

Application for a Review of a Premises Licence under the Licensing Act 2003 –
Kiss The Sky, 18-20 Park Road, London, N8 – 20 July 2021

The Special Licensing Sub-Committee carefully considered the application for a review of a premises licence at Kiss The Sky, 18-20 Park Road, London, N8. In considering the application, the Committee took account of the review application and representations made by all parties, as well as the Council's Statement of Licensing Policy, the Licensing Act 2003, and the section 182 Licensing Act 2003 guidance.

Considering the evidence it heard, the Committee decided it was appropriate and proportionate to revoke the licence.

Reasons

Having heard evidence from the Responsible Authorities, residents, and the respondents, the Committee was satisfied that there had been a failure on the part of the licence holder to promote and uphold the licensing objectives relating to public nuisance and crime and disorder.

The evidence put before the Committee regarding the management of the premises showed that the licence holder had wilfully disregarded his obligations in several respects.

Despite written warnings not to commence trading until a Designated Premises Supervisor had been appointed and the licence lawfully transferred, the respondent ignored the Responsible Authority's correspondence and began trading at a time when he was not lawfully permitted to do so.

During the Covid crisis, the respondent permitted dancing at the premises which took place while patrons were not socially distanced, which was not in keeping with Covid safety guidelines.

The venue was a source of considerable noise nuisance, which emanated from the premises via its sound system and also as a result of its patrons dispersing from the premises with little supervision, and in a manner that disturbed neighbouring residents, and was characterised by anti-social behaviour including street fights, shouting, swearing, and the use of racially charged language.

The premises failed to furnish responsible authorities with CCTV when requested to, knowing full well that CCTV should have readily been made available.

The door staff at the premises refused and/or failed to confirm that they had SIA authorisation when asked to do so by the Responsible Authority.

The Committee was satisfied on the evidence it heard that, even with conditions, the licence holder would not be able to address the problems with respect to anti-social behaviour and noise nuisance that were taking place at and in the immediate

vicinity of the premises. The Committee was satisfied that it had heard credible evidence regarding incidents of anti-social behaviour and nuisance associated with the premises, all of which caused severe disturbance to locals going about their normal activities. These issues were compounded by poor management of the premises.

The incidents linked to the premises were serious and had a very negative impact on the residents and, in the circumstances, the Committee decided it was appropriate to revoke the licence.

The Committee was satisfied the incidents complained of could be attributed to patrons of the premises and felt that complete revocation of the licence was the only measure that could ensure the promotion of the licensing objectives, namely the prevention of nuisance and crime and disorder.

The Committee only made its decision after considering all the evidence and was satisfied that revocation of the licence was an appropriate and proportionate response to the matters that were put before it.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Date: 27 July 2021