

MEETING

LICENSING SUB-COMMITTEE

DATE AND TIME

FRIDAY 20TH DECEMBER, 2019

AT 10.30 AM

VENUE

COMMITTEE ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)

Councillors

John Hart
Claire Farrier
Lachhya Gurung

** The licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.*

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Services contact: Governance Service pakeezah.rahman@barnet.gov.uk

Media Relations contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	APPOINTMENT OF CHAIRMAN	
2.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
3.	LICENSING SUB-COMMITTEE HEARING PROCEDURE	5 - 8
4.	REPORT OF THE LICENSING OFFICER	9 - 94
5.	MOTION TO EXCLUDE THE PRESS AND PUBLIC	
6.	DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION	
7.	RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE	
8.	ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service governanceservice@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

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LONDON BOROUGH OF BARNET

LICENSING SUB COMMITTEE

HEARINGS PROCEDURE

AGENDA ITEM 3

General points

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from www.culture.gov.uk

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

Governance Officer

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

Chairman

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

Governance Officer

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

Licensing Officer presents the report to the Committee

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

Applicant

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

Other parties

- Presents opening submissions either in person or by spokes person
Time allowed 5 mins per interested party.

Note regarding use of video evidence

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

Members question Licensing Officer on Policy

Discussion

Chairman leads a discussion concentrating on points of dispute:

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

Determination

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.

- Chairman reads out determination, and advises it will be sent in writing to all parties.
- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

...Within five working days of the hearing

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

Information on Appealing against the decision

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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Licensing Sub-Committee

20th December 2019

Title	Temporary Event Notice (LATEN/19/62192) - Cielo Prlr, 1 Charcot Road, London, NW9 5HG
Report of	Trading Standards & Licensing
Wards	Colindale
Status	Public
Urgent	N/A
Key	No
Enclosures	Report of the Licensing Officer Annex 1 – Temporary Event Notice Annex 2 – Premises Licence Annex 3 – Police Agreement Annex 4 – Noise Nuisance Representation Annex 5 – Notice of Decision Annex 6 – PRESCRIBED FORM OF NOTICE (conditions on a temporary event NOTICE) AND STATEMENT OF CONDITIONS
Officer Contact Details	Elisabeth Hammond 0208 359 5639 Elisabeth.hammond@barnet.gov.uk

Summary

This report asks the Sub-Committee to consider a Temporary Event Notice under Licensing Act 2003.

Officers Recommendations

1. That the Sub-Committee considers the Temporary Event Notice for an event to be held between Tuesday 24th December 2019 & Wednesday 25th December 2019 at Cielo Prr, 1 Charcot Road, London, NW9 5HG

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received objections from the Police and Noise Nuisance department that if not withdrawn must (in the case of a standard TEN only) hold a hearing to consider the representation (unless all parties agree that this is unnecessary)

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Licensing Act 2003 states that should the licensing authority receive an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Licensing Policy

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None

5.3 **Social Value**

5.3.1 N.A

5.4 **Legal and Constitutional References**

5.4.1 A valid objection notice has been received in relation to this Temporary Event Notice, which is therefore before the Sub-Committee for consideration

5.4.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

5.5 **Risk Management**

5.5.1 Not applicable

5.6 **Equalities and Diversity**

5.6.1 Licence applications/notices are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community

5.7 **Corporate Parenting**

5.7.1 N.A

5.8 **Consultation and Engagement**

5.8.1 Not applicable

5.9 **Insight**

5.9.1 Not relevant to this report

6. **BACKGROUND PAPERS**

6.1 The Temporary Event Notice, The Licensing Officer report and the enclosures are attached to this report

Officers Report

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Cielo Prr, 1 Charcot Road, London, NW9 5HG

The Notice

This Temporary Event Notice was given to the Licensing Authority by Mr Izzet Deniz Erpolat under Section 100 of the Licensing Act 2003.

The notice submitted seeks to permit the sale of alcohol by retail, the provision of regulated entertainment and the provision of late night refreshment for an event which is due to commence on the following dates & times;

- From 23:30hrs Tuesday 24th December 2019 until 04:00hrs Wednesday 25th December 2019

A copy of the Temporary Event Notice is attached to this report in **Annex 1**.

Premises Licence

Mr Izzet Deniz Erpolat, holds a premises licence for this venue which currently permits the following licensable activities:

Sale or supply of Alcohol – consumption on the premises only

Sunday to Thursday 11:00hrs - 23:30hrs
Friday and Saturday 11:00hrs - 01:30hrs

Provision of late night refreshment

Sunday to Thursday 23:00hrs - 00:30hrs
Friday and Saturday 23:00hrs - 01:30hrs

The hours that the premises are open to the public

Sunday to Thursday 11:00hrs - 00:00hrs
Friday and Saturday 11:00hrs - 02:00hrs

A copy of the current premises licence is attached to this report in **Annex 2**

Police Agreed Amendments

The Police have been in contact with Mr Erpolat in relation to his Event. An agreement has been made to amend the Event Notice to permit the following:

- From 23:30hrs Tuesday 24th December 2019 until 01:30hrs Wednesday 25th December 2019

In addition the Police have also asked Mr Erpolat to comply with the conditions of his premises licence for the duration of this Temporary Event Notice.

As it is not possible to attach the conditions shown on a Premises Licence to a Temporary Event Notice other than at a Licensing Sub Committee Hearing, this agreement with the Police would not be enforceable. To make these conditions enforceable the Licnesing Sub Committee should

they be minded to do so, could attach the conditions shown on the premises licence to this Temporary Event Notice today.

The Police agreement shown through an email conversation can be found attached to this report in **Annex 3**.

Noise Nuisance Objection

The licensing authority has received an objection from Simon Bull of the Noise Nuisance Department. Mr Bull has stated:

“The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.”

The Noise Nuisance objection & any supporting information is attached to the report in **Annex 4**.

Officers Comments

The London Borough of Barnet’s Licensing Policy states the following about Temporary Event Notices:

- Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
 - Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
- Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also, that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.
- The attention of applicant is drawn to the fact police will expect to see a completed Music Promotion / Event Risk Assessment Scheme (Form 696 & 696A). If the event involves live or DJ music and is open to the public or section of the public.

Determination

The sub-committee shall determine the application in accordance with Section 105 of the Licensing Act 2003. The Notice of Decision is attached as Annex 5.

Section 105 says, so far as it is relevant:

(2) The relevant licensing authority must—

(a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of a licensing objective to do so.

(3) The relevant licensing authority must—

(a) in a case where it decides not to give a counter notice under this section, give the premises user and each relevant person notice of the decision, and

(b) in any other case—

(i) give the premises user the counter notice and a notice stating the reasons for its decision, and

(ii) give each relevant person a copy of both of those notices.

