

<u>VIRTUAL MEETING</u>
LICENSING SUB-COMMITTEE
<u>DATE AND TIME</u>
TUESDAY 18TH AUGUST, 2020
AT 10.30 AM

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

Councillors

Linda Freedman
John Marshall
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: Pakeezah Rahman Pakeezah.rahman@barnet.gov.uk
07784290745

PLEASE NOTE:

THIS IS A VIRTUAL MEETING AND MEMBERS OF THE PUBLIC WHO WHICH TO ACCESS THE MEETING CAN DO SO BY LISTENING TO THE LIVE AUDIO-RECORDING OF THE MEETING.

THE AGENDA PACK FOR THIS MEETING IS AVAILABLE HERE
<HTTP://BARNET.MODERNGOV.CO.UK/MGLISTCOMMITTEES.ASPX?BCR=1>

Media Relations contact: Tristan Garrick 020 8359 2454

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	APPOINTMENT OF CHAIRMAN	
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS (IF ANY)	
4.	LICENSING SUB-COMMITTEE HEARING PROCEDURE	5 - 8
5.	REPORT OF THE TRADING STANDARDS AND LICENSING MANAGER	9 - 104
6.	ADDITIONAL INFORMATION FROM INTERESTED PARTIES	105 - 144
7.	MOTION TO EXCLUDE THE PRESS AND PUBLIC	
8.	DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION	
9.	RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE	
10.	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 4

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 workings 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

AGENDA ITEM 5

4th August 2020

Title	Cielo Prlr, 1 Charcot Road, Colindale, London, NW9 5HG
Report of	Trading Standards & Licensing Manager
Wards	Colindale
Status	Public
Urgent	N/A
Key	No
Enclosures	<i>Report of the Licensing Officer</i> <i>Annex 1 – Current Licence</i> <i>Annex 2 – Application Form</i> <i>Annex 3 - Representations</i> <i>Annex 4 – Matters for Decision</i>
Officer Contact Details	Elisabeth Hammond 020 8359 5639 Elisabeth.hammond@barnet.gov.uk

Summary

This report asks the Sub-Committee to consider an application for a Variation Premises Licence, under section 34 of the Licensing Act 2003

Officers Recommendations

1. This report asks the Sub-Committee to consider an application for a Variation Premises Licence, under section 34 of the Licensing Act 2003 for Cielo Prlr, 1 Charcot Road, Colindale, London, NW9 5HG

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received valid representations against the application for a variation of a premises licence is expected to hold a hearing to consider those representations. The application can be determined by the licensing authority without a hearing in certain circumstances.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Where a representation is submitted under Section 35(3) of the Licensing Act 2003 the authority must hold a hearing to consider such representations, unless the representation is withdrawn, the applicant or any party or responsible authority who has made a valid representation agrees or where the authority considers that the representations are frivolous or vexatious.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Licensing Sub-Committee is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are appropriate to promote the four licensing objectives.

Having considered those relevant matters, the Licensing Sub-Committee is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are—

- (a) To vary the licence subject to—
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the variation

For the purposes of 3.1(a) (i) above, the conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

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 Members are referred to the Council's Licensing Policy for consideration

5.1.2 Timely legal and fair decisions support objectives are contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

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

5.2.1 N/A

5.3 Legal and Constitutional References

5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.

5.3.2 Under the Council's Constitution, Article 7, the licensing sub-committee has responsibility delegated to it (from the Licensing Committee) for licensing hearings concerning all licensing matters.

5.4 Risk Management

5.4.1 N/A

5.5 Equalities and Diversity

5.5.1 Licence applications 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.

5.6 Consultation and Engagement

5.6.1 The statutory consultation process has been followed in accordance with the Licensing Act 2003.

6. BACKGROUND PAPERS

6.1 The application and report of the Licensing Officer and appendices are attached to this report.

Officers Report

LICENSING ACT 2003

OFFICERS REPORT

Cielo Ptlr, 1 Charcot Road, Colindale, NW9 5HG

1. The Applicants

The application before the subcommittee was submitted under Section 34 of the Licensing Act 2003. It is an application for a Variation of a Premises Licence, submitted by Izzet Deniz Erpolat.

2. Application

The original licence was granted on 14th December 2019 following a hearing of the Licensing Sub-Committee, the table below shows the activities and hours they are currently licenced for within the premises.

Sale or supply of alcohol				
Day	Current licence permitted start time	Current licence permitted finish time	Proposed start time	Proposed finish time
Monday	11:00hrs	23:30hrs	11:00hrs	00:30hrs (the following morning)
Tuesday	11:00hrs	23:30hrs	12:00hrs	00:30hrs (the following morning)
Wednesday	11:00hrs	23:30hrs	12:00hrs	00:30hrs (the following morning)
Thursday	11:00hrs	23:30hrs	12:00hrs	00:30hrs (the following morning)
Friday	11:00hrs	01:30hrs (the following morning)	12:00hrs	01:30hrs (the following morning)
Saturday	11:00hrs	01:30hrs (the following morning)	12:00hrs	01:30hrs (the following morning)
Sunday	11:00hrs	23:30hrs	12:00hrs	00:30hrs (the following morning)
Currently only for consumption on the premises			Applying to vary this to allow for sale or consumption on and off the premises	

Provision of Late-Night Refreshment				
Day	Current licence permitted start time	Current licence permitted finish time	Proposed start time	Proposed finish time
Monday	23:00hrs	23:30hrs	23:00hrs	01:00hrs (the following morning)
Tuesday	23:00hrs	23:30hrs	23:00hrs	01:00hrs (the following morning)
Wednesday	23:00hrs	23:30hrs	23:00hrs	01:00hrs (the following morning)
Thursday	23:00hrs	23:30hrs	23:00hrs	01:00hrs (the following morning)
Friday	23:00hrs	01:30hrs (the following morning)	23:00hrs	02:00hrs (the following morning)
Saturday	23:00hrs	01:30hrs (the following morning)	23:00hrs	02:00hrs (the following morning)
Sunday	23:00hrs	23:30hrs	23:00hrs	01:00hrs (the following morning)
Currently only for consumption indoors and outdoors		Applying to vary this to allow for consumption indoors and outdoors		

In addition to amending the hours for sale or supply of alcohol and the provision of late-night refreshment. The application seeks to include the following activities within their premises and the glass structure attached to the premises:

Playing of recorded music Day	Proposed start time	Proposed finish time
Monday	12:00hrs	01:30hrs (the following morning)
Tuesday	12:00hrs	01:30hrs (the following morning)
Wednesday	12:00hrs	01:30hrs (the following morning)
Thursday	12:00hrs	01:30hrs (the following morning)
Friday	12:00hrs	02:00hrs (the following morning)
Saturday	12:00hrs	02:00hrs (the following morning)
Sunday	12:00hrs	00:00hrs (the following morning)
Applying to allow for indoors only		

Playing of live music Day	Proposed start time	Proposed finish time
Monday	12:00hrs	23:00hrs
Tuesday	12:00hrs	23:00hrs
Wednesday	12:00hrs	23:00hrs
Thursday	12:00hrs	23:00hrs
Friday	12:00hrs	01:00hrs (the following morning)
Saturday	12:00hrs	01:00hrs (the following morning)
Sunday	12:00hrs	23:00hrs
Applying to allow for indoors only		

Hours the premises are open to the public Day	Proposed start time	Proposed finish time
Monday	12:00hrs	01:00hrs (the following morning)
Tuesday	12:00hrs	01:00hrs (the following morning)
Wednesday	12:00hrs	01:00hrs (the following morning)
Thursday	12:00hrs	01:00hrs (the following morning)
Friday	12:00hrs	02:00hrs (the following morning)
Saturday	12:00hrs	02:00hrs (the following morning)
Sunday	12:00hrs	01:00hrs (the following morning)

A copy of the original licence can be seen attached to this report in **Annex 1**. A full copy of the variation application form and plans can be seen attached to this report in **Annex 2**

3. Representations

The Licensing Team received 9 valid representations from residents, the resident's representations cover all four of the licensing objectives in respect of the hours and activities applied for.

The Licensing Team also received a representation from the Noise Nuisance department acting as a responsible authority. Within Mr Bull's representation he has stated the following: -

"The Noise Nuisance Department have concerns with the premises 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."

The representations can be seen attached to this report in **Annex 3**.

Committee are reminded that the application should be determined under its own merit and although some of the representations allude to concerns regarding planning and traffic issues, Section 14.64 of the Guidance issued under Section 182 of the Licensing Act 2003 states that Licensing committees are not bound by decisions made by a planning committee, and vice versa.

4. Attaching conditions

The operating schedule, which is part of the application, includes certain additional steps that the applicant will take to protect the licensing objectives. These will become enforceable conditions, should the licence be granted. Additional conditions may be attached to the licence if the committee thinks it appropriate.

The Committee must have regard to all of the representations made and the evidence it hears and is asked to note that it may not attach conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

In relation to conditions, the statutory guidance at chapter 10.8 states that "The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Full Copies of the Council's Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

Elisabeth Hammond
Licensing Officer

Annex 1 – Original Licence
Annex 2 – Application Form
Annex 3 – Representations
Annex 4 – Matters for Decision

Original Licence

Licensing Act 2003**Part A****Premises Licence**

Premises Licence Number:
LAPRE1/18/59467

Licensing Authority:

London Borough of Barnet,
Community Protection (Regulation)
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey reference or description**

1 Charcot Road

Post Town

London

Post Code

NW9 5HG

Telephone number

N/A

Where the licence is time limited the dates

This premises licence is not time limited.

