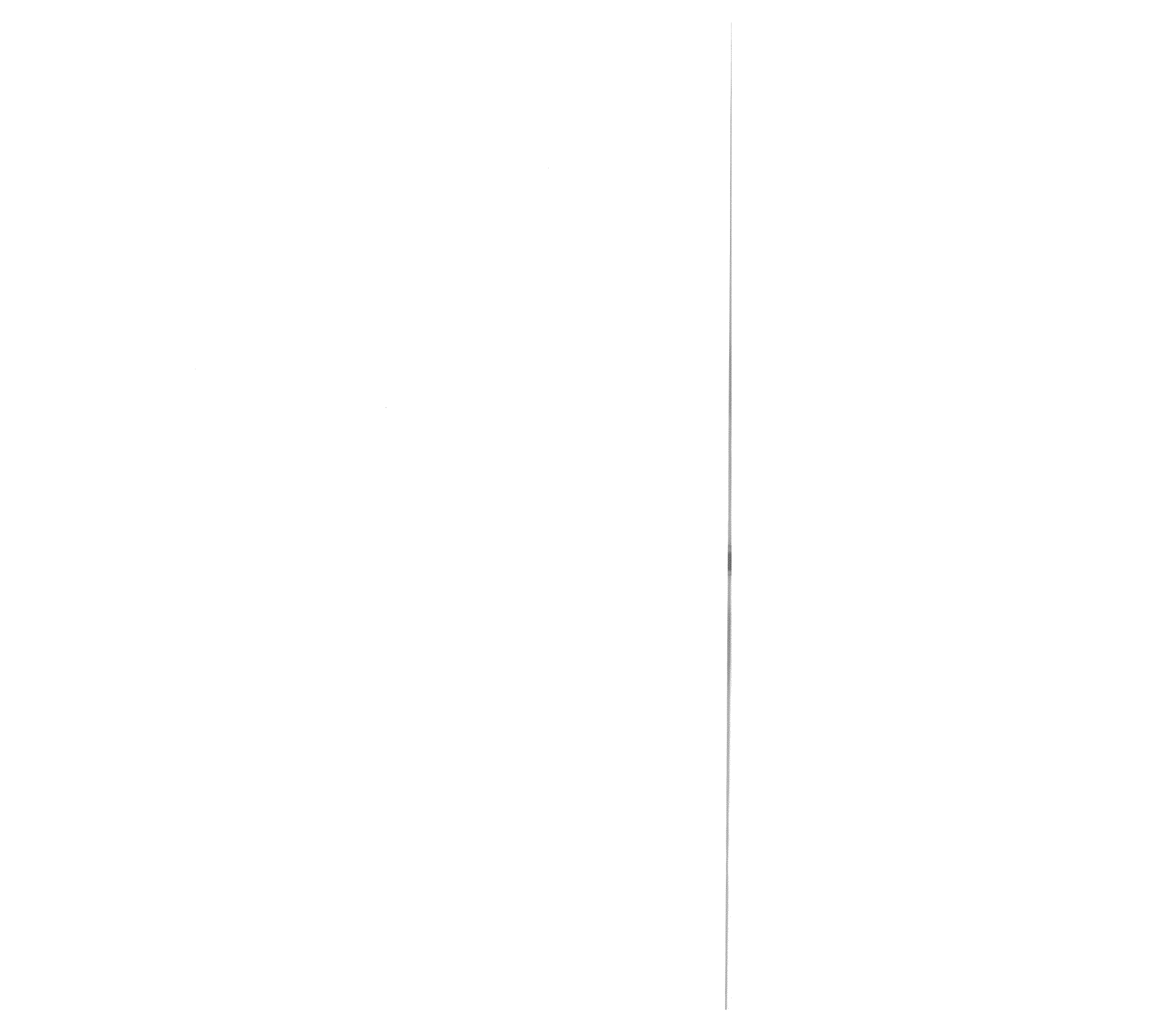
Incorrect information has also been given about the floor in room B on the sketch plan. In 2001, the floor in B was already lower than the rest of the flat. It had been at that level at least since 1992, when Pat Wallace's late husband had renovated the flat, possibly much longer. Alex simply removed the floor cover in B and replaced the joists at the same level, re-covering them with wooden boards.

After attending the meeting of 8 May 2006, and hearing yet more accusations, this time by new bar proprietors, we have also decided to make room B level with the rest of the flat and to insulate properly underneath it. We have done this work this week.