Therefore, when considering this application, the licensing sub-committee can only:

(a) grant the notice as applied for;

(b) impose conditions on the notice that are shown on the premises licence/club premises certificate for this property if it is considered appropriate for the promotion of a licensing objective,

(c) reject the application;

Attaching conditions

The licensing authority may decide not to give the applicant a counter notice under section 105 of the Act and instead impose one or more conditions on the notice in accordance with section 106A(2) of the Act.

The premises licence in place for this premises with its attached conditions can be found attached to this report in Annex 2

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required. A map centrally locating the premises and premises plans will be available at the hearing.

Prepared By:

Elisabeth Hammond
Licensing Officer

Annex 1 – Temporary Event Notice

Annex 2 – Premises Licence

Annex 3 – Police Agreement

Annex 4 – Noise Nuisance objection

Annex 5 – Decision notice

Annex 6 – PRESCRIBED FORM OF NOTICE (conditions on a temporary event NOTICE) AND STATEMENT OF CONDITIONS

Temporary Event Notice

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	ERPOLAT
Forenames	IZZET DENIZ
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<div style="background-color: yellow; height: 100px; width: 100%;"></div>	
	Postcode <div style="background-color: yellow; width: 150px; height: 20px;"></div>
7. Other contact details	
Telephone numbers Daytime	<div style="background-color: yellow; width: 100%; height: 20px;"></div>
Evening (optional)	<div style="background-color: yellow; width: 100%; height: 20px;"></div>
Mobile (optional)	<div style="background-color: yellow; width: 100%; height: 20px;"></div>
Fax number (optional)	<div style="background-color: yellow; width: 100%; height: 20px;"></div>
E-Mail address (if available)	<div style="background-color: yellow; width: 100%; height: 20px;"></div>
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
CIELO Prlr 1 CHARCOT ROAD LONDON NW9 5HG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LARPE1/18/59467
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
RESTAURANT/SHISHA BAR	
Please describe the nature of the event below. (Please read note 5)	
LATE NIGHT REFRESHMENT AND ALCHOL PERFORM LIVE MUSIC	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
24 TH OF DECEMBER INTO 25 TH OF DECEMBER		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
23:30 AM TO 04:00 AM		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	250-300 PEOPLE	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p>
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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		

Issuing licensing authority	HARINGEY COUNCIL
Licence number	LN/000022548
Date of issue	02/10/2019
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	I.D.E
Date	07.12.2019
Name of Person signing	IZZET DENIZ ERPOLAT

For completion by the licensing authority

10. Acknowledgement (Please read note 20)
I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Premises Licence

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Izzet Deniz Erpolat
9 Downhills Avenue
London
N17 6LQ

Registered number of holder, for example company number, charity number (where applicable)

n/a

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Izzet Deniz Erpolat

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number:

Personal Licence Issuing Authority: ■

■

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - i. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are (designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 - ii. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 - iii. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

iv. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

4. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a)"duty" is to be construed in accordance with the Alcoholic Liquor Act Duties 1979

(b)"permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence,

or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as paragraph a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

5. All staff involved in licensable activity shall receive training relating to age verification, the licensing objectives and laws relating to the sale of alcohol. This training shall be given at the start of employment (prior to carrying out any licensable activity) and be refreshed at least every 6 months. The training shall be documented and be made available for inspection at the request of police or other responsible authority.

6. The premises shall operate a challenge 25 policy. Anyone attempting to purchase alcohol who appears under the age of 25 years shall be required to produce valid photo ID (such as a photo card driving licence, passport or PASS accredited age verification card) to prove they are 18 years or older. Failure to produce acceptable ID shall result in a refusal of the sale. This refusal shall be documented in the refusals / incident log.

7. Alcohol will only be sold to customers purchasing food.

8. Alcohol will only be consumed by persons seated at a table (with a substantial meal) or kept sealed to be taken away from the premises with a takeaway meal

9. All service of alcohol will be made by waiter/waitress.

10. There will be no vertical drinking

11. A refusals / incidents register shall be maintained at the premises recording

- a) All known incidents of crime and disorder occurring at the premises with dates and times
- b) Details of occasions when the emergency services are called to the premises
- c) All refusals of alcohol sales and ejections from the premises.

This register will be available for inspection by a police officer or other authorised officer on request

12. A CCTV system comprising of a multi camera system will be installed at the premises capable of the following;

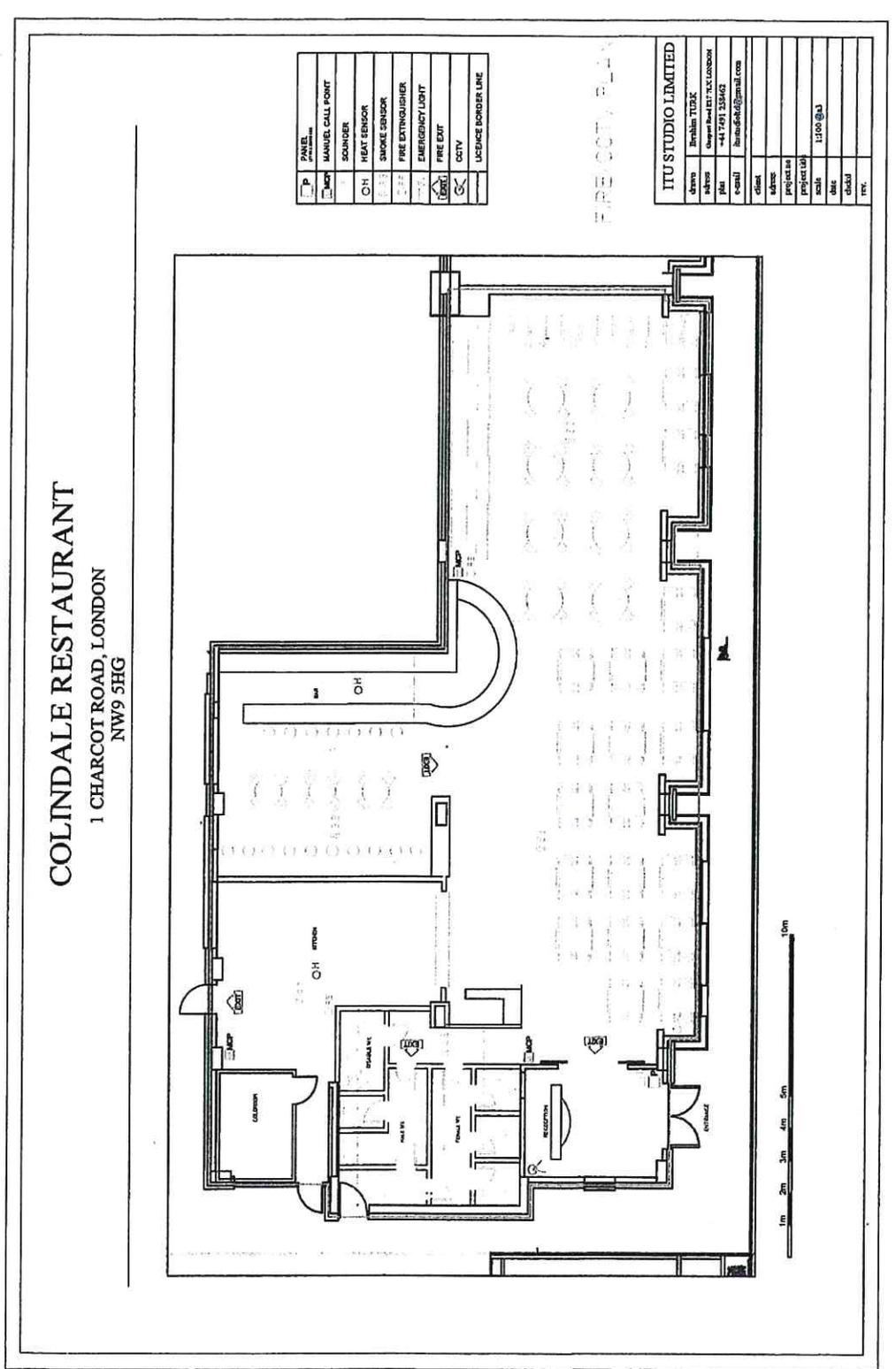
- a) The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium (locally or accessible from a central location)
- b) If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public.
- c) A CD/DVD burner, USB type device or media storage database (i.e. Cloud) will also form part of the system to facilitate making copies of the footage
- d) The quality of the images must be of a sufficiently high standard to allow identification of the subject matter
- e) Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises, any bar/till areas and areas approach to the toilet facilities
- f) Images must be retained for a minimum period of 31 days before overwriting
- g) The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet
- h) At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet
- i) This system will be fully maintained at all times