Licensable activities authorised by the licence

- The Sale by Retail of Alcohol
- The Provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities**Provision of late night refreshment****Standard Days & Timings**

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

Sale or supply of Alcohol – On the premises only**Standard Days & Timings**

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

The hours that the premises are open to the public**Standard Timings**

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

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

On the premises only

Part 2

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

Mr Hayirola Berkpinar
17A Clockhouse Lane
Romford
RM5 3PH

berkpinar2@aol.com

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

Hayirola Berkpinar

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: 19625

Personal Licence Issuing Authority: London Borough of Havering

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 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: $\frac{1}{2}$ 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 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

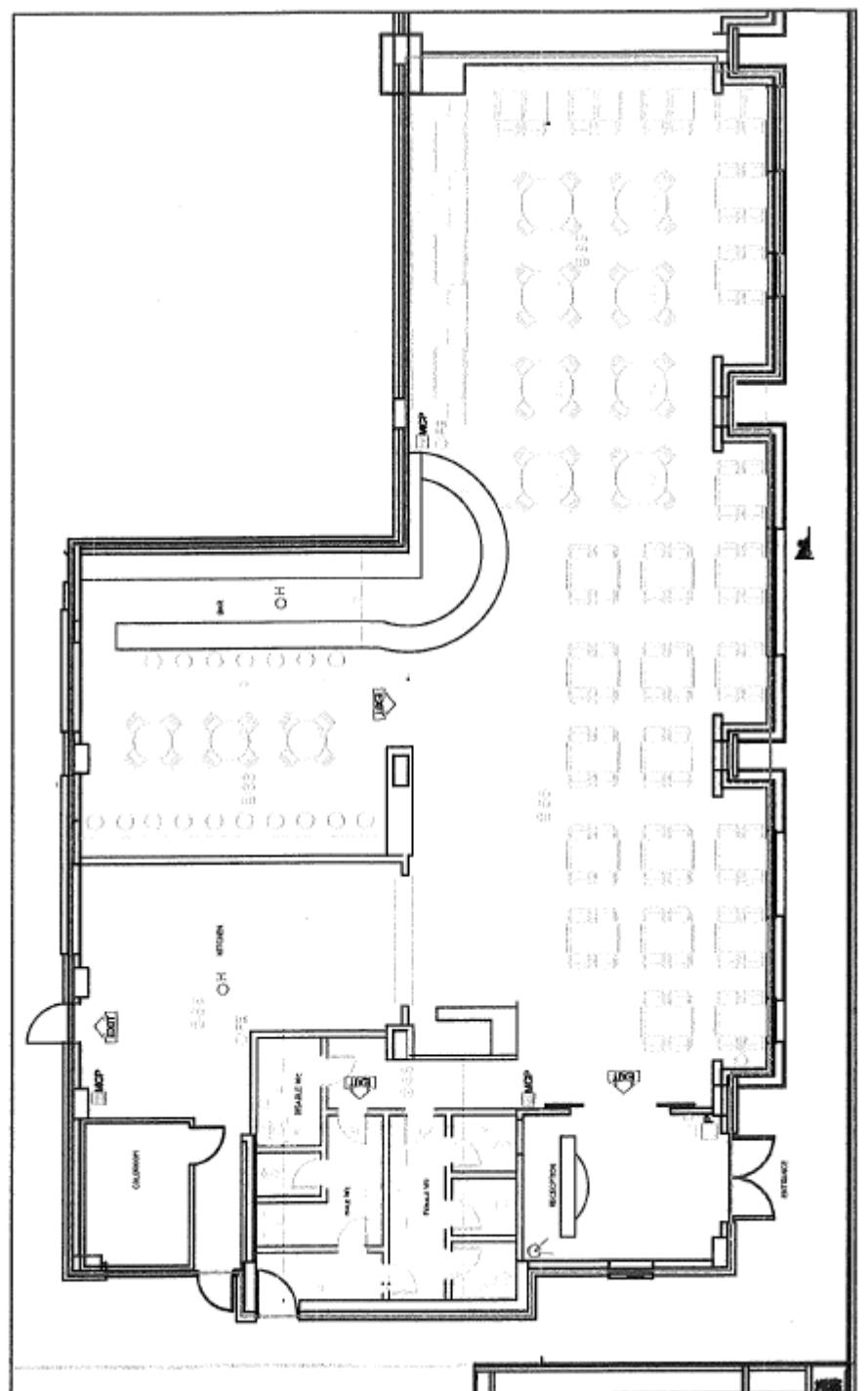
Annex 3 – Conditions attached after hearing by the licensing authority

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

COLINDALE RESTAURANT
1 CHARCOT ROAD, LONDON
NW9 5HG



Application Form

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We IZZET DENIZ ERPOLAT

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LAPRE1/18/59467
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 1 CHARCOT ROAD COLLINDALE
--

Post town	LONDON	Postcode	NW9 5HG
-----------	--------	----------	---------

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£9043.00

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	● Downhills Avenue		
Post town	LONDON	Postcode	N17 [REDACTED]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late-night levy? (Please see guidance note 1) Yes No

Please briefly describe the nature of the proposed variation (Please see guidance note
Full Variation application to be able to supply alcohol to be consumed off the premises, play recorded music and perform live music and provide

late night refreshment

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 5)</u>	
Thur				
Fri			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>	
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	
Sun				

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 5)</u>	
Thur				
Fri			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>	
Sat				
Sun			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details (please read guidance note 5)</u>
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here (please read guidance note 5)</u>	
Thur				
Fri			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>	
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	
Sun				

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon	12:00	23:00	Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
			<u>Please give further details here (please read guidance note 5)</u>	
Tue	12:00	23:00		
Wed	12:00	23:00	<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>	
Thur	12:00	23:00		
Fri	12:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	
Sat	12:00	01:00		
Sun	12:00	23:00		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 4)</u>	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon	12:00	01:30	Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
			<u>Please give further details here (please read guidance note 5)</u>	
Tue	12:00	01:30		
Wed	12:00	01:30	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>	
Thur	12:00	01:30		
Fri	12:00	02:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	
Sat	12:00	02:00		
Sun	12:00	00:00		

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 5)	
Thur				
Fri			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)	
Sat				
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>			
Tue			Please give further details here (please read guidance note 5)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
Fri				
Sat			Non standard timing. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	23:00	01:00	<u>Please give further details here (please read guidance note 5)</u>		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 6)</u>		
Thur	23:00	01:00			
Fri	23:00	02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat	23:00	02:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11:00	00:30		Both	<input checked="" type="checkbox"/>
			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	12:00	00:30			
Wed	12:00	00:30			
Thur	12:00	00:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	01:30			
Sat	12:00	01:30			
Sun	12:00	00:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations (please read guidance note 6)</u>
Day	Start	Finish	
Mon	12:00	01:00	
Tue	12:00	01:00	
Wed	12:00	01:00	
Thur	12:00	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</u>
Fri	12:00	02:00	
Sat	12:00	02:00	
Sun	12:00	01:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
Unfortunately, we have not received it from the council yet it has been over 9 months waiting.

M Describe any additional steps you intend to take to promote the four licensing objectives because of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with attention to:

- a) no selling of alcohol to under-age people
- b) no drunk and disorderly behaviour on the premises area
- c) vigilance in preventing the use and sale of illegal drugs at the retail area
- d) no harm to children

- Operating Schedule providing the hours of operation and licensable activated during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge-age 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

As a licensed premise we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

No binge drink promotions will take place

Any person who appeared to be drunk and disorderly will not be permitted to premises

Notices has been prominent positions to ask patrons to leave quietly

Suitable evacuation plane in case of any emergency

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises. Prevention and vigilance in illegal drug use as the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.
Well trained staff adherence to environmental health requirements.
Training and implementation of underage ID checks.
A logbook or recording system shall be kept upon the premises in which shall be entered particulars of inspections made;
those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The logbook shall be kept available for inspection when required by person authorized by the Licensing Act 2003 or associated legislation.
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.
Prominent, clear, and eligible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and leave the premises and the area quietly.
Deliveries of goods and necessary for the operation of the business will be carried out at such time or in such a manner as to prevent nuisance and disturbance to nearby residents.
The licensee will ensure that when the business has ceased trading conduct themselves in such a manner to avoid causing disturbances to nearby residents.
Customers will be asked not to stand around loudly talking in the streets outside the premises.
Customers will not be admitted to premises above operating hours. The movement of bins and rubbish outside the premises will be kept to a minimum this will help to reduce the levels of noise produced by the premises.
Any lighting on or the outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

Challenge 25 sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID. (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
Well trained staff about requirement for the persons identification, age Establishment etc. All the details provided in the Training Record Book available the restaurant unit. Logbook will be kept upon the premises all the time. Nothing belongs existing Health and Safety requirements.

Checklist:

- * I have made or enclosed payment of the fee; or

Please tick to indicate agreement



Checklist:

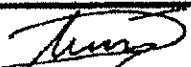
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	29-05-2022
Capacity	DPS - Premises Licence Holder

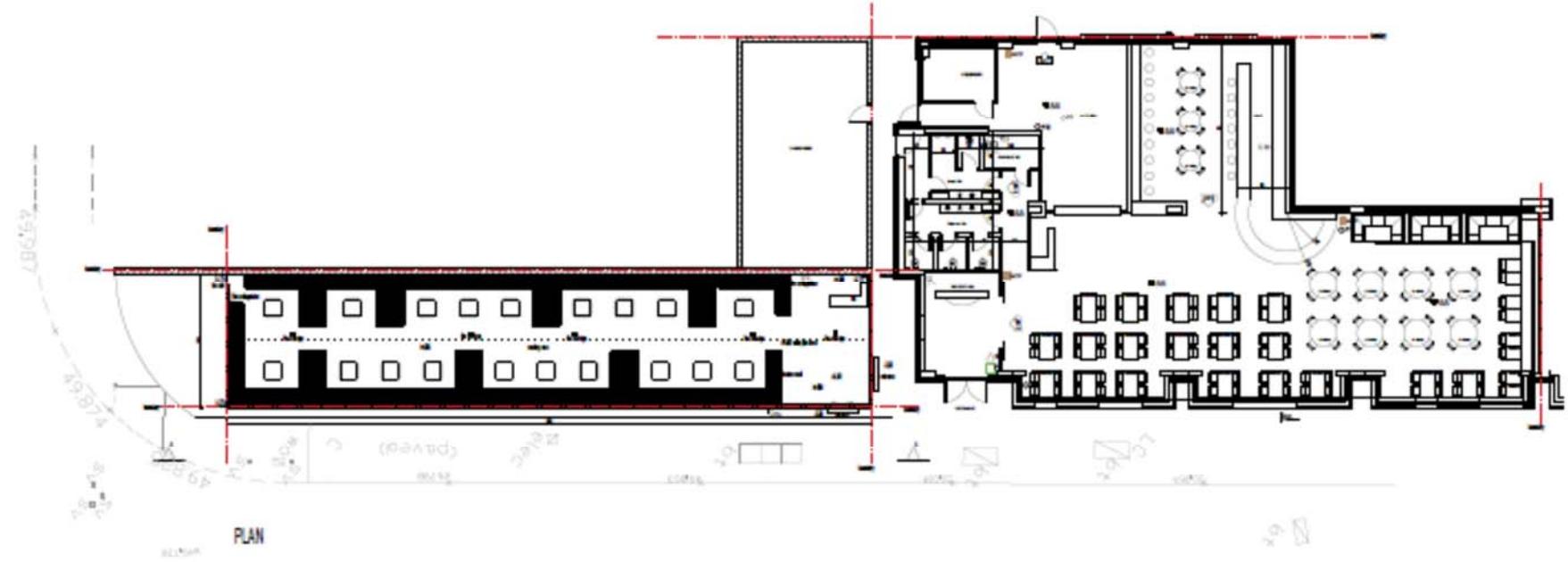
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

HAYROLA BERK PINAR
[REDACTED] CLOCKHOUSE C, AND

Post town	RONFORD	Post code	KMS [REDACTED]
Telephone number (if any)	[REDACTED]		



PLAN



AA ELEVATION

Project:	Project Name
Client:	Client Name
Area:	Area Size
Year:	Year
Architect:	Architect Name

Representations

Hammond, Elisabeth

Subject: FW: LAPRE1/18/59467 // LAPRE4/20/62862

From: Bardi TFC xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 08 June 2020 16:14
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Re: LAPRE1/18/59467 // LAPRE4/20/62862

Hi Elisabeth, thanks for getting back to me

- Prevent of crime and disorder-
- Public safety- *Increased number of cars, illegal parking in residential areas, speeding along a private road, cars racing each other. All of these are a risk to the public. Clients of the lounge leaving at 2am in the morning and the issues that drinking has on people*
- Prevention of public nuisance- *Cielo even with their limited opening hours already causes a large amount of noise for the people who live above the venue. In the summer months when all the windows are open, music can be heard across the estate. By allowing them to serve alcohol you would be exacerbating the problem and encouraging even more people to frequent the bar/hang around outside smoking until late into the evening. A 2am license increases the amount of nuisance already.*
- Protection of children from harm- *There have been many reports from people who live above the bar commenting on noise keeping their children awake and smoke entering their premises.*

Whilst I accept that these are the only reasons you judge whether a property should be given the license, I think you need to take into consideration that you're talking about a property that has been illegally built. It has already had one appeal rejected. I'm not sure how you can ask for a license on a building that shouldn't exist?

