

5. REPORT

Background

5.1 An application for a new Premises Licence, by Viva Crouch End Ltd in respect of Viva Viva, 18 High Street, Hornsey, London under the Licensing Act 2003.

5.2 Details of application being sought under the Premises Licence APP1

Provision of regulated entertainment:

Recorded Music, Live Music, and Provision of facilities for dancing:

Monday to Wednesday: 1000 to 0100 hours

Thursday to Saturday: 1000 to 0200 hours

Sunday: 1000 to 0000 hours

Seasonal variations:

New Years Eve deregulation.

Until 0100 on Bank Holidays.

Until 0200 on Christmas Eve.

Performances of dance:

Friday and Saturday: 1000 to 0000 hours

Provision of late night refreshment:

Monday to Wednesday: 2300 to 0100 hours

Thursday to Saturday: 2300 to 0200

Sunday: 2300 to 0000 hours

Seasonal variations:

New Years Eve deregulation.

Until 0200 hours on Christmas Eve.

Supply of alcohol:

Monday to Wednesday: 1000 to 0100 hours

Thursday to Saturday: 1000 to 0200

Sunday: 1000 to 0000 hours

Seasonal Variations:

Seasonal variations:

New Years Eve deregulation.

Until 0100 hours on Bank Holidays.

Until 0200 hours on Christmas Eve.

Opening hours:

Monday to Wednesday: 0900 to 0130 hours

Thursday to Saturday: 0900 to 0230 hours

Sunday: 0900 to 0030 hours

Seasonal variations:

New Years Eve deregulation.

Until 0100 hours on Bank Holidays.

Until 0200 hours on Christmas Eve.

General-all four licensing objectives

The premises will be well-managed with no noise or nuisance to the public.

5.3 Crime and Disorder

Premises will install and maintain CCTV system and have a direct link to red care. When taking people's coats they will be advised to keep valuables close to them. We will not serve drink to anyone who is drunk or disorderly.

5.4 Public Safety

Premises will be well lit, including the outside of premises.

There will be a doorman at the premises.

Taxis will be called for people leaving the premises.

Premises will have smoke alarms, fire extinguishers and health and safety checks.

5.5 Public Nuisance

Premises will have an acoustic ceiling and walls to prevent noise leakage, a noise lobby to catch noise and a limiter.

Drunk people will not be allowed to enter the premises, get drunk on the premises or take drugs on the premises.

5.6 Child Protection

The premises will have a policy of not serving those who are drunk so no trouble. We make sure children are supervised at all times. We have a children's room and adults at all times.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

Have made representation on this application, but these matters are now withdrawn.

6.2 Comments of Enforcement Services:

Noise Team

Have made representation on this application. App 2

Food Team

Have made no observations.

Health and Safety

Have made comments on this application and these matters are now withdrawn.

Trading Standards

Have no objections to this application

6.3 Fire Officer

Have made no objection to this application

6.4 Planning Officer

Have made no comments on this application.

6.6 Comments of Child Protection Agency or Nominee

Have made no representation on this application.

7.0 Interested Parties –APP 3

2 letters of representation has been received against this application from an interested party.

The applicant has written back refuting the claims made by the residents and the letters can be found at **App 4**

8.0 Financial Comments

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

APPENDIX 1

APPLICATION FORM

AG 870 540

Application for a premises licence to be granted under the Licensing Act 2003

(1)

Reference number:

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

(2) I/We

EVIE DEMOSTHENOUS

apply for a premises licence under section 17 the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description	
VIVA VIVA	18 HIGH ST HORNSEY HARINGEY LONDON
Post town	LONDON
Postcode	N8 7PB

Telephone number at premises(if any) 0208 3410999

Non-domestic rateable value of premises £ 10,700

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- a) an individual or individuals*
- b) a person other than an individual*
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association; or
 - iv. other (for example a statutory corporation)

Please tick yes

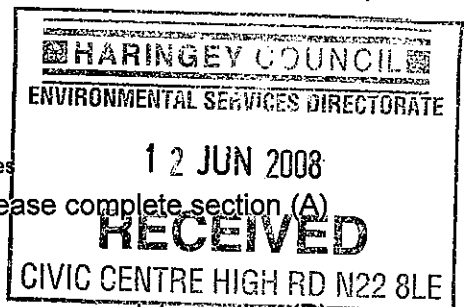
please complete section (A)

please complete section (B)

please complete section (B)

please complete section (B)

please complete section (B)



(1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

- Please tick yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
 - I am making the application pursuant to
 - a statutory function; or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

I am 18 years old or over Please tick yes

Date of birth

Day	Month	Year

Current postal address if different from premises address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	VIVA CROUCH END LTD
Address	PHILLIPS ENTERPRISE 286 B CHASE RD LONDON N14 6HF
Registered number (where applicable)	6467950
Description of applicant (for example partnership, company, unincorporated association etc.)	LTD COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 - Operating Schedule

When do you want the premises licences to start?