Annex 3 – Conditions attached after hearing by the licensing authority

n/a

Annex 4 – Plan

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference LAPRE1/18/59467



Police Agreement

Rehman, Ali

Subject: FW: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

From: Vicky.Johnson@met.police.uk [mailto:Vicky.Johnson@met.police.uk] **On Behalf Of** NWMailbox.LicensingBarnet@met.police.uk
Sent: 12 December 2019 13:37
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>; Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

LBB Licensing,

Please see **below agreement** to the conditions of the two TENs being issued.

Each TEN has the conditions that have been requested and agreed listed under the relevant TEN ref.

Apologies for the delay in getting this over, it has been quite difficult contacting the applicant.

With these provisions agreed put in place on the notices, both police objections are withdrawn.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Deniz Erpolat
Sent: 12 December 2019 13:10
To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>
Subject: Re: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

Hi Vicky,

No problem, we could go ahead like that. Thanks.

Kind regards,
Deniz Erpolat.

On 12 Dec 2019, at 09:11, "Vicky.Johnson@met.police.uk" <Vicky.Johnson@met.police.uk> wrote:

Deniz,

For the purpose of me being able to send a relevant response to the council in relation to these TENs.

With regards to **LATEN/19/62192 - 24th – 25th December**

Your current licence permits activities (restaurant style) until 11:30pm for a Tuesday. We suggest a reasonable compromise would be to permit the usual times you would have of a weekend which is till 01:30am with the DJ only in the restaurant part of the premises. This is due to the shisha part having to be open if Shisha activity is being carried out. We would insist no licensable activity to be carried out in the Shisha lounge area. All Licensable activity to be contained within the restaurant. Security to be employed as offered in your email below. The premises is to be compliant with the premises licence conditions throughout.

With regards to **LATEN/19/62174 - 31st December – 1st January**

Your licence permits activities (restaurant style) until 11:30pm on a Tuesday. We suggest a reasonable compromise would be to permit licensable activities until 2am as offered in your email below with the DJ only in the restaurant part of the premises. This is due to the shisha part having to be open if Shisha activity is being carried out. We would insist no licensable activity to be carried out in the Shisha lounge area. All Licensable activity to be contained within the restaurant. Security to be employed as offered in your email below. The premises is to be compliant with the premises licence conditions throughout.

Please respond ASAP so that we can get an agreement over to the council. If you need to further discuss then please call.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Deniz Erpolat

Sent: 11 December 2019 15:58

To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>

Subject: Re: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Hi Vicky,

Thank you for the email. I spoke with Gary yesterday and we had a good conversation about what we could do to come to a medium. I mentioned to him that we would need a DJ for New Years as it is a important day for us as a business but it was his choice for Christmas. It would be great if we could do Christmas as well however we haven't advertised for neither of the occasions and the dates are getting closer. We would request a DJ in both the shisha and restaurant on New Years. The restaurant is sound proofed and it was the shisha that the residents had an issue with about sound, however I've given my word to Gary about the sound being kept low in both venues. We also spoke with Gary about opening till 02:00 rather than 04:00 which isn't necessary. In addition, we usually have 2 SIA approved door supervisors every Friday and Saturday but we could get 2 more for New Years if you'd require. Lastly, to mention, we do not serve alcohol in the shisha area so if you'd take that into consideration also I'll be pleased. Thank you.

Kind regards,
Deniz Erpolat.

On 11 Dec 2019, at 13:25, "Vicky.Johnson@met.police.uk" <Vicky.Johnson@met.police.uk> wrote:

Deniz,

Ultimately we need to establish what will happen with these two events. I have been informed the following was to be agreed;

- You will withdraw Regulated entertainment from BOTH applications, there will be no DJ or live music, just background music.
- You will have a minimum of 4 SIA door supervisors, two of whom will be on duty at the entrance at all times whilst the premises is open.
- You will cease the sale by retail of alcohol at 0130hrs and close the premises by 0200hrs.
- You will adhere to your other premises licensing conditions for both events

If this is correct, please confirm in writing.. if not, what are you proposing?

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: meral havi cetin

Sent: 11 December 2019 12:43

To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>; Deniz Erpolat

Subject: Re: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Dear izzet

Please can you contact with Vicky as soon as possible

regards

meral

From: Vicky.Johnson@met.police.uk <Vicky.Johnson@met.police.uk>

Sent: 11 December 2019 11:25

To:

Subject: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Can someone please call me regarding these TENs ASAP as I am now dealing as my colleague is off work for the next couple of days.

I understand that Meral had one discussion with him, but that some of the proposed arrangements were altered during his call with Deniz.

For clarity we need to finalise this in writing and get a response off to the council otherwise a hearing process will be started.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Norton Gary L.R - NW-CU <Gary.L.R.Norton@met.police.uk>
Sent: 10 December 2019 15:37
To: meral havi cetin LicensingAdmin@barnet.gov.uk; Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>
Subject: RE: Cielo Prlr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Hi Meral,

For the purposes of clarity and wording for **both** TENs reference LATEN/19/62172 & LATEN/19/62174:

- 1) You wish to confirm you will withdraw Regulated entertainment from BOTH applications, there will be no DJ or live music, just background music.
- 2) You will have a minimum of 4 SIA door supervisors, two of whom will be on duty at the entrance at all times whilst the premises is open.
- 3) You will cease the sale by retail of alcohol at 0130hrs and close the premises by 0200hrs.
- 4) You will adhere to your other premises licensing conditions for both events.