Anthony

Thanks

On Mon, 8 Jun 2020 at 15:40, Hammond, Elisabeth <Elisabeth.Hammond@barnet.gov.uk> wrote:

Dear Mr Lombardi

I am the officer dealing with the variation application for 1 Charcot Road.

In order for your representation to be considered valid, it must relate to at least one of the Licensing objectives and how this application or the premises would have an effect on the objectives. These are as follows:-

- Prevent of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Regards,

Elisabeth Hammond

Licensing Officer

Commercial Premises

London Borough of Barnet

8th Floor

2 Bristol Avenue

Colindale

London

NW9 4EW

0208 359 5639



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If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, contact us through: COVID19support@barnet.gov.uk or call 0808 281 3210.





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From: Bardi TFC xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 04 June 2020 15:27
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>
Subject: Re: LAPRE1/18/59467 // LAPRE4/20/62862

Hello my concerns relate to the Full Variation that was submitted

My details are as follows: Anthony Lombardi, xx Osler Court, x Charcot Rd, London, Nw9 xxx

Tel: xxxxxxxxxxxx

Thanks

On Tue, 2 Jun 2020 at 15:15, LicensingAdmin <LicensingAdmin@barnet.gov.uk> wrote:

Dear Sir or Madam,

Thank you for your email.

If you would like to raise your concerns with planning, their email address is Planning.Enquiry@barnet.gov.uk. However, if your concerns are regarding the Full Variation that was submitted please provide your name, address and contact details.

Regards,

Licensing Team

Specialist Technical Support Officer for Re

Address: Barnet Council, 8th Floor, 2 Bristol Avenue, Colindale, NW9 4EW

Email: licensingadmin@barnet.gov.uk

Work: Tel: 0208 359 7443

Website: www.capita.co.uk/property

www.re-ltd.co.uk



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Please consider the environment - do you really need to print this email?

RESTRICTED

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From: Bardi TFC xxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 02 June 2020 11:50

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

Subject: LAPRE1/18/59467

Hello.

This is a quick email re: New Premises Licence | Licence Superseded | 1 Charcot Road London NW9 5HG

Firstly I'm sure you're aware that the building seeking a licence is already appealing a rejected retrospective planning permission.

There's some great shops in the area. Spaccanapoli, Cosmic Hair, ITJL Mi Bento etc unfortunately the noise, mess and anti social behaviour relating to Cielo PRLR means its not on the list.

Please consider very carefully what a late night drinking establishment would do to a residential area. When the world opens up again, I urge you to visit the area on a Friday night and witness the drag racing, the engine revving and party music pumping out.

This is not a good idea. Cielo wasn't a good idea, hence why they never asked for planning permission until it was built.

Thanks

From: Budurea Cecilia [mailto: [REDACTED]]
Sent: 08 June 2020 14:38
To: Hammond, Elisabeth [REDACTED]
Subject: RE: Notice of representation regarding Variation of Premise License - Cielo Prlr 1 Charcot Road, NW9 5WU

Hi Elizabeth,

My full address is as follows:

Flat [REDACTED], Fletcher Court

[REDACTED] Joslin Avenue

London

NW9 [REDACTED]

I believe the points highlighted in my previous email cover the first 3 points

- Prevent of crime and disorder
- Public safety
- Prevention of public nuisance

I and the residents of Fletcher Court have made numerous complaints in July 2019 to the Licensing team about the issues we are facing because this establishment didn't abide by their current license (loud DJ music until 2:00-3:00 am, loud, rowdy patrons, increase in anti-social behaviour, soft drug sellers, littering, car traffic, shisha & charcoal smoke filling our homes, loud employees using the residents car park to smoke and deposit commercial waste). Not to mention that this establishment doesn't have a planning application approved - they have made a retrospective application more than 1 year and a half after they've opened for business and it was rejected.

I am attaching some pictures with the improvised waste disposal bins placed under the residents windows.

My question is: how is it possible for them to have a license when they do not have planning approval for the buildings erected?

Please let me know if you require further information.

Best wishes,
Cecilia Budurea





Sent from Yahoo Mail on Android

On Mon, 8 Jun 2020 at 13:48, Hammond, Elisabeth
<xxxxxxxxxxxxxxxxxxxx> wrote:

Dear Cecilia

In addition to re-sending the consultation to me, please can you also let me know your full address. Please note, in order for your representation to be valid, it must relate to one or more of the full licensing objectives.

Prevent of crime and disorder

- Public safety
- Prevention of public nuisance
- Protection of children from harm

Regards,

Elisabeth Hammond

Licensing Officer

Commercial Premises

London Borough of Barnet

8th Floor

2 Bristol Avenue

Colindale

London

NW9 4EW

0208 359 5639



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**STAY AT
HOME**

**PROTECT
THE NHS**

 **save
lives**

Together, WE ARE
BARNET

Due to Covid 19 postal services are intermittent please use email where possible?

From: Hammond, Elisabeth
Sent: 08 June 2020 09:41
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>; XXXXXXXXXXXXXXXXXXXXXXXX
Subject: RE: Notice of representation regarding Variation of Premise License - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Cecilia Budurea

Thank you for your email.

Please can I ask that you re-send your representation to me, typed out on a new email. The screen shot I have received appears to cut off part way through point 6.

Regards,

Elisabeth Hammond

Licensing Officer

Commercial Premises

London Borough of Barnet

8th Floor

2 Bristol Avenue

Colindale

London

NW9 4EW

0208 359 XXXX



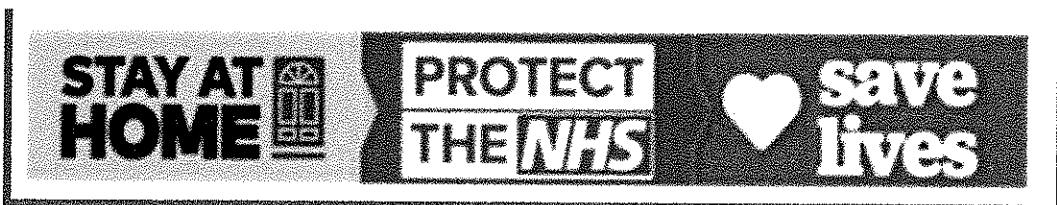
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Due to Covid 19 postal services are intermittent please use email where possible?

From: LicensingAdmin
Sent: 01 June 2020 10:39
To: XXXXXXXXXXXXXXXXXXXXXXXXX
Subject: FW: Notice of representation regarding Variation of Premise License - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Budurea Cecilia,

Thank you for your email.

We will pass your email onto the appropriate officers.

Regards,

Licensing Team

Customer Service Advisor for Re

Address: 2 Bristol Avenue, Colindale, NW9 4EW

Email: LicensingAdmin@barnet.gov.uk

Work: 0208 359 7995

Website: www.capita.co.uk/property

www.re-ltd.co.uk

Re

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From: Budurea Cecilia XXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 29 May 2020 16:30
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>
Subject: RE: Notice of representation regarding Variation of Premise License - Cielo Prlr 1 Charcot Road, NW9 5WU

Hi,

I just re-sent it although I am able to see the initial email in my sent



← Notice of representation regar...



ivie
LicensingAdmin@barnet.gov.uk ... ★
16 May 2020 16:12

Dear Sirs,

I am a member of the Pulse Residence community (NW9 5HW) and I oppose to the variation of premise license - Cielo Prlr 1 Charcot Road, NW9 5HW.

Since the opening of this venue in Dec 2018 (without planning permission!), we have seen a significant increase in:

1. Noise (loud music until 2:00-3:00 am in the morning, celebrating patrons, car traffic)
2. Bad odor from the shisha smoke, charcoal grill smoke (<https://www.youtube.com/watch?v=erNsNOqao2c>) and horrendous rubbish smell stored in the rear car park under residents windows (the smell comes into our flats). Also they are leaving the rubbish on the pavement or leaving the refuse shed doors opened. The rubbish attracts rats and foxes.
3. Antisocial behavior (littering, soft drug sellers, vomit, drunk & rowdy patrons)
4. Car traffic congestion, parking in residents designated bays or congesting the 125 bus route.
5. Loud employees smoking in the rear car park under the resident's windows, refuse bags with bottles thrown at 1:00 am in the improvised refuse area waking up people, rotten meat left in bins for days in a row and horrendous smells)
6. In the shisha lounge they are not complying with the Health Act 2006 as they are keeping the



emails.

Sent from Yahoo Mail on Android

On Fri, 29 May 2020 at 16:12, LicensingAdmin

<LicensingAdmin@barnet.gov.uk> wrote:

Dear Budurea Cecilia,

Please resend your email, as we it's a blank page.

Regards,

Licensing Team

Customer Service Advisor for Re

Address: 2 Bristol Avenue, Colindale, NW9 4EW

Email: LicensingAdmin@barnet.gov.uk

Work: 0208 359 7995

Website: www.capita.co.uk/property

www.re-ltd.co.uk



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From: Budurea Cecilia <XXXXXXXXXXXXXXXXXXXX>
Sent: 28 May 2020 17:06
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>
Subject: Notice of representation regarding Variation of Premise License - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Sirs,

Variation of premises license Re: Site 120-122 Charcot Road, NW9 5WU and I oppose to the

Significant increase in the percentage of this venue in Dec 2018 (without planning permission!), we have seen a

1. Noise (loud music until 2:00-3:00 am in the morning, celebrating patrons, car traffic)
~~This is midnight at the earliest and it goes into the early hours of the morning in which residents sleep there~~

3. Antisocial behavior (littering, soft drug sellers, vomit, drunk & rowdy patrons)
4. Car traffic congestion, parking in residents designated bays or congesting the 125 bus route.
~~Better enforcement of parking rules, revised permits for residential people to park within~~

~~faulty field which has led to the late delivery of the 125 bus route. This has been a problem for~~

~~The residents have complained repeatedly to the licensing team, police and council. They~~

~~and business owners displayed that they quietly urge customers to respect the needs of the local residents
by keeping doors and windows (front and back) to be kept closed from 21:00 hours except for ingress and
elegant music played at the premises shall be played will not be for entertainment and shall be~~

~~This establishment brought any social or cultural value to this community but nuisance
I would, therefore, ask you to give this letter your sympathetic attention!~~

Yours sincerely,
Cecilia Budurea
Fletcher Court, NW9

Hammond, Elisabeth

Subject: FW: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

From: Tang Jeremy xxxxxxxxxxxxxxxxxx

Sent: 06 July 2020 13:01

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Subject: RE: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Elisabeth,

I wish to represent and my address is Flat xx Fletcher Court, xx Josline Ave, London, NW9xxx

Many thanks

Jeremy TC Tang

From: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Sent: 06 July 2020 12:19

To: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx

Subject: RE: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Jeremy

The last date for representations for the variation application at Cielo Prlr is tomorrow. Should you wish for your representation to be included, we need to know your full residential address details.