Day	Month	Year
01	07	2008

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

Bar and Restaurant with 60 seated covers + 20 standing - small dance floor area.
Kitchen, bar, back corridor with 3 ladies toilets, disabled toilet + mens toilet.
Disabled access, large double glass doors at front -
~~not~~ acoustically sealed.
Tables and chairs at front, a few tables outside front doors - Benquet seating area opposite bar which seats about 20 people.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

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

B

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

C

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

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	10.00	01.00	
Tue	10.00	01.00	
Wed	10.00	01.00	State any seasonal variations for the performance of live music (please read guidance note 4) NYE 24 hrs Bank holiday 01.00 Xmas Eve 01.00
Thur	10.00	02.00	
Fri	10.00	02.00	
Sat	10.00	02.00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	10.00	00.00	

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	10.00	01.00	
Tue	10.00	01.00	
Wed	10.00	01.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) NYE 24 hrs Bank holiday 01.00 Xmas eve 02.00
Thur	10.00	02.00	
Fri	10.00	02.00	
Sat	10.00	02.00	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	10.00	00.00	

G

Performances of dance			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri	10.00	0000	
Sat	10.00	0000	
Sun			

H

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

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

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	10.00	01.00	Please give further details here (please read guidance note 3)
Tue	10.00	01.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)
Wed	10.00	01.00	<i>N4E 24hrs</i> <i>knives etc 02.00</i> <i>Bank holiday 01.00</i>
Thur	10.00	02.00	Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	02.00	

K

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (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			
Wed			
			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Thur			
Fri			
			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 from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	23.00	01.00	Please give further details here (please read guidance note 3)
Tue	23.00	01.00	
Wed	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur	23.00	02.00	
Fri	23.00	02.00	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	23.00	02.00	
Sun	23.00	00.00	

M			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Mon	10.00	01.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	10.00	01.00	
Wed	10.00	01.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	10.00	02.00	
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	00.00	

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

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

we would like to run a well operated business with no noise or nuisance to public and create a lovely atmosphere to dine out in.

b) The prevention of crime and disorder

we have CCTV installed and a direct link to red care - we take peoples coats and advise them to keep valuables close to them - we do not serve ~~or~~ drink to anyone drunk + disorderly.

c) Public safety

we are well lit, especially outside our premises + we ^{we} have a doorman - we call taxis for people leaving the premises - we have smoke alarms, fire extinguishers + health + safety checks.

d) The prevention of public nuisance

we have an acoustic ceiling so well so no noise leakage, a noise lobby to catch noise + a limiter - we do not allow drunk people to enter our premises or drink ^{for music} or take drug on our premises.

e) The protection of children from harm

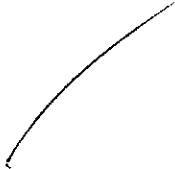
we have a policy where we don't serve drink to every drunk people so no frodger, we make sure children are supervised at all times, we have a childrens menu + adults at all times.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name *EVIE DEMOSTHENOUS*
 Address *168 DUKE ST*
LONDON N10 2QB
 Postcode
 Personal Licence number (if known) *LN00000794*
 Issuing licensing authority (if known) *LONDON BOROUGH OF HAVINGHAM*

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)



O

Hours premises are open to the public

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0900	0130
Tue	0900	0130
Wed	0900	0130
Thur	0900	0230
Fri	0900	0230
Sat	0900	0230
Sun	0900	0030

State any seasonal variations (please read guidance note 4)

New years eve 24 hours
Christmas eve 02:00 am
Bank Holiday 0100 am

Non-standard timings. Where you intend to use 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)

CHECKLIST:

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick ✓



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 4 - Signatures (please read guidance note 10)

Signature of applicant 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



Date

12/06/08

Capacity

SD

For joint applications signature of 2nd applicant, 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 postal address for correspondence associated with this application (please read guidance note 13)

EUE DEMOSTHEADUS

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

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 the 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 the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. 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.

