

Sarah Williams

Subject: FW: TEN - Kiss the Sky, 11 Camden High Street
Importance: High

From: Luke Elford [REDACTED] >
Sent: 31 January 2023 15:59
To: Lee Perella [REDACTED]; Heidi Lawrance [REDACTED]
Cc: Samina Khan [REDACTED]; Sarah Williams [REDACTED] >; Anoushka Clayton-Walsh [REDACTED] >
Subject: Re: TEN - Kiss the Sky, 11 Camden High Street
Importance: High

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Dear Lee,

Further to your email below.

For ease, I have inserted as much **information** as possible. Some of the queries you raise are more pertinent to the new application and we are happy to work with you on those throughout the consultation period and beyond.

Our client needs these TENs to ensure the viability of the business moving forwards. Otherwise the premises is effectively going to have to remain shut until such time as the new application is determined, which would wreck a fledgling business.

Please confirm by return today whether you will be withdrawing your objection to these TENs. If not, we'll have to deal with all this on Thursday.

Samina/Sarah/Anoushka – Lee's email and this response to be included within the paperwork for the councillors please. Thanks.

Kind regards,
Luke Elford

Partner
[REDACTED]

Sent from my mobile. Please excuse typos.

From: Lee Perella [REDACTED]
Sent: Tuesday, January 31, 2023 3:11 pm
To: Heidi Lawrance [REDACTED]
Cc: Luke Elford [REDACTED] >; Samina Khan [REDACTED] >; Sarah Williams

Subject: RE: TEN - Kiss the Sky, 11 Camden High Street

Thank you Heidi.

Acknowledge receipt.

In terms of the new business model, the TENS do not really give a good indication of the event for each TEN. – **It's not really a new business model. Our understanding is that the premises previously traded as a bar and that is what our client would like to do too.**

The purpose of the TENS is to enable the business to trade as it would like whilst the new application is being consulted on. This was clearly set out in the notices. The main things the notice giver wants to be able to do are (1) have more than 8 customers standing at the premises and (2) to provide Regulated Entertainment until the premises closes. The former is a restriction on the licence and the latter is missing from the licence altogether so could not be provided after 23:00. We note the existence of Simmons just a couple of doors away.

Do you know what purpose the TENS are being held for each weekend, i.e. what they are booked for and activity entertainment offer in place? – **See above. I'm afraid we can't give you specific information for each weekend because, due to the uncertainty that has been caused by your objection, it's not been possible to programme. In very general terms, the premises will operate as a bar with a DJ providing recorded music. If it would help, I am sure my client would be willing to undertake precisely that.**

The key issue is ensuring that sound from activities at the events do not give to public nuisance, especially as you might be seeking a livelier venue. – **We agree. This is a very small venue with a capacity of 50 or so plus staff. It is not and will never be a live music venue of any size.**

I can see the limiting device was purchased.

Who installed and set the limiter? – **The limiter was set by the company that installed it (see invoice). If it would help you in terms of your objections then we can arrange for Richard Vivian from Big Sky Acoustics to attend and set the limiter, or you can attend yourself and do it. If the premises is going to trade this weekend then the limiter will need to be set between now and Friday. If you do not withdraw your objection and/or the TENS are refused then there is little to no point setting a limit because the premises will not be able to operate.**

It good to see that efforts have been made to prevent further issues. – **We're now at a bit of a loss as to what more our client could reasonably do to satisfy you in relation to your objection to these TENS. Our client has:**

- **Purchased and installed a noise limiter. That noise limiter has been set at a level reasonable for the size of the premises and secured so that it cannot be tampered with. If you want to come and set the noise limiter then you are most welcome to, but it will need to be before the weekend. I know some authorities don't like setting noise limiters because it leaves them in difficulty if there are complaints later. At present the premises cannot trade in a way that allows it to make money, hence the giving of the TENS. If you don't want to set the noise limiter and would prefer that to be done by a member of the Institute of Acoustics then we have Richard Vivian from Big Sky Acoustics on standby to do that.**
- **Undertaken works to the ceiling between the premises and the flat above to minimise noise breakout and met with the resident there.**
- **Created a noise management policy for the premises.**

- **Created a dispersal policy for the premises.**
- **Agreed that, with the exception of the conditions identified in the TENs, that he will abide by all of the conditions of the premises licence for the duration of each TEN.**
- **Provided his contact details to residents and businesses in the vicinity of the premises.**
- **Tried to liaise, via us, with yourself and provided information in response to your objection and subsequent follow-up queries.**

Do we know if there is documentation around the installation of the limiter and its settings, and how this will be kept in the control of the licence holder? – **We can take instructions about any documentation in relation to the noise limiter, but it really would be helpful if we could secure the TENs and then have those conversations thereafter. At present our client is unable to operate the premises as he would like. The TENs are vital to the future of the business (as is the new application) as a going concern. The application for a premises licence that we have lodged contains a noise limiter condition. The existing premises licence does not have such a condition.**