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639

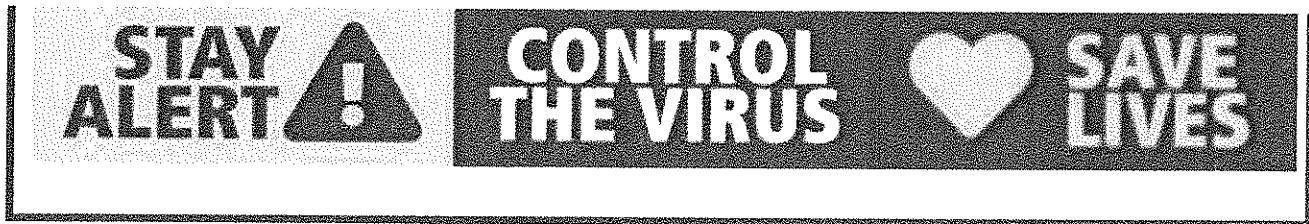


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Coronavirus (COVID-19): Latest information and advice

For information about how we are working to support our residents, communities and businesses, and the latest advice about council services visit: barnet.gov.uk/covid19

If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, call us on **0808 281 3210** or use our [webform](#).



From: LicensingAdmin

Sent: 28 May 2020 17:01

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Subject: FW: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 28 May 2020 14:12

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

Subject: RE: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Elisabeth,

Thank you for your reply. I wish to record my objection for the following reasons: I live directly above the premise.

- **Prevention of crime and disorder** – Since the opening of the premise rowdy & at time violent behaviour can be heard often in the night. My observation is these are often from intoxicated patrons from the premise.
- **Public safety** – The premise is also offering Shisha from their terrace area. The smoke and smell is apparent as soon as you exit Colindale station in certain wind conditions. Especially last summer when their rooftop was open I could smell it from my balcony forcing me to keep windows closed. Arguably the smoke pose a health risks for families passing the road when walking to the
- **Prevention of public nuisance** – Judging from the management behaviour, the requested opening times especially for live and indoor music will no doubt cause noise pollution. Here are some youtube recordings from 2019 before the lockdown:
 - Fri 26 July 2019 at 2300 <https://youtu.be/v3I9woMcICc>
 - 16 Feb 19 at 0030 <https://youtu.be/Xi7vL9zQMN8>
 - 17 Mar 19 at 1am <https://youtu.be/hPfZXHAd9aE>
 - 29 Mar 19 <https://youtu.be/DOrpBSPQIB0>
- **Protection of children from harm** – The way the venue is marketing itself is less of a restaurant but more of a night club that is not suitable in a residential area with young families and children.

Kind regards,

Jeremy Tang

From: LicensingAdmin <LicensingAdmin@barnet.gov.uk>

Sent: 28 May 2020 13:21

To: Tang Jeremy xxxxxxxxxxxxxxxxx

Subject: RE: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Mr Tang

Thank you for your email.

I can confirm that the application to which that notice applies was withdrawn yesterday. However the applicants have submitted a new variation application and they will be placing an updated notice on the premises outlining what they are looking to change.

They are looking to vary the following:-

- to supply alcohol to be consumed both on and off the premises, provide late night refreshment, play recorded music and perform live music.

The hours they are applying for, for each activity are:-

- **Performance of live music (indoors only)**, Monday – Thursday 12:00hrs until 23:00hrs, Friday & Saturday 12:00hrs until 01:00hrs, and Sunday 12:00hrs until 23:00hrs
- **Playing of recorded music (indoors only)**, Monday – Thursday 12:00hrs until 01:30hrs, Friday & Saturday 12:00hrs until 02:00hrs, and Sunday 12:00hrs until 00:00hrs
- **Provision of late night refreshment (on and off the premises)**, Monday – Thursday 23:00hrs until 01:00hrs, Friday & Saturday 23:00hrs until 02:00hrs, and Sunday 23:00hrs until 01:00hrs
- **Supply of alcohol (on and off the premises)**, Monday 11:00hrs until 00:30hrs, Tuesday – Thursday 12:00hrs until 00:30hrs, Friday & Saturday 12:00hrs until 01:30hrs, and Sunday 12:00hrs until 00:30hrs

For a representation to the variation to be considered valid, it must relate to one or all of the Licensing Objectives laid down in the Licensing Act 2003. These objectives are:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

We are unable to take into consideration issues surrounding planning or traffic. Should you wish to object, please do so no later than 24th June 2020.

Regards,

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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Coronavirus (COVID-19): Latest information and advice

For information about how we are working to support our residents, communities and businesses, and the latest advice about council services visit: barnet.gov.uk/covid19

If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, contact us through: COVID19support@barnet.gov.uk or call 0808 281 3210.

**STAY AT
HOME**

**PROTECT
THE NHS**

**Save
Lives**

Together,
WE ARE
BARNET

Due to Covid 19 postal services are intermittent please use email where possible?

From: LicensingAdmin
Sent: 28 May 2020 11:34
To: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx
Subject: RE: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Tang Jeremy,

Thank you for your email.

Your email has been passed onto the appropriate officer.

Regards,

Licensing Team
Customer Service Advisor for Re
Address: 2 Bristol Avenue, Colindale, NW9 4EW
Email: LicensingAdmin@barnet.gov.uk
Work: 0208 359 7995
Website: www.capita.co.uk/property
www.re-ltd.co.uk

Re

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From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 28 May 2020 10:27
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>
Subject: Notice of representation regarding Variation of Premise Licence - Cielo Prlr 1 Charcot Road, NW9 5WU

Dear Barnet Council,

I saw a note on the premise window of Cielo Ptlr 1 Charcot Road, NW9 5WU for the Variation of Premise Licence.

I live in a flat directly above the premise and wish to represent my concerns and that of many of my neighbours:

1. This premise has repeatedly cause noise in our neighbourhood often deep into the early morning 2am
2. The owners ignored building regulations and opened a Shisha terrace without building approval (Planning Ref: 19/3858/FUL)
3. The traffic by the patrons has deteriorated the parking situation and often congest the only drive in entrance into the estate
4. Many patrons cars have loud music and loud motor noise causing noise pollution deep into the night
5. Speaking to the owners of the premise pre lockdown were only replied with empty and half-hearted promises of improvement
6. The recent retrospective building application by the owners were met with 140 objections:

Planning – Application Comments

 Help with

19/3858/FUL | Erection of single storey building to be used as a shisha lounge (RETROSPECTIVE APPLICATION) | 1 Charcot Rd London NW9 5HG

 Track



[Details](#) **Comments (223)** [Constraints](#) [Documents \(233\)](#) [Related Cases \(3\)](#) [Map](#)

[Make a Comment](#) **Public Comments (223)** [Consultee Comments \(0\)](#)

Total Consulted: 444 Comments Received: 223 Objections: 139 Supporting: 81

 View all comments

Sort by **Added** ▾ Direction **Descending** ▾ Results per page **10** ▾ **Go**

 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Next ▾

Showing 1-10 of 223 [Collapse All](#) [Expand All](#)

Source: <https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=PUHG00J1JH500>

Kind regards,

Jeremy Tang

Image of Notice:

LICENSING ACT 2003
NOTICE OF APPLICATION FOR A VARIATION OF A PREMISES
LICENCE

Notice is hereby given that (2) IZZET DENIZ ERPOLAT

has / have applied to the Licensing Authority of London Borough of Barnet for a Variation of a Premises Licence to permit:

(b) Supply alcohol to be consumed on the premises, by delivery with food, play recorded music, perform live music.

For the premises located at CIELO PRIR
5WU 1 CHARCOT ROAD NW9 5WU

A register of licensing applications can be inspected at Building 4, North London Business Park, Colindale Road, South, London, NW11 1NP. Appointments to inspect the register can be made by telephoning 020 8344 7995 during office hours.

Any person wishing to submit relevant representations concerning this application must give notice in writing to the London Borough of Barnet Licensing Team at the address above giving in detail the grounds of the representation no later than:

12/06/2020

The Council will not entertain representations where the writer requests that his identity remains anonymous. Copies of all representations will be included in the papers presented to the Licensing Authority's Sub Committee and will therefore pass into the public domain.

Representations must relate to one or more of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is an offence liable on conviction to a fine up to £5000 under section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application.

Dated this 21st day of May 2020

Signed

NOTE: This notice of application for a variation of premises licence contains (a) name or names, (b) full postal address of premises, (c) the date of the application, which is the 21st May 2020, and (d) the date of issue of this notice, which is 22nd July 2019.

From: Clarke, Cllr Anne [mailto:Cllr.A.Clarke@Barnet.gov.uk]

Sent: 30 July 2019 15:45

To: Tang Jeremy

Subject: Re: Colindale station - Noise & Smell complaint coming from Shisha bar Cielo Prir 1 Charcot Road, NW9 5WU

CAUTION: This email originated from outside the organisation.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Tang,

Could you give me a couple days with this? I am not familiar with this property as I serve the Childs Hill ward which is in the south of Barnet. I will need to make some queries to the enforcement team and come back to you.

Kind regards,
Anne

Cllr Anne Clarke
Childs Hill Ward

xxxxxxxxxxxxxx
twitter @anne_clarke

From: Tang Jeremy
Sent: Tuesday 30 July, 15:17
Subject: FW: Colindale station - Noise & Smell complaint coming from Shisha bar Cielo Prlr 1 Charcot Road, NW9 5WU
To: Clarke, Cllr Anne, xxxxxxxxxxxx

Dear Councillor Clarke,

Your contact was given to me by a fellow neighbour (Ann Fitzgerald). I am reaching to you as my attempts to get in contact with Councillors Gillz Zakia and Naga has not returned any replies.

I am writing to object against licence (LAPRE1/18/59467) of Shisha bar next to Colindale station: Cielo Prlr 1 Charcot Road, NW9 5WU that opened in Dec 2018 right next to Fletcher Court, a residential flat near Colindale Station.

It has a licence which I hope can be revoked or at the very least have its opening hours reduced to 21:00.

