

<b><u>Meeting</u></b> <b>Licensing Sub-Committee</b>
<b><u>Date and time</u></b> <b>Tuesday 24th October, 2023</b> <b>At 10.30 am</b>
<b><u>Venue</u></b> <b>Committee Room 1, Hendon Town Hall, The Burroughs, London NW4 4BQ</b>

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
5	Report of the Trading Standards and Licensing Manager - Harmony Cafe 125 Colney Hatch Lane London N10 1HD	3 - 10

Governance Service [governanceservice@barnet.gov.uk](mailto:governanceservice@barnet.gov.uk)

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Kyriacos Kolocassides' s representation

AGENDA ITEM 5

**From:** Kyriacos Kolocassides <XXXXXXXXXXXXXXXXXXXXXXXXXXXXX>  
**Subject:** 125 Colney Hatch Lane, N10 1HD, objection to alcohol licence  
**Date:** 15 September 2023 at 15:51:53 EEST  
**To:** [licensingadmin@barnet.gov.uk](mailto:licensingadmin@barnet.gov.uk)

From:  
Dr Kyriacos Kolocassides, FRCS  
XX Moss LAne  
Alderley Edge  
Cheshire  
SK9 XXX

Date: 15th September 2023  
To: London Borough of Barnet, Licensing team

I am the owner of XXX Colney Hatch Lane, N10 XXX.  
**I am writing to object to the alcohol license application of 125 Colney Hatch Lane, N10 1HD - "Harmony coffee and shisha lounge" - as made by Harmony Coffee and Shisha Lounge Ltd, On the 29/08/2023. This objection is made on several grounds of:**

- 1) There is a restriction in the title deeds, against the buying or selling of any form of alcohol
- 2) the prevention of crime and disorder
- 3) Public safety
- 4) the prevention of public nuisance
- 5) The protection of children from harm
- 6) Non disclosure of actual opening hours and change of use.

**1) There is a restriction in the title deeds, against the buying or selling of any form of alcohol**

Please read section 3 of the restrictions on this title.

Title number AGL129680

## Schedule of restrictive covenants

1 The following are details of the covenants contained in the Conveyance dated 3 October 1904 referred to in the Charges Register:-

The Purchaser hereby covenants with the Vendor (but not so as to render the Purchaser or his heirs personally liable after he or they should have parted with the said hereditaments but to the intent that the covenant may run with the land and bind every person in whom from time to time the said hereditaments or any part thereof may be or become vested) for himself his heirs and assigns that he will at all times hereafter observe perform and comply with the said stipulations contained in the First Schedule hereto.

FIRST SCHEDULE above

referred to

General Stipulations

3. No part of the said land shall be used for the purposes of buying selling or dealing in wines spirits beer or other intoxicating liquors in any form whatsoever and no obnoxious or offensive trade or business shall be carried on upon any part of the property which may tend to depreciate or lessen the value of the adjoining estate of the Vendors or any part thereof as a residential property All the houses to be erected except on plots 242-248 inclusive shall be used only as and for private dwelling houses and no houses shall be erected to face Coppetts Road.

## **2) The prevention of crime and disorder**

This property is accessible via two routes. The front ie Colney Hatch Lane as well as via a rear alley way for the basement flats etc.

We have had chronic problems with people using the alley way for improper purposes and it has taken a lot of effort to eradicate this issue including security cameras by some and the installation of a gate at the beginning of the alleyway. Also keeping the place clean has helped.

Selling alcohol in a rear garden with access via the alley way or a low fence is a sure way to invite crime and disorder to the neighbourhood. I attach 2 photos of the rear courtyard today with alley way.

The fact that alcohol increases disorder cannot be disputed by anybody with common sense. In fact there are dozens of studies in the medical literature that show that "Antisocial behaviour is the main predictor of alcohol use".

There can be no doubt whatsoever that public disorder in the form of drunken behaviour, or shouting or engaging in threatening behaviour will occur where alcohol is sold. This is a quiet residential area without any shop open later than around 7pm and certainly no alcohol can be sold in this area. The consumption of alcohol will damage the area, disturb the residents including of course families with children.

Residents vehicles are parked in front of this row of shops, in what may be called a "private little road". These vehicles may be at increased risk of damage.