Please reply that you are in agreement with these points and I will withdraw my representations.

Kind Regards,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
[Tel:07500993899](tel:07500993899)

The boroughs of Brent, Barnet and Harrow merged into the North West Basic Command Unit in November 2018 due to corporate restructuring. The geographical area is known as NW BCU. The service you receive from us will not change, however some recognised details such as email addresses and shoulder numbers will. For more information, visit www.met.police.uk/news/met-announces-changes-to-local-policing-294044.

Gary.L.R.Norton@met.police.uk

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From: meral havi cetin
Sent: 10 December 2019 15:23
To: Norton Gary L.R - NW-CU <Gary.L.R.Norton@met.police.uk>; LicensingAdmin@barnet.gov.uk; Wilcock Vicky T - NW-CU

<Vicky.Johnson@met.police.uk>

Subject: Re: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference:
LATEN/19/62174

Dear Gary,

it was nice to talking to you and I can understand all your issues , because of that I am offering to change to time for both Tens to 2 clock in the morning and we will stop selling alcohol 1:30 than we will have time to people leave the restaurant until 2 am and I will put security guys there, about noise issue: I will not do the Dj night only background music..

I look forward to hearing from you

With Regrad

Meral cetin

From: Gary.L.R.Norton@met.police.uk <Gary.L.R.Norton@met.police.uk>

Sent: 10 December 2019 14:49

To: LicensingAdmin@barnet.gov.uk <LicensingAdmin@barnet.gov.uk>;

Vicky.Johnson@met.police.uk <Vicky.Johnson@met.police.uk>

Cc:

Subject: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference:
LATEN/19/62174

Dear All,

Please find attached police representations regarding the TEN application relating to 31st Dec 2019 to 1st Jan 2020.

Yours Sincerely,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
[Tel:07500993899](tel:07500993899)

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Gary.L.R.Norton@met.police.uk

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Noise Nuisance Objection

Hammond, Elisabeth

From: Phasey, Emma
Sent: 11 December 2019 19:50
To: Hammond, Elisabeth; Bull, Simon

Hi Elisabeth

I am writing on behalf of Simon as he has had some IT issues this eve

Simon would like to object to the two TENS for the above premises on the grounds of public nuisance.

There is a history of noise issues at the premises and Simon believes having a music event at the premises (particularly the shisha area) until 04:00 will cause a nuisance to the residents in the area

He has spoken to the event holder and is awaiting assurances and changes to the proposal to see whether his concerns can be abated. Currently his concerns stand and therefore he is making this representation.

Regards

Emma Phasey
Group Manager, Commercial Premises

Development and Regulatory Services
London Borough of Barnet, Barnet House, 1255 High Road Whetstone, N20 0EJ

T: 020 8359 2119

Barnet Online: www.barnet.gov.uk

Development & Regulatory Services
The London Borough of Barnet
Community Protection (Regulation)
2 Bristol Avenue, Colindale
London, NW9 4EW

Tel: 020 8359 7995

Ref: PHSR/19/11802

Noise Nuisance Make Representations to the following Temporary Event Notice

Sect 100 of the Licensing Act 2003

Application Given To Noise Nuisance:	9th December 2019
Premises:	Cielo Prrl, 1 Charcot Road London NW9 5HG
Person:	Mr Izzet Deniz Erpolat
Event:	LATEN/19/62192
Date:	24th – 25th December 2019
Time:	23:30pm - 04:00am

The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.

Our records show that there have been complaints of noise and nuisance from these premises with the most recent one being received on 6th December 2019. The complaint was made concerning loud music being audible outside the boundary of the premises.

The Noise Nuisance Department have concerns with the event going past 11pm. The building has very poor sound insulating properties and, in my opinion would severely affect the local neighbourhood with many properties situated above the premises.

We have concerns that people attending this function are likely to cause unreasonably high levels of noise nuisance when they leave the premises. This concern is also heightened by this is also being a time when most of the local residents would be asleep.

On 11th December 2019 a telephone conversation with Mr Erpolat did not resolve any of my concerns as he was not prepared to close the venue at 11pm.

I hope this matter will be resolved without the need for a hearing and encourage the premises user to contact us to see if a mutually agreeable solution can be reached and our objection can be withdrawn.

However, if the premises user or their appointed representative does not engage with the Noise Nuisance Department and provide the information and reassurances to fully promote the licensing objective identified above, I would respectfully request that the Licensing Sub Committee rejects the notice.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'S Bull', written in a cursive style.

Simon Bull
Environmental Health Technical Officer

Notice of Decision

PERMITTED TEMPORARY ACTIVITIES
Licensing Act 2003 part 5 sections 100-110 (the Act)

Licensing Authority: Directorate of Corporate Governance, 5th Floor
2 Bristol Avenue, Colindale, NW9 4EW

Ref: LATEN/19/62174

On Saturday 7th December 2019 the licensing authority received from you, the premises user Mr Izzet Deniz Erpolat a temporary event notice in respect of proposed temporary licensable activities due to take place from 23:30hrs on 24.12.2019 and finishing at 01:30 am on the 25.12.19 within **Cielo Prlr, 1 Charcot Road, NW9 5HG**

NOTICE OF DECISION

- (a) COUNTER NOTICE**
 - (b) DECISION NOT TO ISSUE A COUNTER NOTICE**
- (delete that which is not applicable)**

The Licensing Authority, having received a notice of objection from the relevant chief officer of police under section 104(2)(a) of the Act and in accordance with section 105(2)(a) of the Act, having held a hearing on 20th December 2019 at 10:30 am to consider the objection notice hereby;

- (a)** gives the premises user this counter notice as it considers it necessary for the promotion of the crime prevention objective to do so. **The event may not go ahead.**
 - (b)** does not consider it necessary to give a counter notice for the promotion of the crime prevention objective. **The event may go ahead.**
- (delete that which does not apply)

NOTICE STATING REASONS FOR THE DECISION

The following reasons are given:

.....

.....

.....

.....

.....

.....

.....

.....

SERVICE OF THIS COUNTER NOTICE/NOTICE OF DECISION.

At least twenty four hours before the beginning of the event period as specified in the temporary event notice, the relevant licensing authority must:

- (a) in a case where it decided not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case-
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

CERTIFICATE OF SERVICE

I _____ (print name) an officer of the London Borough of Barnet, hereby certify that I served a true copy of this notice on the premises user _____ (print name of premises user)

by: (insert method notice given)

Signed _____

Dated _____

MANNER OF GIVING A COUNTER NOTICE:

A counter notice is given in the prescribed manner if it is:

- (a) delivered to the relevant premises user in person
- (b) left at the “appropriate address”
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.

RIGHTS OF APPEAL:

Under Schedule 5 Part 3 Licensing Act 2003

Temporary Event Notices

- 16(1) This paragraph applies where -
 - (a) a temporary event notice is given under section 100, and
 - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrate’s court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices’ chief executive for the magistrate’s court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.