<https://publicaccess.barnet.gov.uk/online-applications/licencingDetails.do?activeTab=hours&keyVal=PGOUSSJI0BS00>

Licensing – Summary

[Help with this page](#)

LAPRE1/18/59467 / New Premises Licence | Current Licence | 1 Charcot Road London NW9 5HG

[Save search](#) [Refine search](#) [Track](#) [Print](#)

[Details](#) [Comments \(0\)](#) [Documents \(0\)](#) [Related items \(1\)](#) [Map](#)

[Summary](#) [Important Dates](#) [Opening Hours](#) [Activities](#) [Conditions](#) [Contacts \(2\)](#) [Additional Information](#)

Reference	LAPRE1/18/59467
Type	New
Category	New Premises Licence
Status	Current Licence
Applicant	Mr Haytola Berkpinar
Trading Name	1 Charcot Road
Address	1 Charcot Road London NW9 5HG
Issue Date	Fri 14 Dec 2018
Expiry Date	Not Available

There are 0 documents associated with this licence

[Details](#) [Comments \(0\)](#) [Documents \(0\)](#) [Related Items \(1\)](#) [Map](#)

Summary	Important Dates	Opening Hours	Activities	Conditions	Contacts (2)	Additional Information
Time Period		From		To		
Sunday to Thursday		11:00 AM		12:00 AM		
Friday to Saturday		11:00 AM		02:00 AM		

Licensing – Activities

[Help with this page](#)

LAPRE1/18/59467 | New Premises Licence | Current Licence | 1 Charcot Road London NW9 5HG

Save search Refine search Track Print

[Details](#) [Comments \(0\)](#) [Documents \(0\)](#) [Related Items \(1\)](#) [Map](#)

Summary	Important Dates	Opening Hours	Activities	Conditions	Contacts (2)	Additional information
---------	-----------------	---------------	------------	------------	--------------	------------------------

Activity	Location	Indoors/Outdoors	Alcohol Consumed	Capacity	Time Period	From	To
Provision of late night refreshment					Sunday to Thursday	11:00 PM	11:30 PM
Sale or supply of Alcohol					Sunday to Thursday	11:00 AM	11:30 PM
Sale or supply of Alcohol					Friday to Saturday	11:00 AM	01:30 AM
Provision of late night refreshment					Friday to Saturday	11:00 PM	01:30 AM

My objections are based on following reasons:

1. Crime and disorder – Since opening of the Shisha bar in Nov 2018 petty crime has increased in the area (vandalism, drunks, drug sellers)
2. Public safety – The health hazard of shisha smoke comes into neighbouring flats through windows and also can be smelled on street level upto 100m away under certain weather conditions
3. Public nuisance - noise of DJ dance music (which is not mentioned in licence) and traffic and celebration patrons affect neighbourhood every weekend
4. Protection of children from harm – Shisha smell constitute a health hazard to families passing by the shisha bar. Open windows of terrace area may entice young people to try smoking shisha

In addition, the owners of the Shisha bar ignored planning permission and built the terrace area without consultation with public or council. The owners have submitted "Retrospective building consent" Planning Ref: 19/3858/FUL where many of my fellow neighbours have logged in complaints:

<https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUHG00JIJH500>

You will see in the comments at link above that I am not alone with the issues listed:

Mrs Hasitha Kotugoda [REDACTED] (Objects)

Comment submitted date: Tue 30 Jul 2019

Young people creates lot of noise and anti social behaviour due to the place

Mr Kulasinghe Perera [REDACTED] (Objects)

Comment submitted date: Tue 30 Jul 2019

The place create lot of noise and hostile environment at night . Not exactly what I expected th have as my neighbourhood when I bought my property

Mr David Nunez [REDACTED] (Objects)

Comment submitted date: Tue 30 Jul 2019

This business had been nothing but a nuisance for the residents of Colindale. It is noisy and open until 5am some nights. It has caused traffic and illegal parking issues. Fights and anti-social behaviour is common place now, it needs to be shut down for good. Do the right thing for this community and take our considerations seriously, we have to live here.

Mr Taehyun Baek [REDACTED] (Objects)

Comment submitted date: Mon 29 Jul 2019

I would like to make an official complaint of nuisance against "CIELO PRLR" regarding

- (i) Excessive noise during late hours
- (ii) Smoke, fumes or gases from business premises
- (iii) Smells from business premises

I have lived in this apartment complex since December 2017. I am greatly upset and concerned by the level of noise and smoke smells/fumes that come from the business, which can be easily heard and received around the surrounding residency. I understand that the kind of entertainment business will pertain to a certain level of noise and smell thereof. However, it has become a problem for myself (and I am sure other residents) when the level of sound is too excessive and heard too often (nearly every night) until very late hours (at times until 03:00). Customers would often scream and cheer throughout the night, and deep bass beats will resound and vibrate, keeping others and myself awake. I am also certain the level of smoke fumes will be particularly concerning especially for families with young children.

Pursuant to section 79(1) Environmental Protection Act 1990, statutory nuisances include:

- (a) any premises in such a state as to be prejudicial to health or nuisance;
- (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;
- (c) fumes or gages emitted from premises so as to be prejudicial to health or a nuisance;

(g) noise emitted from premises so as to be prejudicial to health or a nuisance;

(h) any other matter declared by any enactment to be a statutory nuisance;

and it shall be the duty of every local authority to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 80 below and, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint.

I request the local council (or the local authority in charge) to take serious regard to this complaint

Mr Javier Galan [REDACTED] (Objects)

Comment submitted date: Mon 29 Jul 2019

I don't understand how this could have been erected without previous consultation. I guess the positive is that it allows us to expose what a nuisance this really is, instead of sharing fears of what it could be

Indeed it is noisy, especially when they open the windows. With families in nearby buildings, I'm not sure how this is allowed - there are children and working parents who need to catch a good night's sleep.

The smoke from the shishes clearly is not contained and can often be seen heading towards nearby buildings - with the smell it brings.

Furthermore, the clientele clearly has a nasty habit to park their large cars illegally anywhere on double yellows, congesting the traffic and causing unnecessary noise. Neighborhoods like Dulwich have been mentioned differently elsewhere in this document

Here are some videos I took to give you an idea of the noise and smell we have to endure:

Fri 26 July 2019 at 2300 <https://youtu.be/v3I9woMcICc>

16 Feb 19 at 0030 <https://youtu.be/Xi7vL9zQMN8>

17 Mar 19 at 1am <https://youtu.be/hPfZXHAd9aE>

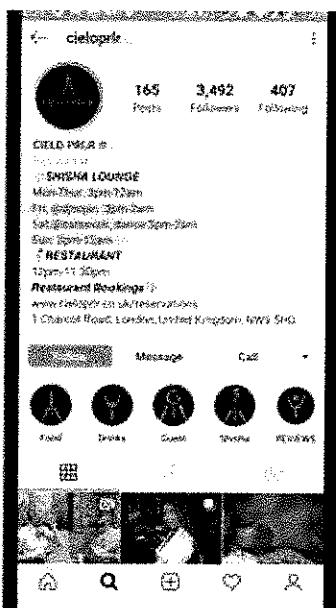
29 Mar 19 <https://youtu.be/DOrpBSPQIB0>

Speaking with the management has returned only empty promises (and you can see that their eyes are rolling every time I approach them politely to reduce the noise). Imagine coming back home at 10pm on a Friday after a night shift at work, only wanting to sleep and rest at your own home. However, it is not possible until 2am because of the pumping beats of DJ dance music. It is a hot summer night, but you have to decide whether you want fresh air mixed with shisha smell (as a non-smoker) or endure the sticky heat air in your own bedroom...

I really like to invite you to help us in escalating this issue with the relevant council departments.
Kindest regards,

Jeremy Tang

Images of the establishment offering DJ music until 2am into the night even though their own websites states different times (albeit arguably 1am is till far too late):



<https://www.cieloprlr.co.uk/>

WELCOME TO CIELO PRLR

CIELO IS ITALIAN FOR SKY.

OUR TALENTED TEAM OF CHEFS, FRONT OF HOUSE AND FOUNDERS... HAD A VISION TO
BRING A NEW TYPE OF DINING EXPERIENCE.

WHERE THE FUSION OF FLAVOURS FROM THEIR DISHES AND COCKTAILS WOULD BE
CELEBRATED WITHIN A CONTEMPORARY INTERIOR SETTING.

ALL ARE WELCOME TO ENJOY THE VERY BEST OF TURKISH AND ITALIAN CUISINE AND
HOSPITALITY.

From: Tang Jeremy

Sent: 23 July 2019 12:57

To: 'cllr.g.sargeant@barnet.gov.uk'; 'cllr.z.zubairi@barnet.gov.uk'

Subject: Colindale station - Noise & Smell complaint coming from Shisha bar Cielo Prlr 1 & 2 Charcot Road, NW9 5WU

Dear Gill and Zakia,

I am writing to you as I have had no response from Nargus and the Planning Team at Barnet Council.

Please see my email below and I would be very grateful if you can find the time to escalate the issue as I do see many children walking pass the Shisha bar on the way to the green park opposite Colindale station.

Kind regards,

Mr Tang

From: Tang Jeremy

Sent: 15 July 2019 12:51

To: 'Cllr.n.narendhira@barnet.gov.uk'

Cc: 'planning.consultation@barnet.gov.uk'; xxxxxxxxxxxxxxxx

Subject: Noise & Smell complaint - premise at Cielo Prlr 1 & 2 Charcot Road, NW9 5WU

Dear Nargus and Barnet Planning team,

I wish to report 4 types of complaint against Shisha bar Cielo Prlr located at 1 & 2 Charcot Road, NW9 5WU (I live in a flat 2 floors above this premise. I moved in Nov 2018 and this Shisha opened in Dec 2018).

The four complains I have are:

1. Bad shisha smoke smell when the terrace windows & roof is open. The smell of shisha often is noticeable when walking past the establishment and sometime under certain wind/weather condition it is coming through the windows into my flat and at my balcony

2. As far as I can see, the establishment often ignores the opening times that were agreed in its licence application (see below)
3. Since the opening of this establishment, a lot of rather noisy cars (both motor noise and radio noise) and groups of people have started to come into this residential area (often parking on the double yellow road right in front of the premise. From anecdotal evidence, speaking with neighbours we feel crime has increased in the area (2 street robberies, 3 occurrences of a drug seller offering goods, 1 vandalism act at a local shop by drunks).
4. Finally, and by far the most intruding issue for me, is the loud OUTDOOR recorded music every Fri, Sat and Sun evenings late into the night (often into 1am) from the "outdoor" terrace area. The pumping beats of Club and Dance music is depriving me of my right to quiet and peaceful enjoyment in my own home deep into the night.

This is in contradiction to the licence application I found on

<https://barnet.moderngov.co.uk/documents/s41982/agenda.pdf> - (which states Indoor only Fri & Sat until midnight and Sun until 2230) > Arguably the TERRACE shisha area is an "Outdoor area" or otherwise the Shisha selling would be against the licensing (Forcing the establishment to open up windows and roof would not help with the shisha odour issue though).

Timings

Provision of live music – **remove from application**
Provision of Dance – **remove from application**

Provision of recorded music (Indoors only)

Monday – Thursday 1000 – 2200

Friday – Saturday 1000 – 0000

Sunday 1100 – 2200

Seasonal variations:

Until midnight on any day preceding a bank holiday

New Year's Eve until 0200

Late Night Refreshment

Friday – Saturday 2300 – 0000

Seasonal variations:

Until midnight on any day preceding a bank holiday

New Year's Eve until 0200

Supply of alcohol (amend to: **On sales only**)

Monday – Thursday 1000 – 2200

Friday – Saturday 1000 – 0000

Sunday 1100 – 2200

Seasonal variations:

Until midnight on any day preceding a bank holiday

8

New Year's Eve until 0200

Hours open to the public

Monday – Thursday 0700 – 2230

Friday – Saturday 0700 – 0030

Sunday 0800 – 2230

Seasonal variations:

Until 0030 on any day preceding a bank holiday

New Year's Eve until 0230

Further proofs – Videos with BBC time stamps on TV and noise coming from Cielo Prlr "outdoor" terrace:

16 Feb 19 at 0030 <https://youtu.be/Xi7vL9zQMN8>

17 Mar 19 at 1am <https://youtu.be/hPfZXHAd9aE>

29 Mar 19 <https://youtu.be/DOrpBSPQIB0>

The noise is definitely audible when windows are closed. The Barnet noise team has come a few times to my flat and logged the issue.