LICENSING ACT 2003
Section 37(3)

Consent of Individual to being specified as Premises
Supervisor

Iⁱ **Evie Olivia Demosthenous**

ofⁱⁱ ~~31A Priory Road, London N8 7PX~~ **68 DUKES AV N102QB**

Hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application forⁱⁱⁱ

Grant of new Premises Licence

by^{iv} **Viva Crouch End Ltd**

relating to a premises licence^v

for^{vi} **Viva Viva, 18 High Street, Hornsey, London N8 7PB**

and any premises licence to be granted or varied in respect of this application made by^{vii} **Viva Crouch End Ltd**

concerning the supply of alcohol at^{viii} **Viva Viva, 18 High Street, Hornsey, London N8 7PB**

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below:

Personal licence number: **LN00000794**

Personal Licence issuing authority: **London Borough of Haringey**

Signed: 

Name (please print) **EVIE DEMOSTHENOUS**

Date: **11/6/08**

Licensing Legal Solicitors
Canada House, 3 Chepstow Street, Manchester M1 5FW
0161 237 9961

ⁱ Full name of prospective premises supervisor
ⁱⁱ Home address of prospective premises supervisor
ⁱⁱⁱ Type of application (already completed by LL)
^{iv} Name of Premises Licence Holder
^v Number of existing licence if known
^{vi} Name and address of premises to which the application relates
^{vii} Name of Premises Licence Holder
^{viii} Name and address of premises to which the application relates

APPENDIX 2

NOISE REPRESENTATION

Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Cc:

Our Reference: WK/000082271

Date: 9th July 2008

Premises: Viva Viva Ltd, 18 High Street, Hornsey, London, N8 7PB

Type of application: New

I would like to confirm that I have visited the site and have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to:

Make representations to the Application.

on the following grounds (delete section if making no representations):

That the proposed operating hours are inappropriate due to the close proximity of residential dwellings.

The operating schedule does not address the prevention of public nuisance from:

- airborne entertainment noise
- Structure borne noise or vibrations from entertainment

Supporting Information

The Noise Team have received 16 noise complaints so far this year and have sent 1 noise Advisory letter on 19th April 2008 and one warning letter on 31st May 2008

Informative

I would recommend the following alterations/conditions to the operating schedule:

Operating hours

That the premises closes no later than 0130 Thursday to Saturday

That regulated entertainment ceases at 0130 Thursday to Saturday and 0030 Monday to Wednesday.

Reason: To Safeguard the enjoyment of their properties by adjoining residential occupier and the amenities of surrounding area.

Prevention of nuisance from noise/vibration

Airborne

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. If necessary a member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible

The licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties

Entrance/exit from the premises whilst licensable activities are ongoing shall be the main front door to minimise noise breakout except in an emergency

Where necessary adequate and suitable mechanical ventilation should be provided to public areas

Structure borne

All form of loudspeaker/sound amplification equipment should not be sited on or near the ceiling

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties

Reason: To prevent unwanted noise disturbance caused to the residents

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property

All entertainments will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager

The level of amplified entertainments shall be controlled by means of limiting device set at a level agreed with the licensing authority and should be fitted immediately prior to any entertainment taken place.

Reason: To prevent unwanted noise disturbance caused to the residents

Deliveries and collections.

Deliveries and collections associated with the premises will be arranged between the hours 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and none on Sunday so as to minimise the disturbance caused to the neighbours

Glasses will be collected from the beer garden area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include where disclosed, the complainants name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

APPENDIX 3

REPRESENTATION FROM INTERESTED PARTY

Barrett Daliah

From: Catherine Harris [harris.cate@googlemail.com]
Sent: 21 June 2008 14:48
To: Barrett Daliah
Subject: Re; New Licensing Application for Viva viva, 18 Hornsey High Street, N8.

Dear Daliah,

I am a local resident who lives 300 yards in Beechwood Road from this establishment, and I have the following comments and objections to certain aspects of their new application. I first must note that this club/restuarant has been trading for a number of years, albeit under another management, and my comments are based on the expereince of the premises and its size in coping with the entertainment they propose and the hours they are proposing in their application.

First, the applicants ask for their hours to be up to 1 am Monday to Wednesday, and up to 2 am Thursday to Saturday.

My objection is that this would prolong the noise and disruption that the numbers attending this venue cause, and disturb local residents on what any reasonable person would consider to be a working night.