Our statement means that parts of what the bar proprietor has said, and some parts of the expert reports are wrong. We have done our best to find photographs of the work that has been done in order to prove to you that we are telling the truth. Alex probably knows more about this floor than any one else, and can answer your questions.

Insulation in Area A

When he first removed the floor cover in Area A, Alex found that the bar proprietor, unlike in adjoining areas, had not put down any insulation or plasterboard at all. What he saw below him was: the joists for the floor of the flat; a gap; a disused floor with some boards missing; and the ceiling of the bar attached to the bottom of the



However, since the meeting of 8 May, we have raised the floor level in area B, and insulated it. As proof of what has been done, we enclose photographs of the work, arranged in chronological order from 9 May 2006 to today (see B3- B 25).

Conclusion

You will notice that, contrary to the accusation by the bar-owners, we have never once removed, damaged or otherwise interfered with any sound insulation. We have only added insulation in un-insulated areas.

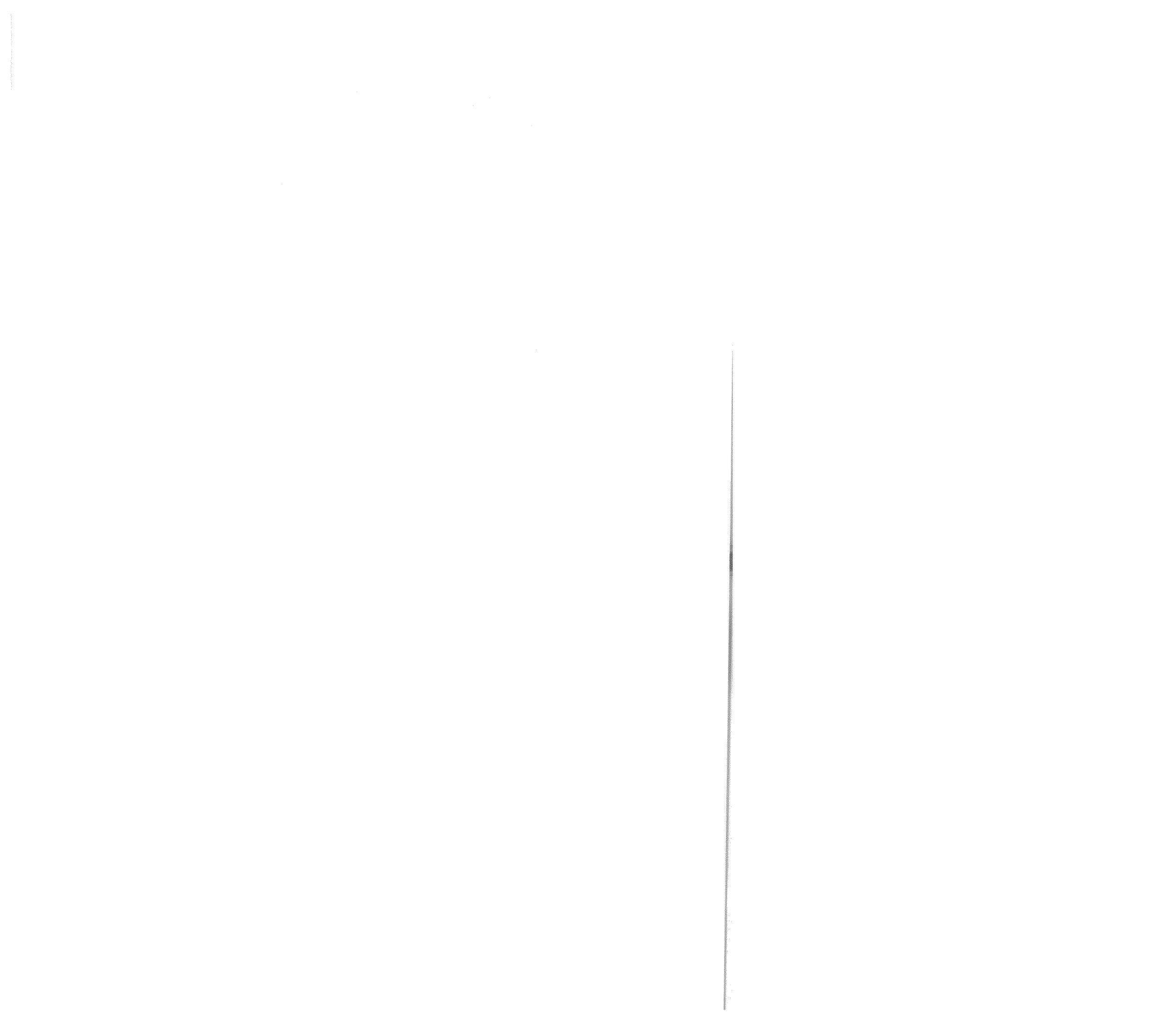
Neither do we consider that we have been trespassing on property belonging to the bar. As stated, Alex lowered the floor in area A to a previous floor level of the flat. If his assumption that the disused floor was part of his mother's property was wrong, it is not important to your decision because we have insulated the space and removed ourselves from it. Likewise, if it is the case that Angus Wallace did lower the floor in room B in 1992, then that is now rectified. Again we do not think that it is an important factor in your decision.