I have attempted several times to speak with the management and usually get a response in the line of "we will turn down volume" (albeit often still audible after promise)

I have attached a signed petition by my fellow neighbours who experience the same issues (back in March 2019).

Kind regards

Mr Tang
Resident at xx Fletcher Court ,xx Joslin Ave, NW9xxx

Jeremy TC Tang

xxxxxxxxxxxxxxxxxx

Hammond, Elisabeth

Subject: FW: Cielo Prlr 1 Charcot NW9 5HG

From: Paul Chu (BT) xxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 07 July 2020 10:49

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Cc: Hooton, John <John.Hooton@Barnet.gov.uk>; Shaw, Cath <Cath.Shaw@Barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>; Sergeant, Cllr Gill <Cllr.G.Sergeant@barnet.gov.uk>; Narendhira, Cllr Nagus <Cllr.N.Narendhira@Barnet.gov.uk>; LicensingAdmin <LicensingAdmin@barnet.gov.uk>

Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Elisabeth

Please find below my comments but I have to point out that the failure of your system suggests to me that the Council has not been receiving any comments on licensing applications, and meaning the the Council might have been approving licensing applications without reviewing comments submitted through the webform. **This is a very serious governance issue.**

Anyway, please find below my comments based on my recollection of what I submitted late last night:

"This venue is located in a highly densed residential neighbourhood populated with young families and key workers working shifts.

This venue has been causing nuisance to the neighbourhood by their customers, and I am aware that the Council's environmental team has been visiting this venue following complaints from residents about the loud music and broadcast of sporting events before the Covid-19 lockdown.

Since the opening of this venue, residents have noticed an increased number of unusual characters and disposed canisters of laughing gas in the area.

It has also been noted that the customers at this venue were seen driving on Charcot Road at high speed with very loud music being played – road safety issue and nuisance.

There are two supermarkets selling alcohol for off-premises consumption, and two other restaurants nearby serving alcohol on site to responsible customers.

As mentioned above, the venue is located in a highly densed residential neighbourhood populated with young families and key workers working shifts. The sale of hot food and alcohol for consumption after 11pm either on or off premises, and the licence to play music of any kind after 11pm will cause detrimental effect to the neighbours / residents immediately above and nearby who rightly deserve a peaceful environment after a hard day at work.

It is therefore in my opinion that the venue should not be allowed to:

- Serve / sell hot food after 11pm for consumption within the premises
- Serve / sell hot food after 11pm for consumption off the premises
- Serve / sell alcohol after 11pm for consumption within the premises
- Serve / sell alcohol at all times for consumption off the premises

Kind regards

Paul Chu

Sent from [Mail](#) for Windows 10

From: [Hammond, Elisabeth](#)
Sent: 07 July 2020 08:47
To: Paul Chu
Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Hi Paul,

Please send your comments to me, as today is the last date for representations.

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, call us on **0808 281 3210** or use our [webform](#).



From: Paul Chu (BTxxxxxxxxxxxxxx)
Sent: 06 July 2020 20:36
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Cc: Sergeant, Cllr Gill <Cllr.G.Sergeant@barnet.gov.uk>
Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Hi Elisabeth

I have just submitted my comments against LAPRE4/20/62862 but I have received the following screen after my submission, saying that the emails were not sent to the Licensing Team.

In fact it would appear that I am not the only person who has experienced the same problem.

 Your comments have been submitted.

- Your comments will be registered against this application.
- We were unable to send an e-mail confirmation to the address inthemix@btopenworld.com.
- We were unable to send a notification e-mail to the address licensingadmin@barnet.gov.uk.
- We were unable to send an e-mail to the case officer.
- We were unable to send an e-mail confirmation to the address licensingadmin@barnet.gov.uk.

LAPRE4/20/62862 | Full Variation | Licence Superseded | 1 Charcot Road London NW9 5HG

Sent from [Mail](#) for Windows 10

From: [Hammond, Elisabeth](#)

Sent: 15 June 2020 09:12

To: Paul Chu

Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Hi Paul

I can confirm the reference number for the withdrawn application was - LAPRE4/20/62852

The reference number for the current application, who's last date for representations is now 7th July 2020 is - LAPRE4/20/62862.

Regards,

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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**STAY AT
HOME**

**PROTECT
THE NHS**

**save
lives**

Together, WE ARE BARNET

Due to Covid 19 postal services are intermittent please use email where possible?

From: Paul Chu xxxxxxxxxxxxxxxxxxxxxxx

Sent: 10 June 2020 19:47

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Cc: Cudjoe, Zekiel <Zekiel.Cudjoe@Barnet.gov.uk>; Sergeant, Cllr Gill <Cllr.G.Sargeant@barnet.gov.uk>

Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Elisabeth

Thanks for the update.

Can you please confirm the reference number(s) for the following:

- Withdrawn
- New variation

The reason for asking is that both LAPRE4/20/62862 and LAPRE4/20/62852 do not contain the deadline for consultation.

Kind regards

Paul

Sent from [Mail](#) for Windows 10

From: [Hammond, Elisabeth](#)

Sent: 10 June 2020 16:44

To: Paul Chu

Cc: [Cudjoe, Zekiel](#); [Sergeant, Cllr Gill](#)

Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Paul

Apologies, I have been on leave and have been catching up with emails.

On the premises relates to activities taking place within the structure of the premises itself. I can confirm that the applicant has now amended their plan for the variation application to include the outside structure.

Please let me know if you would like to withdraw your original representation and if you will submit a new one, or if you would like to carry the representation over?

Regards,

Elisabeth Hammond
Licensing Officer
Commercial Premises

London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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Due to Covid 19 postal services are intermittent please use email where possible?

From: Paul Chu xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 03 June 2020 19:38
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Cc: Cudjoe, Zekiel <Zekiel.Cudjoe@Barnet.gov.uk>; Sargeant, Cllr Gill <Cllr.G.Sargeant@barnet.gov.uk>
Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Elisabeth

In order to submit my comments accordingly, I will much appreciate it if you can reply to me on the questions that I raised in my email below.

Kind regards
Paul

Sent from [Mail](#) for Windows 10

From: Paul Chu
Sent: 28 May 2020 14:35
To: [Hammond, Elisabeth](#)
Cc: [Cudjoe, Zekiel](#); [Gill Sargeant - Councillor](#)
Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Elisabeth

Many thanks for the update. I am now very confused as the licencing portal now shows two separate applications rather than a variation to the application validated on 21st May:

Licensing – Activities

[Help with this page](#)

LAPRE4/20/62852 | Full Variation | Licence Superseded | 1 Charcot Road London NW9 5HG

[Back to search results](#)

[Track](#)

[Print](#)

[Details](#) [Comments \(0\)](#) [Documents \(0\)](#) [Related Items \(8\)](#) [Map](#)

[Summary](#) [Important Dates](#) [Opening Hours](#) [Activities](#) [Conditions](#) [Contacts \(1\)](#) [Additional Information](#)

Activity	Location	Indoors/Outdoors	Alcohol Consumed	Capacity	Time Period	From	To
Sale or supply of Alcohol					Sunday	12:00 PM	12:00 AM
Sale or supply of Alcohol					Monday to Thursday	12:00 PM	12:00 AM
Sale or supply of Alcohol					Friday to Saturday	12:00 PM	01:30 AM

Licensing – Activities

[Help with this page](#)

LAPRE4/20/62862 | Full Variation | Licence Superseded | 1 Charcot Road London NW9 5HG

[Back to search results](#)

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[Summary](#) [Important Dates](#) [Opening Hours](#) [Activities](#) [Conditions](#) [Contacts \(1\)](#) [Additional Information](#)

Activity	Location	Indoors/Outdoors	Alcohol Consumed	Capacity	Time Period	From	To
Provision of late night refreshment					Friday to Saturday	11:00 AM	01:30 AM
Provision of late night refreshment					Sunday to Thursday	11:00 PM	11:30 PM
Sale or supply of Alcohol			On Premises		Tuesday to Thursday	12:00 PM	12:30 AM
Sale or supply of Alcohol			On Premises		Friday to Saturday	12:00 PM	01:30 PM
Playing of recorded music			On Premises		Monday to Thursday	12:00 PM	11:00 PM
Playing of recorded music			On Premises		Friday to Saturday	12:00 PM	01:00 AM
Playing of recorded music			On Premises		Sunday	12:00 PM	11:00 PM
Sale or supply of Alcohol			On Premises		Monday	11:00 AM	12:30 AM

The information supplied by the Council website does not provide the exact activities listed in your email below. In fact it is very misleading as there is no mention of “off premises” consumption of alcohol in either applications.

Can you also please explain whether “on premises” will also include the shisha lounge (an outbuilding which is structurally separated from the restaurant itself)?

Kind regards

Paul

Sent from [Mail](#) for Windows 10

From: [Hammond, Elisabeth](#)

Sent: 28 May 2020 13:59

To: Paul Chu

Cc: [Cudjoe, Zekiel](#)

Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Paul

The applicants have submitted a new variation application and they will be placing an updated notice on the premises outlining what they are looking to change.

They are looking to vary the following:-

- to supply alcohol to be consumed both on and off the premises, provide late night refreshment, play recorded music and perform live music.

The hours they are applying for, for each activity are:-

- **Performance of live music (indoors only)**, Monday – Thursday 12:00hrs until 23:00hrs, Friday & Saturday 12:00hrs until 01:00hrs, and Sunday 12:00hrs until 23:00hrs
- **Playing of recorded music (indoors only)**, Monday – Thursday 12:00hrs until 01:30hrs, Friday & Saturday 12:00hrs until 02:00hrs, and Sunday 12:00hrs until 00:00hrs
- **Provision of late night refreshment (on and off the premises)**, Monday – Thursday 23:00hrs until 01:00hrs, Friday & Saturday 23:00hrs until 02:00hrs, and Sunday 23:00hrs until 01:00hrs
- **Supply of alcohol (on and off the premises)**, Monday 11:00hrs until 00:30hrs, Tuesday – Thursday 12:00hrs until 00:30hrs, Friday & Saturday 12:00hrs until 01:30hrs, and Sunday 12:00hrs until 00:30hrs

For a representation to the variation to be considered valid, it must relate to at least one or all of the Licensing Objectives laid down in the Licensing Act 2003. These objectives are:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

We are unable to take into consideration issues surrounding planning or traffic. Should you wish to object, please do so to licensingadmin@barnet.gov.uk no later than **24th June 2020**.