Prescribed form of notice
(conditions on a temporary
event NOTICE) and
**STATEMENT OF
CONDITIONS**

PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND
STATEMENT OF CONDITIONS

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

London Borough of Barnet, Barnet Council, 2 Bristol Avenue, Colindale, NW9 4EW

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On 7th December 2019 the licensing authority received from you, Mr Izzet Erpolat, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 24th December at 23:30hrs The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of the licensing authority	DATE	
Name of Officer signing			

The prescribed form for a statement of conditions is as follows:

The condition(s) is/are:			
SIGNATURE		DATE	
	On behalf of the licensing authority		
Name of Officer signing			

	<p>Licensing Sub-Committee</p> <p>Friday 20th December 2019</p>
<p style="text-align: right;">Title</p>	<p>Temporary Event Notice (LATEN/19/62174) - Cielo Prlr, 1 Charcot Road, London, NW9 5HG</p>
<p style="text-align: right;">Report of</p>	<p>Trading Standards & Licensing</p>
<p style="text-align: right;">Wards</p>	<p>Colindale</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>N/A</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Report of the Licensing Officer</p> <p>Annex 1 – Temporary Event Notice Annex 2 – Premises Licence Annex 3 – Police Agreement Annex 4 – Noise Nuisance Representation Annex 5 – Notice of Decision</p> <p>Annex 6 – PRESCRIBED FORM OF NOTICE (conditions on a temporary event NOTICE) AND STATEMENT OF CONDITIONS</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Elisabeth Hammond 0208 359 5639 Elisabeth.hammond@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to consider a Temporary Event Notice under Licensing Act 2003.

Officers Recommendations

1. That the Sub-Committee considers the Temporary Event Notice for an event to be held between Tuesday 31st December 2019 & Wednesday 1st January 2020 at Cielo Prrl, 1 Charcot Road, London, NW9 5HG

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received objections from the Police and Noise Nuisance department that if not withdrawn, must (in the case of a standard TEN only) hold a hearing to consider the representation (unless all parties agree that this is unnecessary)

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Licensing Act 2003 states that should the licensing authority receive an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council’s Licensing Policy

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None

5.3 Social Value

5.3.1 N/A

5.4 Legal and Constitutional References

5.4.1 A valid objection notice has been received in relation to this Temporary Event Notice, which is therefore before the Sub-Committee for consideration

5.4.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Licence applications/notices are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 Not applicable

5.9 Insight

5.9.1 Not relevant to this report

6. BACKGROUND PAPERS

6.1 The Temporary Event Notice, The Licensing Officer report and the enclosures are attached to this report

Officers Report

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Cielo Prr, 1 Charcot Road, London, NW9 5HG

The Notice

This Temporary Event Notice was given to the Licensing Authority by Mr Izzet Deniz Erpolat under Section 100 of the Licensing Act 2003.

The notice submitted seeks to permit the sale of alcohol by retail, the provision of regulated entertainment and the provision of late night refreshment for an event which is due to commence on the following dates & times;

- From 23:30hrs Tuesday 31st December until 02:00hrs Wednesday 1st January 2020

A copy of the Temporary Event Notice is attached to this report in **Annex 1**.

Premises Licence

Mr Izzet Deniz Erpolat, holds a premises licence for this venue which currently permits the following licensable activities :

Sale or supply of Alcohol – consumption on the premises only

Sunday to Thursday 11:00hrs - 23:30hrs
Friday and Saturday 11:00hrs - 1:30hrs

Provision of late night refreshment

Sunday to Thursday 23:00hrs - 00:30hrs
Friday and Saturday 23:00hrs – 01:30hrs

The hours that the premises are open to the public

Sunday to Thursday 11:00hrs - 00:00hrs
Friday and Saturday 11:00hrs - 02:00hrs

A copy of the current premises licence is attached to this report in **Annex 2**

Police Agreed Amendments

The Police have been in contact with Mr Erpolat in relation to his Event. An agreement has been made to amend the Event Notice to permit the following:

- From 23:30hrs Tuesday 31st December 2019 until 02:00hrs Wednesday 1st January 2020

In addition the Police have also asked Mr Erpolat to comply with the conditions of his premises licence for the duration of this Temporary Event Notice.

As it is not possible to attach the conditions shown on a Premises Licence to a Temporary Event Notice other than at a Licensing Sub Committee Hearing, this agreement with the Police would not be enforceable. To make these conditions enforceable the Licnesing Sub Committee should

they be minded to do so, could attach the conditions shown on the premises licence to this Temporary Event Notice today.

The Police agreement shown through an email conversation can be found attached to this report in **Annex 3**.

Noise Nuisance Objection

The licensing authority has received an objection from Simon Bull of the Noise Nuisance Department. Mr Bull has stated:

“The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.”

The Noise Nuisance objection & any supporting information is attached to the report in **Annex 4**.

Officers Comments

The London Borough of Barnet’s Licensing Policy states the following about Temporary Event Notices:

- Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
 - Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
- Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.
- The attention of applicant is drawn to the fact police will expect to see a completed Music Promotion / Event Risk Assessment Scheme (Form 696 & 696A). If the event involves live or DJ music and is open to the public or section of the public.

Determination

The sub-committee shall determine the application in accordance with Section 105 of the Licensing Act 2003. The Notice of Decision is attached as Annex 5.

Section 105 says, so far as it is relevant:

(2) The relevant licensing authority must—

(a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of a licensing objective to do so.

(3) The relevant licensing authority must—

(a) in a case where it decides not to give a counter notice under this section, give the premises user and each relevant person notice of the decision, and

(b) in any other case—

(i) give the premises user the counter notice and a notice stating the reasons for its decision, and

(ii) give each relevant person a copy of both of those notices.

Therefore, when considering this application, the licensing sub-committee can only:

(a) grant the notice as applied for;

(b) impose conditions on the notice that are shown on the premises licence/club premises certificate for this property if it is considered appropriate for the promotion of a licensing objective,

(c) reject the application;

Attaching conditions

The licensing authority may decide not to give the applicant a counter notice under section 105 of the Act and instead impose one or more conditions on the notice in accordance with section 106A(2) of the Act.

The premises licence in place for this premises with its attached conditions can be found attached to this report in **Annex 2**

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required. A map centrally locating the premises and premises plans will be available at the hearing.