From about 10 pm when this club is open, in my experience customers are standing about on the pavement outside, holding drinks and generally making a lot of noise as the evening wears on, because the club is not big enough inside to contain the ammount of people it attracts. The pavement is partially blocked to ordinary residents going about their business, and the noise from the outside customers gets louder and louder until closing time.

The club has been successful in monuting a continuous advertising campaign for their events, but then in my opinion cant cope with or manage the numbers that turn up on some nights.

I would want to raise my objection as a local resident therefore to the late hours being granted on Monday, Tuesday, Wednesday, or Thursday evenings. I would ask that further local police and residents opinions are looked into about the pavement being blocked, loud drinking outside, taking place. I also object to this application on the grounds that the premises is too small to have large numbers of customers, dancing and that the customer activity outside needs to be planned for and contained or the consideration be given to the application being refused.

I have no objection to late licences at New Year and Christmas, but again the issue of customer control on the narrow pavement needs to be considered.

Many thanks,

Catherine Harris
39 Beechwood Road
London N8 7NE.

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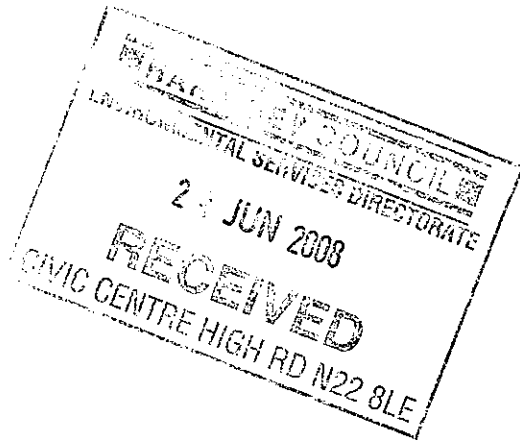
11/07/2008

Ian & Dorothy Bruce

4 Rectory Gardens.

Hornsey. London.

N8 7PJ



21.06.08

Dear Sir,

I would like to object to the application of a late licence for Viva Viva at 18 the High street Hornsey. This Bar has regularly flouted the law.

When the bar was first opened planning put stipulations in place to contain the noise nuisance they create i.e. double entrance doors to act as a sound buffer. They have adapted the front so as to open the front up allowing noise to escape.

I have spoken to my Local councillor Robert Gorie who has been into the bar with me to ask them to keep the doors closed when they have live music. They agreed but have not made any effort to stick to this agreement.

We have reported them for noise several times, & almost weekly I have to go across & ask them to close the doors post 10.00pm When they should not be open at all.

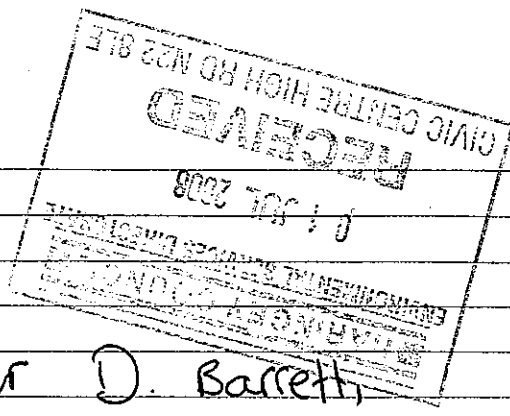
The bar has now put tables outside blocking the pavement & this also means we have noise pollution on Saturday & Sunday afternoons which affects the enjoyment of my property.

When we attended the appeal against their original licence various promises were made to us that there would be no disturbance none of these have been kept.

In short this bar is a nuisance in another wise peaceful residential area. Please do not renew its licence or if you decide to give them another chance do not allow them to open passed midnight. They have already shown you their willingness to break the law. Please show us your willingness to support us & uphold the law.

APPENDIX 4

**LETTER FROM APPLICANT REFUTING
RESIDENTS REPRESENTATION**



E. Demosthenous
168 Dukes Av
London
N10 2QB

Dear D. Barrett,

I received your letter of objection from Ian Bruce and would like to take the opportunity to respond. Ian originally objected to our late license and we went to court over it. Ian is saying the court imposed special conditions that our doors are closed. The court took none of his objections into making special conditions as they could see he was being totally unreasonable. They did not tell us to close our doors even though I suggested in court that we can put that as a condition to our license. They said it was not necessary. We do however always close our doors by 9.30, latest 10.00. It is too cold in the restaurant anyway to have them open and if we have loud bands on of course we don't want music blaring out. It would be a nuisance to neighbours and us as we would get a bad reputation.