The reason that we changed the level of the floor in B is that we do not want to be in an endless dispute with the bar proprietors about the ownership of a small space. We find that whenever we try to make a serious point about noise nuisance, the level of the floor is used as a kind of smokescreen by the proprietors of the bar in order to avoid confronting their responsibility for the problem. We hope that this avoidance will now end.

The reason for our decision to change the floor level is not that we think it will make any difference to the noise nuisance that we experience. Our opinion is still that the actual problem with noise is not, and never has been, that it leaks from area A or B, but that it is pervasive throughout the flat, the hallway, and also the adjoining property to the rear of the building, 7 Back Lane. We would like to ask Tom Walters of 7 Back Lane to appear as witness to the extent of noise nuisance in the flat.

It is our view that the building was not designed or built to include a night club downstairs. The original change of use from shop to bar was unfeasible. Despite the restrictions to opening hours put in place by the planning department, the bar has been a source of noise nuisance. We do not think that any amount of insulation will change this problem within the building fabric.

We would finally like to remind the Committee that it has before it seven other letters, signed by nine other Crouch End residents. Those letters also oppose the application, and describe various degrees of nuisance to do with music, and concerns over the behaviour of the customers of the bar in the streets. None of those complainants share our floor. We also think that it would be useful to the Committee to ask questions to a member of the Haringey Noise Department Duty Officer called Brian, who has witnessed many instances of noise nuisance from the bar. We have included him in our list of witnesses if he is willing and able to attend.



APPENDIX 5

EVIDENCE AND COMMENTS FROM
NOISE TEAM.

Barrett Daliah

From: Pearce Derek
Sent: 15 May 2006 14:47
To: Barrett Daliah
Cc: Thompson Sandra (Environmental)
Subject: RE: STAR BAR 18-20 PARK ROAD N8

Hi Daliah

I believe that Sandra has updated you on the action we are taking

In relation to a letter from Ian Kelly saying that the Council would not be taking any enforcement action (on advice from Legal) due to the fact that the floor of Ms Wallace's (the objector) flat had been altered by themselves and that is why the noise was breaking through into her premises we are having to take this historical information into account in the action we are currently taking and are satisfied that this is not the sole reason for current nuisance (if it even contributes)

We would not support any license which gives agreement to music being played late and the proprietor when playing any music must not play at a level so as to cause nuisance to the first floor flat occupier

If the floor has been interfered with by the first floor flat leaseholder then this is a civil matter which the ground floor leaseholder and freeholder should take their own civil action having regard to the terms of the lease

Derek



Environmental Services Directorate

Minicom Service for people who are profoundly deaf and hard of hearing. Textphone 020 8489 5549

FAX

Date: 10/05/06

No. of pages including cover sheet 5

To: Dulah
Licensing
Team
Leader

From: Enforcement Service
Noise Team
639 High Road
Tottenham
London N17 8BD

Phone:

Phone: 020 8489

Fax: 5554

Fax: 020 8489 5530

SUBJECT:

REMARKS: Urgent For your Review Reply ASAP Please Comment

Please find attached details
re: "Star" 18-20 Park Road N8.
Kind Regards
Jackie - Noise Team