Regards,

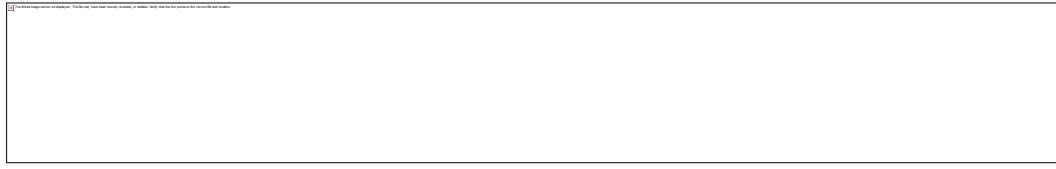
Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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 Due to Covid 19 postal services are intermittent please use email where possible?

From: Paul Chu xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 28 May 2020 09:46
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: RE: Cielo Prlr 1 Charcot NW9 5HG

Dear Elisabeth

Thank you for your email.

I will await the information presented in the new application before I make the decision.

Will you be able to write to me when their new application has been submitted please?

Kind regards
Paul

Sent from [Mail](#) for Windows 10

From: [Hammond, Elisabeth](#)
Sent: 27 May 2020 13:15
To: Paul Chu
Subject: Cielo Prlr 1 Charcot NW9 5HG

Dear Mr Chu

Thank you for your comments regarding the variation application for the above premises.

I just wanted to let you know, that the applicant has withdrawn this application but their intention is to put in a new form to resolve some issues that occurred on the original application.

Please could you let me know if you wish you representation to be carried over to the new application? Alternatively, if you would like to withdraw the representation and then submit a new one once the updated application comes in, please let me know.

Regards,

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639

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Due to Covid 19 postal services are intermittent please use email where possible?

[REDACTED] Dennington Park Road
London
NW6 [REDACTED]

14 June 2020

(Owner of property in: Boswell Court, [REDACTED] Charcot Road, London, NW9 [REDACTED])

London Borough of Barnet
2 Bristol Avenue
Colindale
NW94EW

Dear Sir or Madam,

I am writing in relation to the licence application for 1 Charcot Road, NW95HG raised on 09/06/2020.

The notice advises that "A full variation application to be able to supply alcohol to be consumed off the premises, play recorded music, perform live music, and provide night refreshments" has been applied for by Izzet Deniz Erpolat.

I would like to notify Barnet Licensing team of my concern and objection in relation to the issuing of this licence and continued operation of this business – specifically the shisha lounge that has been erected on the site of the restaurant's original car park at 1 Charcot Road and I believe this application refers to.

Up until recently I have been an owner occupier of an flat Boswell Court on Charcot Road. As of September 2019 I still own it but now let the property out. My decision to move to a different area is partially due to the continued operation of the Shisha Lounge at 1 Charcot Road which has had a detrimental impact on the local area and seems to operate in complete disregard to planning and licencing.

My objections to the shisha lounge at 1 Charcot Road are elaborated below.

Public nuisance:

- The shisha lounge cannot physically operate in a way that does not somehow cause a public nuisance. With the open roof and walls of the shisha lounge there is literally no sound proofing of any noise created, or indeed smell.
- Both the smell and noise generated present a significant public nuisance to local residents.
- My experience of the shisha lounge operating is that apart from supplying alcohol they already do all of what's requested in the revised licence application until sometimes 2am in complete disregard of residential neighbours. This also makes a mockery of the licencing process.
- This is not a business that operates for the benefit and with the interests of the wider community as evidenced by the parking issues created by building over the premises' original car park and causing the overflow to park elsewhere in areas allocated for residents (security try to enforce this

but it has added to the resources required to run the estate through more patrols and they cannot enforce the rules at all times leaving some residents without spaces in the evenings)

- It is not a business that is relevant to the local area which comprises mostly young families, yet it sits in a location right at the heart of the Colindale regeneration area, next to the underground station – changing the nature of the area away from being a family friendly one.
- The management of the establishment have not endeared themselves to the community or shown any interest of wanting to act in a way that will positively benefit the area. In early 2019, on confronting the persons in charge of the establishment for the second time, after being personally disturbed late one Friday night (c.00:00) and raising with him the issue of noise pollution emanating from the Shisha lounge at a late hour he told me it was nothing to do with me and to close my windows and that he was allowed to operate on such a basis. On advising them that my windows were closed, that I shouldn't have to anyway and that I didn't think they should be operating with such disregard to local residents they became quite intimidating and one person told me to 'move' if it was a problem. The noise and nuisance continued.

Prevention of crime and disorder:

- A large number of patrons are now attracted to the area late at night driving cars and creating noise in a residential area at a time when people often with young families are trying to rest and sleep.
- The operation of this business has brought serious parking issues to an area already highly congested and lacking resident parking space. Because the car park for the adjoining restaurant mentioned has been built over entirely with the Shisha lounge construction, visitors to the establishment are now parking on the road and in resident spaces nearby with seemingly little regard for the parking rules. I have heard from the Estate security that there have been instances of double yellow lines being painted over, parking permits photocopied, as well as CCTV cameras on Charcot Road obscured as the parking situation has been exacerbated.

Public Safety and Protection of Children from Harm

- Loud and fast cars can be heard speeding up and down Charcot Road late into Friday and Saturday night. This was not a common occurrence before the existence of the shisha lounge. This is a safety and public nuisance issue.
- Due to the late night operation and high number of patrons frequenting the area there is an increased risk to the area of proliferation of illicit substances in the vicinity. This is not desired or appropriate in an area where lots of children are being brought up.

Planning matter:

- I would also like to draw attention to a planning application refusal of November 2019 for the same property (Ref: 19/3858/FUL).

- A shisha lounge has been erected on the site of the property's car park without planning permission. Planning permission was retrospectively applied for and was denied by Barnet council. I have attached the refusal notice.
- It surprises me that they are able to apply for a license in light of this. The business has been operating with absolutely no concern for its neighbours in breach of its current licence. It causes noise pollution, smell pollution (from the shisha) and traffic and antisocial behaviour issues sometimes well past midnight in what is a primarily residential area. It has detracted hugely from the state of the area since opening.

It is unthinkable to imagine that Barnet should allow a licence for such a business given its history of disregard for planning, licencing and neighbours.

I strongly urge you to look into the evidence gathered that led to the refusal of the planning permission. The negative impact of this business on the quality of life in the local area is strongly felt and expressed. It is not a good image to continue to have this sit at the centre of a regeneration area which I understand to be looking at promoting Colindale as an area for families to grow, for healthy lives and creating an enjoyable place to live.

Please, I urge you to not wave this through as a result of any lightened licensing restrictions post-Covid. Please link in with the planning teams who have refused the retrospective planning application after listening to the very legitimate local concerns.

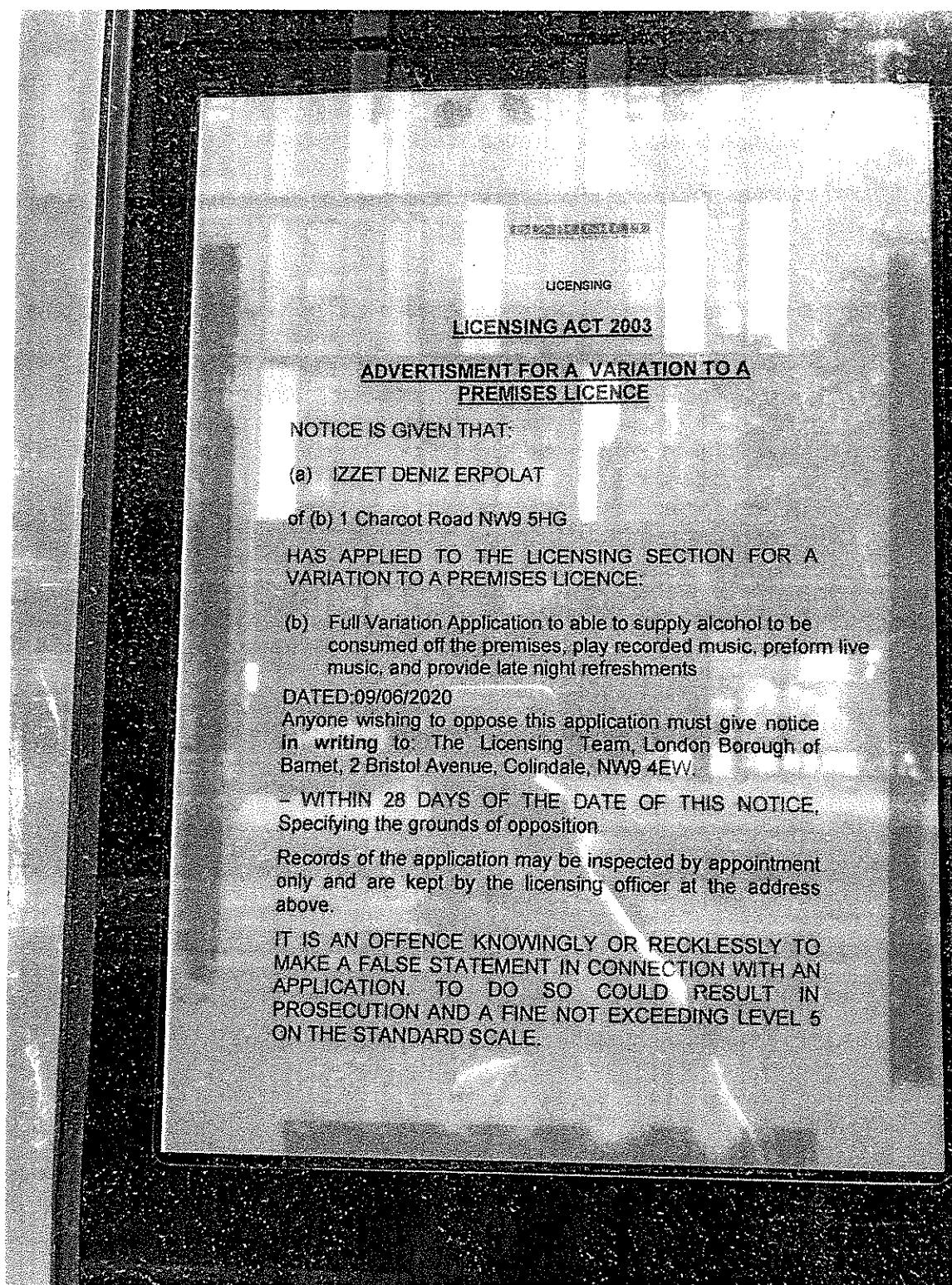
Thank you for your consideration of my concerns raised.