Prepared By:

Elisabeth Hammond
Licensing Officer

Annex 1 – Temporary Event Notice
Annex 2 – Premises Licence
Annex 3 – Police Agreement
Annex 4 – Noise Nuisance objection
Annex 5 – Decision notice

Annex 6 - PRESCRIBED FORM OF NOTICE (conditions on a temporary event NOTICE) AND STATEMENT OF CONDITIONS

Temporary Event Notice

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	ERPOLAT
Forenames	IZZET DENIZ
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
A 4	
Post town	Postcode
7. Other contact details	
Telephone numbers Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
CIELO Prlr 1 CHARCOT ROAD LONDON NW9 5HG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LARPE1/18/59467
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
RESTAURANT/SHISHA BAR	
Please describe the nature of the event below. (Please read note 5)	
LATE NIGHT REFRESHMENT AND ALCHOL PERFORM LIVE MUSIC	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
31 st December 2019 to 1 st January	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
23:30 AM TO 04:00 AM	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	250-300 PEOPLE
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p>
--

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		

Issuing licensing authority	HARINGEY COUNCIL
Licence number	LN/000022548
Date of issue	02/10/2019
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	I.D.E
Date	07.12.2019
Name of Person signing	IZZET DENIZ ERPOLAT

For completion by the licensing authority

10. Acknowledgement (Please read note 20)
I acknowledge receipt of this temporary event notice.

Signature	
	On behalf of the licensing authority
Date	
Name of Officer signing	

Premises Licence

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On supplies only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Izzet Deniz Erpolat
9 Downhills Avenue
London
N17 6LQ

Registered number of holder, for example company number, charity number (where applicable)

n/a

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Izzet Deniz Erpolat

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number:

Personal Licence Issuing Authority: ■

■

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - i. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are (designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
 - ii. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 - iii. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

iv. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

4. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Act Duties 1979

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence,

or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as paragraph a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

5. All staff involved in licensable activity shall receive training relating to age verification, the licensing objectives and laws relating to the sale of alcohol. This training shall be given at the start of employment (prior to carrying out any licensable activity) and be refreshed at least every 6 months. The training shall be documented and be made available for inspection at the request of police or other responsible authority.

6. The premises shall operate a challenge 25 policy. Anyone attempting to purchase alcohol who appears under the age of 25 years shall be required to produce valid photo ID (such as a photo card driving licence, passport or PASS accredited age verification card) to prove they are 18 years or older. Failure to produce acceptable ID shall result in a refusal of the sale. This refusal shall be documented in the refusals / incident log.

7. Alcohol will only be sold to customers purchasing food.

8. Alcohol will only be consumed by persons seated at a table (with a substantial meal) or kept sealed to be taken away from the premises with a takeaway meal

9. All service of alcohol will be made by waiter/waitress.

10. There will be no vertical drinking

11. A refusals / incidents register shall be maintained at the premises recording

- a) All known incidents of crime and disorder occurring at the premises with dates and times
- b) Details of occasions when the emergency services are called to the premises
- c) All refusals of alcohol sales and ejections from the premises.

This register will be available for inspection by a police officer or other authorised officer on request

12. A CCTV system comprising of a multi camera system will be installed at the premises capable of the following;

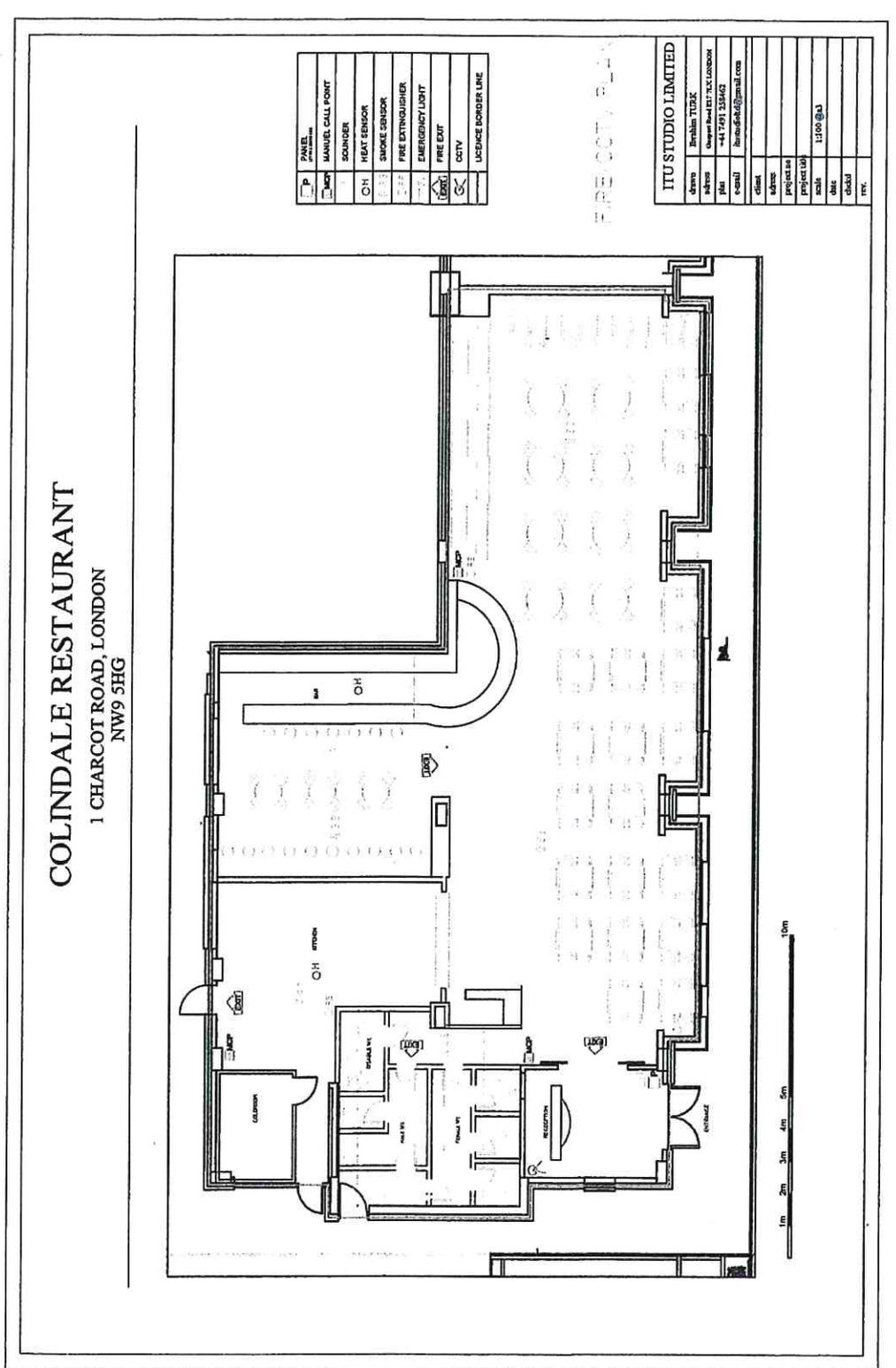
- a) The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium (locally or accessible from a central location)
- b) If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public.
- c) A CD/DVD burner, USB type device or media storage database (i.e. Cloud) will also form part of the system to facilitate making copies of the footage
- d) The quality of the images must be of a sufficiently high standard to allow identification of the subject matter
- e) Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the premises, any bar/till areas and areas approach to the toilet facilities
- f) Images must be retained for a minimum period of 31 days before overwriting
- g) The images will be made available in reasonable time on demand by the Police and authorised officers of the London Borough of Barnet
- h) At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet
- i) This system will be fully maintained at all times

Annex 3 – Conditions attached after hearing by the licensing authority

n/a

Annex 4 – Plan

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference LAPRE1/18/59467



Police Agreement

Rehman, Ali

Subject: FW: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

From: Vicky.Johnson@met.police.uk [mailto:Vicky.Johnson@met.police.uk] **On Behalf Of** NWMailbox.LicensingBarnet@met.police.uk
Sent: 12 December 2019 13:37
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>; Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

LBB Licensing,

Please see **below agreement** to the conditions of the two TENs being issued.