Haringey Council – Enforcement Service		Noise Observation Record	
		MVM reference:	
Date: 5/06	Time Received: 21.35	Ward:	
Address of Source	THE STAR " 18-20 Park Rd, London N18	HfH: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <small>(circle)</small>	Homes for Haringey
		PSL: Yes <input type="checkbox"/> No <input type="checkbox"/> <small>(circle)</small>	
Type of Noise: <u>Music</u> / Party / Alarm / Banging / Dog / Other			
Complainant's Details		HfH: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <small>(circle)</small>	
Name: Mr WALLACE		Homes for Haringey	
Address: 20A Park Road, London, N18		PSL: Yes <input type="checkbox"/> No <input type="checkbox"/> <small>(circle)</small>	
Tel no: 020 8341			
History Check (Complete this before visit)			
i) On Action List? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> WL / S 80 / S 60 / <u>Prosecution</u> / Other (circle)			
and date 21/4/06			
ii) On potentially violent (PV) List? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (circle)			
Instructions if on PV list:			
Telephone Calls to Complainant:			
Time: 21.45	Result of Call: Visit Reg'd	Time:	Result of Call:
Time:	Result of Call:	Time:	Result of Call:
Visit to Complainant / Area: Arrival Time: 23.03 Departure Time: 23.22			
For Administration Use			
Occupier Name Check		Date:	
Source of Information: Council Tax/NNDR		HfH Homes for Haringey	
If other specify source:			
Observations to be recorded on the reverse		NS 21 (Rev. April 2006)	

Observations

(N/A) COMPLAINT 23-03, PREMISES ARE JAZZ/BLUES FIRST FLOOR PREMISES
 SITUATED ABOVE COMMERCIAL (BAR) PREMISES, FRONT WITHIN COMMERCIALS
 PREMISES WITH ALL EXTERIOR DOORS & WINDOWS CLOSED (FRONT REAR/SIDE)
 I WITNESSED LOW AMPLIFIED 'JAZZ' TYPE MUSIC WITH A PROMINENT
 BASS, WHICH SAID FSC CANNOT HEAR OF TRACK CONTINUED UNABATED FOR THE
 DURATION OF MY VISIT WHICH CONCLUDED AT 23:22. I WAS UNABLE
 TO RECOGNISE ANY PARTICULAR SONGS OR TUNES FROM WITHIN THE FIRST
 FLOOR LOUNGE / BAR. IT WAS SUFFICIENTLY LOW TO PREVENT
 CONVERSATION AT A NORMAL LEVEL. THIS RESTAURANT FRONT FRONT TO
 BACK & TO THE FRONT OF THE RESTAURANT THE MUSIC WAS CLEARLY AUDIBLE
 ABOVE THE NOISE OF PASSING TRAFFIC (BUS ROUTE) FROM WITHIN THE
 REAR FIRST FLOOR LOUNGE THE MUSIC WAS NOT LOUDER & THE BASS
 MORE PROMINENT. IN A PAUSE BETWEEN TRACKS, THE VOICES OF PATRONS
 PATRONS OF THE BAR AT 18-20 PARK ROAD (BEHIND COMM. PREMISES) COULD
 ALSO BE HEARD. IN THIS ROOM, NORMAL CONVERSATION WAS PROCEEDED AS
 WAS THE LISTENING TO MUSIC / CD'S AT A NORMAL LEVEL. FROM WITHIN
 THE FRONT FIRST FLOOR LOUNGE THE MUSIC WAS AGAIN CLEARLY AUDIBLE
 ABOVE THE BACKGROUND TRAFFIC NOISE & LEVEL. IN MY OPINION, MUSIC
 PROCEEDED SILENT IN THIS ROOM. ON RETURNING TO THE REAR LOUNGE, THE
 MUSIC WAS AGAIN LOUDER WITH THE BASS APPEARING TO BE MORE PROMINENT
 IT WAS A CLEAR & EXPLICIT SNIFF COMING FROM THE BAR BEHIND AT 18-20
 PARK ROAD & IN BEHEAVIOR OF A REVOLVING DOOR. SEVERAL PA'90 HOURS. JUST
 TO LARGE NO OF PATRONS ON FOOTWAY OUTSIDE & NO OBVIOUS FSC STAFF
 PLUS NEW AVAILABILITY OF POLICE, NO AGREEMENT MADE & I LEFT. 28 NOV 6 706 23-40

Action Recommended: warning letter / section 80 notice / prosecution / other / None (circle)

Refer to Data

Signed: BB Name: BOVETOR (Block Letters)