### **3) Public safety**

Most of the flats have their access via the rear alleyway. Again, this is why we have taken many steps over the years to keep it clean, safe and free of undesirable individuals and crime. All of this may be jeopardised if a business with alcohol consuming customers is open into the late hours and people who do not reside there are walking about.

The residents enjoy a short "private" road in front of the row of shops. These shops are closed after normal hours and thus the entire front street is available to the residents for parking their vehicles. Apart from the risk of damage to the cars, there will be a competition of parking with the local residents who will be displaced. Mothers with children will have to find parking in further and further places with all the risks that that implies.

### **4) The prevention of public nuisance**

The row of buildings 125 it sits within contains small quiet businesses that all close early such as an accountants, a carpet shop, a vets, a café which closes at 6pm and a fish and chip shop that closes at 7 or 8pm. They are set far back from the road with a slip road in front. None of the commercial properties in this row of buildings have ever been open late or served alcohol. None of the businesses in these buildings operate in the back of the buildings, which is exclusively residential, or allow customers to access the back of the buildings. There are multiple residential properties above these businesses, on either side, at the back of the buildings and on the opposite side of Colney Hatch Lane.

This is a very quiet residential neighbourhood at the front and at the back. Above the shops at the front on the first floor are residential flats (at the back of the buildings these flats are on the 2<sup>nd</sup> floor because of a change in street level) which also overlook the back. At the back there is no access to the road (ie very quiet), with ground floor flats which have gardens. The back of the buildings is all exclusively residential property, with gardens and no commercial businesses whatsoever operate there. All the flats are accessed via a small alleyway. Overlooking these flats and gardens at the back of the building are residential houses on Halliwick Road, also with gardens. All of these many residents therefore have a long-established expectation of a quiet, residential only environment.

**There are currently no commercial spaces at the back of these buildings.**

All of this is likely to change in a negative way as soon as alcohol is consumed especially at late hours. How is a family with children expected to live quietly when "next door" alcohol is consumed in an open garden space?

Unconfirmed reports say that the builders have been heard discussing adding a balcony/terrace on the first floor at the rear for the use of their customers. All these are directly adjacent to multiple residential properties on all 4 sides front and back. It will be next to people's bedroom windows. As mentioned, none of the commercial businesses at the front of these buildings operate out of the back of these buildings or allow customers to access the back, and, as far as I am aware, never have. It is a purely residential environment.

## **5) The protection of children from harm**

For all the reasons explained before, children will have their study time disturbed as well as their sleep. Children do not go to sleep at 22.30 hours but much sooner as a matter of course. I have no doubt if this scheme goes ahead families with children will seek to relocate, with all the negative impact this will have on their children. Finding appropriate housing in London is difficult enough as it is. This scheme will make things worse for this neighbourhood.

## **6) Change of use and failure to obtain council approval and non disclosure of opening hours.**

It is by now obvious that the applicant has not seeked approval from the council for the change of use of the premises, from a hair saloon to a late night coffee bar with alcohol.

**The applicant has not informed the council of its real intent in this matter.**

**The applicant intends as far as we can tell (from previous application) to keep these premises open until the late hours of 00.30 on some nights. Even though the sale of alcohol licence as applied for is to be now reduced to 22.30 hours, the consumption of alcohol will still continue into the late hours of the night, as the premises will be open that late.**

**I applied to the engineers of the applicant to get some information, but I was informed that they resigned and abandoned this project.**

### **summary:**

This new application is in reality no different from the one before in terms of its negative impact on all the issues raised here.

Allowing a bar to operate out of this residential garden space will create a huge problem with noise, disturb the peace and privacy of the multiple residents in these buildings and those on Halliwick road, and create crime and antisocial behaviour.

In general, the creation of a late night bar will dramatically impact the monetary value of the surrounding properties, and significantly discourage any potential rental tenants. The creation of a commercial bar in a back garden will make these properties considerably less desirable and will drive families with children away.

I urge you to reject the application for an alcohol license (and therefore the change in function) of this quiet business at the front and residential garden at the back into a late night bar.

I have provided photographs of the back of the building showing the nature of the gardens and quiet residential properties that overlook this space

Please provide me with a reference for my letter of objection.

Yours

Dr K Kolocassides







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