Was there any testing to demonstrate the benefit of the sound proofing and sound levels settings to ensure there was an improvement and no recurrence of the public nuisance from outbreak of sound and vibration to the flat above? This might have been carried out as an acoustic assessment from the venue and the affected flat above. – **It would be unusual to carry out a noise survey for a series of temporary event notices. Our client has spoken with the complainant as well as providing his details to other neighbouring businesses. With the noise limiter in place, the ceiling works, the noise management policy, the dispersal policy, as well as all of the undertakings offered in relation to these TENs it is unlikely that there will be issues arising.**

In terms of the music system, how are the speakers sited so as not cause further problems? – **The speakers installed at the premises are small and commensurate with the size of the premises as a whole. They are located so that sound is provided to the main area and the smaller rear room. If it was felt to be helpful to agree specific speaker locations then that is something that can be picked up with Richard Vivian in the context of the full application.**

Was there any regard to preventing noise breakout at the access point, main entrance to street, when persons arriving and leaving. Any thoughts on lobby of the entrance. – **The premises is too small to install a lobby system and even if it were not, it could not be achieved by the weekend in any event. The notice giver is happy to agree that the entrance door will remain closed save for access/egress at all times when Regulated Entertainment is taking place.**

On the noise management plan, you mention limiting numbers outside. The current licence suggests 10 outside. How will that be monitored? – **This will be monitored by staff and by SIA door supervisors. Please note that the notice giver has already agreed to abide by all of the conditions of the premises licence in relation to the TENs save as outlined in the TENs themselves.**

Is the owner making changes to any equipment in terms extract/ AHU on the premises? – **No, and there is no on-site kitchen anymore.**

Regards

Lee Perella
Pollution EHT

Telephone: [REDACTED]



From: Heidi Lawrance [REDACTED]
Sent: 31 January 2023 11:23
To: Lee Perella [REDACTED] >
Cc: Luke Elford [REDACTED] >; Samina Khan [REDACTED] >; Sarah Williams [REDACTED]
Subject: FW: TEN - Kiss the Sky, 11 Camden High Street

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Good morning Lee

I would be most grateful if you could kindly provide a response to my email dated 26th January 2023.

I look forward to hearing from you at your earliest convenience.

Kind Regards

Heidi Lawrance

Senior Licensing Manager



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From: Heidi Lawrance
Sent: 30 January 2023 09:48
To: [REDACTED]
Cc: Luke Elford [REDACTED]
Subject: FW: TEN - Kiss the Sky, 11 Camden High Street

Good morning Lee

Following on from the email below, I note that we have not received a response.

We will be looking to submit our evidence bundle today and we would be most grateful if you would kindly confirm your position as soon as possible.

Kind Regards

Heidi Lawrance

Senior Licensing Manager

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From: Heidi Lawrance

Sent: 26 January 2023 14:17

To: [REDACTED]

Cc: Luke Elford [REDACTED]

Subject: TEN - Kiss the Sky, 11 Camden High Street

Dear Lee,

Thank you for your phone call yesterday and subsequent email.

Our client has taken the complaints and concerns you have raised very seriously and very much wants to work with the authority and residents to resolve them. Our client has already put in place a number of measures in that regard.

Mr Ray has made steps to soundproof the premises and his contractor will commence works on this on Monday 30th January. In addition to the soundproofing, he has also arranged for the installation of a noise limiter, to be fitted over the coming weekend. The limiter will be set at an appropriate level and if necessary, we have Richard Vivian from Big Sky Acoustics ready to come and check/reset it accordingly.

Our client has also (with our assistance) developed a Dispersal Policy and Noise Management Plan for the venue, and I attach a copy of these documents herewith. As part of the Noise Management Plan, Mr Ray has provided his contact number to the nearby residents and businesses so that should they have any issues with the premises moving forward they can contact him immediately. I can supply you with a copy of the letter that was sent if you want that for your records.

The hearing in relation to the TENs is scheduled for 10am on 2nd of February. I hope that the above is sufficient progress that you feel confident that you can withdraw your objection which will allow the premises some much needed breathing space to operate. If you feel there is more that could or should be done, please let us know what that is.

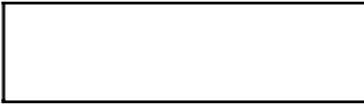
We have submitted a new premises licence application to correct the very obvious defects with the current licence and if you wanted to meet as part of the consultation process for that application and inspect the limiter/works that have been undertaken then we would be more than happy to arrange that.

I hope with the undertakings set out above, that we have reassured you and addressed your concerns around any public nuisance moving forward. Please do let me know if you wish to discuss any of the above further.

Kind Regards

Heidi Lawrance

Senior Licensing Manager



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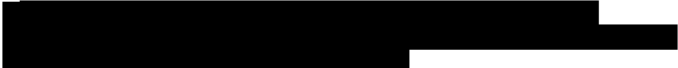
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