Date: 5/10 Time: 23:40

Haringey Council – Enforcement Service		Noise Observation Record	
		MVM reference:	
Date: 7/06	Time Received: 0032	Ward:	
Address of Source	STAR BAR (?) 18-20, PARK ROAD, LONDON, H8	HfH: Yes <input checked="" type="radio"/> No (circle) Homes for Haringey	PSL: Yes <input type="radio"/> No (circle)
Type of Noise: Music / Party / Alarm / Banging / Dog / Other			
Complainant's Details		HfH: Yes <input checked="" type="radio"/> No (circle) Homes for Haringey	
Name: MR WINTERS		PSL: Yes <input type="radio"/> No (circle)	
Address: 7, BACK LANE, LONDON, H8			
Tel no: 020 8347 7291			
History Check (Complete this before visit)			
i) On Action List? <input checked="" type="radio"/> Yes <input type="radio"/> No WL / S 80 / S 60 / <input checked="" type="radio"/> Prosecution / Other (circle) and date			
ii) On potentially violent (PV) List? Yes <input checked="" type="radio"/> No (circle)			
Instructions if on PV list:			
Telephone Calls to Complainant: Time: 0058 Result of Call: Visit Reg'd			
Time: Result of Call:			
Time: Result of Call:			
Visit to <u>Complainant</u> / Area: Arrival Time: 01-08 Departure Time: 01-23			
For Administration Use			
Occupier Name Check		Date:	
Source of Information: Council Tax/NNDR		HfH Homes for Haringey	
If other specify source:			
Observations to be recorded on the reverse		NS 21 (Rev. April 2006)	

Observations

VISIT COMPLAINT PREMISES ARE A SMALL CONVERTED MANSIONETTE TO THE LOW OF COMMERCIAL PREMISES AT 18-20 PARK RD, HR. PREMISES CONSIST OF C/F KITCHEN/SINK & BATHROOM, STAIRS UP TO FIRST FLOOR BED ROOM (CLOSEST TO 18-20 PARK RD) & LIVING ROOM FROM WHICH COMPLAINTS PREMISES WITH ALL EXTERIOR DOORS & WINDOWS CLOSED, FOR THE DURATION OF MY VISIT (01.08 - 01.23) I WITHHELD LOUD AMPLIFIED 'DANCE' TYPE MUSIC WITH A POWERFUL BASS, WHICH SAID FOR CHANGES OF TRACK CONTINUED UNABATED. THERE WAS NO VOICE WITHIN THE COMPLAINTS PREMISES THAT IT WAS POSSIBLE TO HEAR THIS MUSIC IT WAS SO LOUD THAT IT INTERRUPTED INTO NORMAL CONVERSATION ON THE CLOSER FLOOR, PREVIOUSLY THE WEATHERING OF T.V. AT A NORMAL LEVEL IN THE FIRST FLOOR LIVING ROOM & IN MY OPINION, WAS SUFFICIENTLY LOUD ENOUGH TO PRECLUDE SLEEP IN THE FIRST FLOOR BED ROOM. THIS MUSIC WAS, IN MY OPINION, A CLEAR & OBVIOUS SNH & WAS COMING FROM THE CLOSER FLOOR COMMERCIAL PREMISES (STAR BAR) 18-20, PARK RD, HR, WHICH SHARES A PARTY WALL WITH THE COMPLAINTS PREMISES AND WAS IN BREACH OF A S.80 EPA 190 PROHIBITION NOTICE PREVIOUSLY SERVED ON THESE PREMISES. VISIT THESE PREMISES & REQUESTS I REFUSED TO SIGNATURE THE LICENSEE AS ABOUT 01.55 MR RICKY HITCHCOCK WHO IS KNOWN TO ME CAME OUT & SPoke WITH ME, I INTRODUCED SELF, PRESENTED ID OFFENCE REPORTS & REQUESTED SNH BS AS PER TEL. FACTS WERE AS REPORTED FOLLOWING POLICE OFF PROSECUTOR. MR HITCHCOCK RETURNED TO THE PREMISES & REINSTATED AS PER I REMAINING IN VICINITY UNTIL APPROX 02.00. NO PROTESTION, I THEN LEFT. 38 HAS 29/02

Action Recommended: warning letter / section 80 notice prosecution / other / None (circle) 0225

Signed: 38 Name: BOVINGTON Send copy to Licensing (Block Letters)

Date: 7/02 Time: 02.25