Each TEN has the conditions that have been requested and agreed listed under the relevant TEN ref.

Apologies for the delay in getting this over, it has been quite difficult contacting the applicant.

With these provisions agreed put in place on the notices, both police objections are withdrawn.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Deniz Erpolat
Sent: 12 December 2019 13:10
To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>
Subject: Re: Cielo Prlr TEN for 24th Dec ref LATEN/19/62192 & 31st Dec 2019 reference: LATEN/19/62174

Hi Vicky,

No problem, we could go ahead like that. Thanks.

Kind regards,
Deniz Erpolat.

On 12 Dec 2019, at 09:11, "Vicky.Johnson@met.police.uk" <Vicky.Johnson@met.police.uk> wrote:

Deniz,

For the purpose of me being able to send a relevant response to the council in relation to these TENs.

With regards to **LATEN/19/62192 - 24th – 25th December**

Your current licence permits activities (restaurant style) until 11:30pm for a Tuesday. We suggest a reasonable compromise would be to permit the usual times you would have of a weekend which is till 01:30am with the DJ only in the restaurant part of the premises. This is due to the shisha part having to be open if Shisha activity is being carried out. We would insist no licensable activity to be carried out in the Shisha lounge area. All Licensable activity to be contained within the restaurant. Security to be employed as offered in your email below. The premises is to be compliant with the premises licence conditions throughout.

With regards to **LATEN/19/62174 - 31st December – 1st January**

Your licence permits activities (restaurant style) until 11:30pm on a Tuesday. We suggest a reasonable compromise would be to permit licensable activities until 2am as offered in your email below with the DJ only in the restaurant part of the premises. This is due to the shisha part having to be open if Shisha activity is being carried out. We would insist no licensable activity to be carried out in the Shisha lounge area. All Licensable activity to be contained within the restaurant. Security to be employed as offered in your email below. The premises is to be compliant with the premises licence conditions throughout.

Please respond ASAP so that we can get an agreement over to the council. If you need to further discuss then please call.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Deniz Erpolat

Sent: 11 December 2019 15:58

To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>

Subject: Re: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Hi Vicky,

Thank you for the email. I spoke with Gary yesterday and we had a good conversation about what we could do to come to a medium. I mentioned to him that we would need a DJ for New Years as it is a important day for us as a business but it was his choice for Christmas. It would be great if we could do Christmas as well however we haven't advertised for neither of the occasions and the dates are getting closer. We would request a DJ in both the shisha and restaurant on New Years. The restaurant is sound proofed and it was the shisha that the residents had an issue with about sound, however I've given my word to Gary about the sound being kept low in both venues. We also spoke with Gary about opening till 02:00 rather than 04:00 which isn't necessary. In addition, we usually have 2 SIA approved door supervisors every Friday and Saturday but we could get 2 more for New Years if you'd require. Lastly, to mention, we do not serve alcohol in the shisha area so if you'd take that into consideration also I'll be pleased. Thank you.

Kind regards,
Deniz Erpolat.

On 11 Dec 2019, at 13:25, "Vicky.Johnson@met.police.uk" <Vicky.Johnson@met.police.uk> wrote:

Deniz,

Ultimately we need to establish what will happen with these two events. I have been informed the following was to be agreed;

- You will withdraw Regulated entertainment from BOTH applications, there will be no DJ or live music, just background music.
- You will have a minimum of 4 SIA door supervisors, two of whom will be on duty at the entrance at all times whilst the premises is open.
- You will cease the sale by retail of alcohol at 0130hrs and close the premises by 0200hrs.
- You will adhere to your other premises licensing conditions for both events

If this is correct, please confirm in writing.. if not, what are you proposing?

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: meral havi cetin

Sent: 11 December 2019 12:43

To: Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>; Deniz Erpolat

Subject: Re: Cielo Prlr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Dear izzet

Please can you contact with Vicky as soon as possible

regards

meral

From: Vicky.Johnson@met.police.uk <Vicky.Johnson@met.police.uk>

Sent: 11 December 2019 11:25

To:

Subject: Cielo Prlr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Can someone please call me regarding these TENs ASAP as I am now dealing as my colleague is off work for the next couple of days.

I understand that Meral had one discussion with him, but that some of the proposed arrangements were altered during his call with Deniz.

For clarity we need to finalise this in writing and get a response off to the council otherwise a hearing process will be started.

Regards

Vicky Wilcock

PC1349NW Wilcock

Licensing North West Area | Barnet SPOC | Harrow Police Station
MetPhone: 744195 | Telephone 020 8733 4195 | Mobile 07776 674786

From: Norton Gary L.R - NW-CU <Gary.L.R.Norton@met.police.uk>
Sent: 10 December 2019 15:37
To: meral havi cetin LicensingAdmin@barnet.gov.uk; Wilcock Vicky T - NW-CU <Vicky.Johnson@met.police.uk>
Subject: RE: Cielo Prlr TEN for 31st Dec 2019 to 1st Jan 2020 Reference: LATEN/19/62174

Hi Meral,

For the purposes of clarity and wording for **both** TENs reference LATEN/19/62172 & LATEN/19/62174:

- 1) You wish to confirm you will withdraw Regulated entertainment from BOTH applications, there will be no DJ or live music, just background music.
- 2) You will have a minimum of 4 SIA door supervisors, two of whom will be on duty at the entrance at all times whilst the premises is open.
- 3) You will cease the sale by retail of alcohol at 0130hrs and close the premises by 0200hrs.
- 4) You will adhere to your other premises licensing conditions for both events.

Please reply that you are in agreement with these points and I will withdraw my representations.

Kind Regards,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
[Tel:07500993899](tel:07500993899)

The boroughs of Brent, Barnet and Harrow merged into the North West Basic Command Unit in November 2018 due to corporate restructuring. The geographical area is known as NW BCU. The service you receive from us will not change, however some recognised details such as email addresses and shoulder numbers will. For more information, visit www.met.police.uk/news/met-announces-changes-to-local-policing-294044.