Ian said to me from the initial court case, "I will make sure you get closed down". In court I gave him my mobile number to call me direct if there were any problems when he called me at 2am, woke me up and my children shouting down the phone at me that we were causing noise disturbance and we were actually closed. He seems to ignore the fact, among others, that the other bars and restaurants in our strip on High Street Homsey advertise and have live music without license, without closed doors because I've seen Ian eating there and good friends with them.

We put £50,000 of sound proofing into our venue. We are not a disco bar. We are a performing arts venue with live world music & Congolese nights, Latin nights,

Jazz nights, Salsa and Moroccan. We are trying to bring Culture to the area not a night club. We have a double acoustic doors, sound lobby, disabled access + disabled toilets, sound proofed walls. I think this much thought + cost into a venue means we are not trying to cause a noise.

However, I was out of the business having two children and have just returned to fully manage the business 2 months ago and realised the previous sound engineer had taken our limiter off our sound equipment, a device which means the noise cuts off when at a certain level. I have made sure this will go back on immediately as this may have meant noise levels could have risen. I did speak to environmental health about this as they sent a letter saying levels had risen. They also suggest I hang my speakers as this causes a lot less vibrations which I also agree to and will be done this week.

As for coming weekly, this is not true, I have seen Ian only once since three years ago that we went to court with him but he harasses us on the phone and tries to threaten us and if we continue without reason I will start a case of harassment against him.

I know that I have not been correct in transferring the license from company to another but I do not think this makes me a terrible person. I went through the whole application originally so it is of no benefit to me to not transfer the license, it's not as if I would have had a problem transferring it, it has only caused aggravation and was a genuine oversight.

I have not been able to trade as my business is live music and refreshment and have had to move out of my house as I cannot afford mortgage without an

income and with two children so think I have felt the full effects of it. I have also had to lay off staff which I don't think is beneficial to anyone.

Well that's my point of view if it means anything at all.

Yours Sincerely

A A

E. Demosthenous

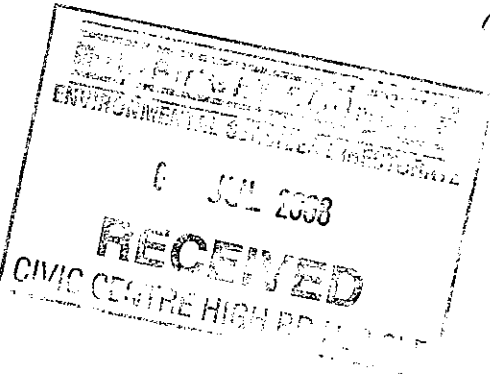
P.S. To say we have our doors open Sat + Sun afternoons + cause noise is a complete lie as we have no customers daytime, so much so I am considering closing the daytime!!

PPS I have never been approached by a councillor about music

and p p p 5 I have soooo many people who want Viva Viva alive again!

2/7/08

Dear D. Barrett,



In response to Catherine Harris letter, I would like to say that as in my previous letter I was taken out of the management tree as I had to children but am back working full time. However, I can assure you midweek there is nobody outside our premises making noise as we are quiet midweek. We have been trading over two years with a license until 1am midweek and this letter is as if there would be problems if we traded until one. Obviously the resident hasn't realised we are currently trading until 1 already and there is no noise nuisance. I think that with the non smoking laws now in restaurants people go outside for smoke which is why they stand there on weekends but they are not allowed to stand out making a lot of noise after midnight weekends. I could make a proposal that our doorman asks residents to walk down the road to smoke or keep the volume down while

they are outside.

I still do not know how we can be targeted for noise when the pub on the corner has a cater license, live music, beer garden and lots of people outside smoking and drinking.

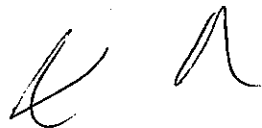
I suggest it is a street issue not just a viva viva issue and wasn't properly thought out when the smoking ban was put in place.

Look outside ev. bar and Restaurant and you will see huddles of people smoking.

Again I will ensure that noise outside is kept minimal as I do not want to cause disturbance to residents and if there are people going out to smoke will ask if they can go out in pairs not groups.

Again, it is a new management so I would ask to let us trade before we are judged.

Thanks



E. Demosthenous

P.S. Look at all the other places advertising live music next to us
check their noise levels too! Thanks.