Gary.L.R.Norton@met.police.uk

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From: meral havi cetin
Sent: 10 December 2019 15:23
To: Norton Gary L.R - NW-CU <Gary.L.R.Norton@met.police.uk>; LicensingAdmin@barnet.gov.uk; Wilcock Vicky T - NW-CU

<Vicky.Johnson@met.police.uk>

Subject: Re: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference:
LATEN/19/62174

Dear Gary,

it was nice to talking to you and I can understand all your issues , because of that I am offering to change to time for both Tens to 2 clock in the morning and we will stop selling alcohol 1:30 than we will have time to people leave the restaurant until 2 am and I will put security guys there, about noise issue: I will not do the Dj night only background music..

I look forward to hearing from you

With Regrad

Meral cetin

From: Gary.L.R.Norton@met.police.uk <Gary.L.R.Norton@met.police.uk>

Sent: 10 December 2019 14:49

To: LicensingAdmin@barnet.gov.uk <LicensingAdmin@barnet.gov.uk>;

Vicky.Johnson@met.police.uk <Vicky.Johnson@met.police.uk>

Cc:

Subject: Cielo Prr TEN for 31st Dec 2019 to 1st Jan 2020 Reference:
LATEN/19/62174

Dear All,

Please find attached police representations regarding the TEN application relating to 31st Dec 2019 to 1st Jan 2020.

Yours Sincerely,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
[Tel:07500993899](tel:07500993899)

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Gary.L.R.Norton@met.police.uk

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Noise Nuisance Objection

Hammond, Elisabeth

From: Phasey, Emma
Sent: 11 December 2019 19:50
To: Hammond, Elisabeth; Bull, Simon

Hi Elisabeth

I am writing on behalf of Simon as he has had some IT issues this eve

Simon would like to object to the two TENS for the above premises on the grounds of public nuisance.

There is a history of noise issues at the premises and Simon believes having a music event at the premises (particularly the shisha area) until 04:00 will cause a nuisance to the residents in the area

He has spoken to the event holder and is awaiting assurances and changes to the proposal to see whether his concerns can be abated. Currently his concerns stand and therefore he is making this representation.

Regards

Emma Phasey
Group Manager, Commercial Premises

Development and Regulatory Services
London Borough of Barnet, Barnet House, 1255 High Road Whetstone, N20 0EJ

T: 020 8359 2119

Barnet Online: www.barnet.gov.uk

Development & Regulatory Services
The London Borough of Barnet
Community Protection (Regulation)
2 Bristol Avenue, Colindale
London, NW9 4EW

Tel: 020 8359 7995

Ref: PHSR/19/11838

Noise Nuisance Make Representations to the following Temporary Event Notice

Sect 100 of the Licensing Act 2003

Application Given To Noise Nuisance:	9th December 2019
Premises:	Cielo Prlr, 1 Charcot Road London NW9 5HG
Person:	Mr Izzet Deniz Erpolat
Event:	LATEN/19/62174
Date:	31st December 2019 – 1st January 20120
Time:	23:30pm - 04:00am

The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.

Our records show that there have been complaints of noise and nuisance from these premises with the most recent one being received on 6th December 2019. The complaint was made concerning loud music being audible outside the boundary of the premises.

The Noise Nuisance Department have concerns with the event going past 11pm. The building has very poor sound insulating properties and, in my opinion would severely affect the local neighbourhood with many properties situated above the premises.

We have concerns that people attending this function are likely to cause unreasonably high levels of noise nuisance when they leave the premises. This concern is also heightened by this is also being a time when most of the local residents would be asleep.

On 11th December 2019 a telephone conversation with Mr Erpolat did not resolve any of my concerns as he was not prepared to close the venue at 11pm.

I hope this matter will be resolved without the need for a hearing and encourage the premises user to contact us to see if a mutually agreeable solution can be reached and our objection can be withdrawn.

However, if the premises user or their appointed representative does not engage with the Noise Nuisance Department and provide the information and reassurances to fully promote the licensing objective identified above, I would respectfully request that the Licensing Sub Committee rejects the notice.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'S Bull', written in a cursive style.

Simon Bull
Environmental Health Technical Officer

Notice of Decision

PERMITTED TEMPORARY ACTIVITIES
Licensing Act 2003 part 5 sections 100-110 (the Act)

Licensing Authority: Directorate of Corporate Governance, 5th Floor
2 Bristol Avenue, Colindale, NW9 4EW

Ref: LATEN/19/62174

On Saturday 7th December 2019 the licensing authority received from you, the premises user Mr Izzet Deniz Erpolat a temporary event notice in respect of proposed temporary licensable activities due to take place from 23:30hrs on 31.12.2019 and finishing at 02:00 am on the 01.01.2020 within **Cielo Prlr, 1 Charcot Road, NW9 5HG**

NOTICE OF DECISION

- (a) COUNTER NOTICE**
 - (b) DECISION NOT TO ISSUE A COUNTER NOTICE**
- (delete that which is not applicable)**

The Licensing Authority, having received a notice of objection from the relevant chief officer of police under section 104(2)(a) of the Act and in accordance with section 105(2)(a) of the Act, having held a hearing on 20th December 2019 at 10:30 am to consider the objection notice hereby;

- (a)** gives the premises user this counter notice as it considers it necessary for the promotion of the crime prevention objective to do so. **The event may not go ahead.**
- (b)** does not consider it necessary to give a counter notice for the promotion of the crime prevention objective. **The event may go ahead.**

(delete that which does not apply)

NOTICE STATING REASONS FOR THE DECISION

The following reasons are given:

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SERVICE OF THIS COUNTER NOTICE/NOTICE OF DECISION.

At least twenty four hours before the beginning of the event period as specified in the temporary event notice, the relevant licensing authority must:

- (a) in a case where it decided not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case-
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

CERTIFICATE OF SERVICE

I _____ (print name) an officer of the London Borough of Barnet, hereby certify that I served a true copy of this notice on the premises user _____ (print name of premises user)

by: (insert method notice given)

Signed _____

Dated _____

MANNER OF GIVING A COUNTER NOTICE:

A counter notice is given in the prescribed manner if it is:

- (a) delivered to the relevant premises user in person
- (b) left at the “appropriate address”
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.

RIGHTS OF APPEAL:

Under Schedule 5 Part 3 Licensing Act 2003

Temporary Event Notices

- 16(1) This paragraph applies where -
 - (a) a temporary event notice is given under section 100, and
 - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrate’s court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices’ chief executive for the magistrate’s court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.

Prescribed form of notice
(conditions on a temporary
event NOTICE) and
**STATEMENT OF
CONDITIONS**

PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND
STATEMENT OF CONDITIONS

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

London Borough of Barnet, Barnet Council, 2 Bristol Avenue, Colindale, NW9 4EW

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On 7th December 2019 the licensing authority received from you, Mr Izzet Erpolat, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place 31st December at 23:30hrs. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of the licensing authority	DATE	
Name of Officer signing			

The prescribed form for a statement of conditions is as follows:

The condition(s) is/are:			
SIGNATURE		DATE	
	On behalf of the licensing authority		
Name of Officer signing			

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