Yours faithfully,

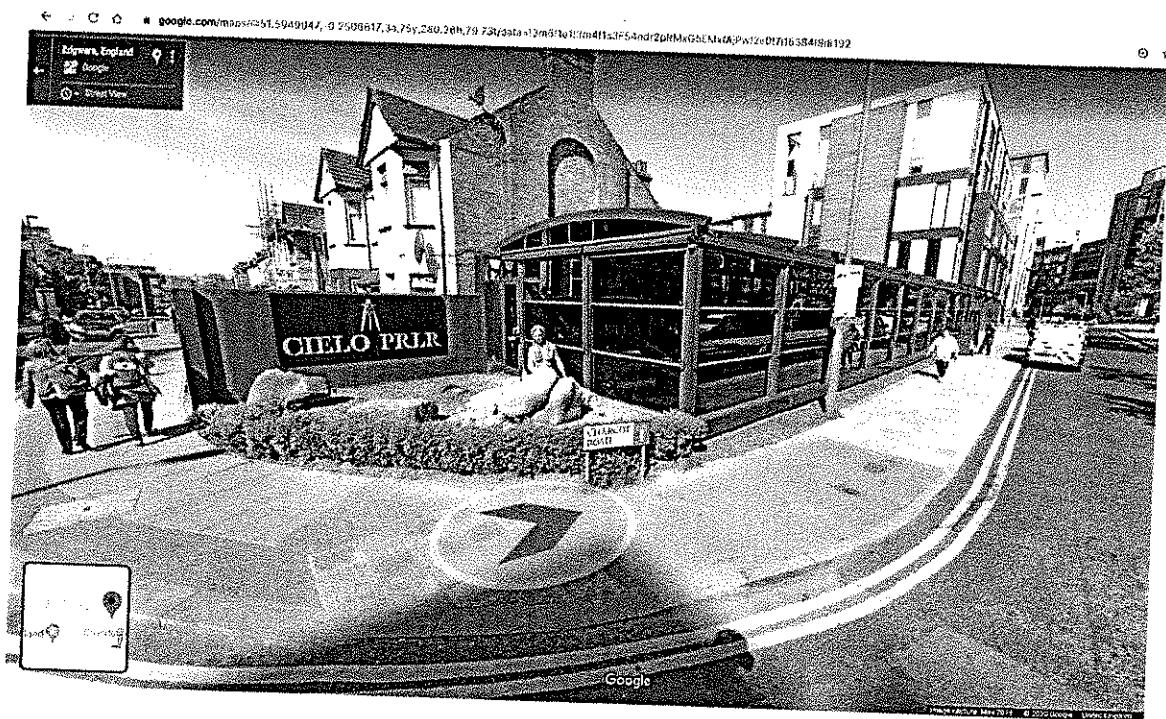
Joe Douglas

1 Attachment – Planning application refusal: Ref: 19/3858/FUL

Letter in relation to the below:



On this building that has had retrospective planning permission refused (the Shisha lounge):



M J Flannery

Flat [REDACTED]

Fletcher Court

[REDACTED] Joslin Avenue

Colindale

London NW9 [REDACTED]

29th May 2020

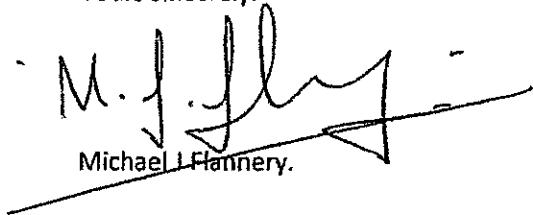
Re: 1 Chalcott Road, NW9 5HG – Variation of Premises licence.

I am writing to you with my following objects to the variation of premises licence for Izett Deniz Erpolat:

- 1) The application for the playing of recorded music, live music and to provide late night refreshments is not appropriate in such a heavy built up residential area. We have had problems with this business before when they built a shisha lounge without planning permission, they played loud music, had live music acts and stayed open until 4-5am for boxing fights from America without having the appropriate licences to do so, this caused severe noise, parking problems and anti social behaviour.
- 2) Their staff and clients use the Fletcher court secure car park for smoking, chatting and the noise of smashing bottles to rear of our residential block of flats, this causes severe noise problems to the residential residents and we fear that this will happen again if this licence extension is granted for the restaurant next to the shisha lounge.
- 3) There has been anti social behaviour from their clients and reports of drug dealing at the lounge.
- 4) This is a restaurant with flats above and flats surrounding this property on all sides with rear facing bedrooms in our block, therefore any music or late night licences will affect all these flats badly.
- 5) The volume of traffic is very bad at most times and extra traffic caused by this licence extension would cause even more problems.
- 6) This business has been operating for over 12 months now and they have shown in this time, they have no regard for the residential neighbours, the council rules and regulations or parking regulations, they even painted out the double yellow parking lines outside their premises with black paint.

To sum up this restaurant should not be granted this licence variation, as this restaurant is in a highly densely residential area and furthermore should not be open after 11.00pm at night to mitigate the noise, traffic problems and the anti social behaviour occurring.

Yours sincerely,



A handwritten signature in black ink, appearing to read "M. J. Flannery". The signature is fluid and cursive, with a prominent "M" and "J". Below the signature, the name "Michael J Flannery" is printed in a smaller, more formal font.

Comments for Licensing Application LAPRE4/20/62862

Application Summary

Application Number: LAPRE4/20/62862

Address: 1 Charcot Road London NW9 5HG

Proposal: Full Variation

Case Officer: Elisabeth Hammond

Customer Details

Name: Miss Alexandra Trebulova

Address: Flat [REDACTED], Boswell Court, [REDACTED] Charcot Road, London NW9 [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Children and Safety
- Crime and Disorder
- Crime and Nuisance
- Crime and Safety
- Nuisance and Safety
- Public Safety

Comment: 6:33 PM on 06 Jul 2020 This parlour has been erected illegally. The residents together (incl. me) suspect there are illegal activities going on in the back of the restaurant (i.e prostitution and drugs).

The shesha bar and restaurant is already loud and a nuisance to the neighbourhood. I have safety concerns for young people in the neighbourhood. I am concerned for myself too. My balcony faces the street where I can see the parlour.

It does not fit into the Neighbourhood that I bought into in 2015.

I strongly object.

Hammond, Elisabeth

Subject: FW: Licence Application LAPRE4/20/62862

From: Robert Chohan XXXXXXXXXXXXXXXXX
Sent: 07 July 2020 12:40
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Re: Licence Application LAPRE4/20/62862

Dear Ms Hammond,

Thank you for your reply. My flat number is XX. Thank you for confirming the address won't be visible on the paperwork.

Kind regards,

Robert Chohan



Virus-free. www.avg.com

On Tue, 7 Jul 2020 at 12:26, Hammond, Elisabeth <Elisabeth.Hammond@barnet.gov.uk> wrote:

Dear Robert

Thank you for your email.

In order for your representation to be considered valid, we would need to know your flat address please. This information will not be visible on the hearing paperwork, but we do need to know it at this stage.

Regards

Elisabeth Hammond

Licensing Officer

Commercial Premises

London Borough of Barnet

8th Floor

2 Bristol Avenue

Colindale

London

NW9 4EW

0208 359 5639



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If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, call us on **0808 281 3210** or use our [webform](#).



From: Robert Chohan [mailto:XXXXXXXXXXXXXX]

Sent: 07 July 2020 11:40

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Cc: Narendhira, Cllr Nagus <Cllr.N.Narendhira@Barnet.gov.uk>; Sergeant, Cllr Gill <Cllr.G.Sergeant@barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>

Subject: Licence Application LAPRE4/20/62862

Dear Ms Hammond,

With regards to the above application, I would like to state that I Object to any alcohol licence being granted that enables the business operator to serve alcoholic drinks for consumption outside the premises.

As a community we have already had many problems, for which I am sure the council is aware, related to anti-social behaviour, noise pollution, litter and general hygiene concerns all due to the operation of the business in question.

Granting a license that allows for outdoor consumption of alcohol would mean the problems the residential community faces would deteriorate further.

Previous examples already communicated: shouting/screaming outdoors at night; vomit; drug use; litter; threatening behaviour towards local residents by staff members when complaints are made directly to the establishment; noise pollution from excessively loud music played well after the existing licence permits.

Taking past problems into account, along with known contraventions of the existing entertainment licence and the establishment's blatant dismissal of the rules and their responsibility to the community, the establishment have demonstrated they simply are not a considerate business or one that operates with any level of corporate responsibility. There is no reason to believe they would then operate in a manner that does not cause unrest within the local community.

My address is at Flat xx, XX Needleman Close, London NW9 XXX

Kind regards,

Robert Chohan

Hammond, Elisabeth

Subject: FW: OBJECTION to License Application Case Reference: LAPRE4/20/62862

From: Samir Mehdi [mailto:xxxxxxxxxxxxxxx]

Sent: 07 July 2020 13:38

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>; LicensingAdmin <LicensingAdmin@barnet.gov.uk>

Cc: Sergeant, Cllr Gill <Cllr.G.Sergeant@barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>;

Narendhira, Cllr Nagus <Cllr.N.Narendhira@Barnet.gov.uk>

Subject: OBJECTION to License Application Case Reference: LAPRE4/20/62862

Subject: License Application Case Reference: LAPRE4/20/62862 (License variation application for Cielo Prlr, 1 Charcot Road)

Comment: OBJECT

Dear Elisabeth

With regards to the above application, I write to object to the application. My comments are submitted via email since at the time of writing, the Barnet website is unable to accept comments in relation to this application. My full details are at the end of this email and therefore I anticipate my comments will be taken into consideration in good faith. I am a local resident living in the Edition development, across the road from the applicants premises.

I note the status of this application states: "License superseded" although I cannot see any subsequent application. If there is indeed one, my comments of objection are the same for that too.

The application wishes to extend the provision/sale of alcohol to outside the premises. I assume this is in relation to the (illegal) shisha bar constructed adjacent to the restaurant residing at 1 Charcot Road, as the only other outdoor space would be Charcot Road itself. I note that the retrospective planning application relating to the Shisha Bar single storey building (Ref: 19/3858/FUL) has been dismissed at appeal level (APP/N5090/W/19/3242144) and therefore this license application relates, at least in part, to a structure that has less than 3 months before which it should be demolished.

In any case, I still object to this License application on the following grounds:

- 1) The provision of alcohol outside of the restaurant at 1 Charcot Road will have a detrimental impact on children and their safety. The location of the proposed outdoor provision of alcohol is in a heavily residential area housing numerous families with young children and is totally out of keeping with the character of the local area.
- 2) The local community has already faced many issues with the Shisha bar, not least anti-social behaviour, flagrant disregard for rules, noise pollution, litter and general disregard for neighbours living adjacent to structure. The council is fully aware of the high number of noise complaints from this unit. This problem will only be exacerbated should this license variation be allowed. As a reminder, for the Shisha bar to function as intended, the roof and side walls must remain open (not to say this is legal either, as windows cannot be closeable per legislation), therefore the likely increased noise owing to the supply of alcohol to this unit will only increase the aforementioned issues.
- 3) For the reasons mentioned in point 2, the application for performance of live /recorded music "indoors" is grossly inaccurate. This structure cannot ever be defined as an indoor structure due to its openings and therefore noise from such music will have a hugely detrimental impact on those living near to the structure. Given the excessively late opening times suggested, this will have a severe impact on the residential nature of the surroundings. Adults and children alike will suffer from excess noise pollution. Once again, the Council should reference the many noise complaints it has received already from this establishment and acknowledge that the opening hours are extend far beyond the stated hours on a routine basis.

4) The provision of alcohol outdoors will likely result in a detrimental impact on public safety

Considering all of the pre-existing issues that are already faced owing to this unit, the fact that the owners built a structure without planning permission and the issues identified above, there is no just cause to accept this license application.

I hope the Council can ensure the local community is safeguarded and that the quiet enjoyment of our homes is not compromised in anyway.

Mr. Samir Mehdi
xx Ledger Court
xx Chronicle Avenue
London
NW9xxx

XXXXXXXXXXXXXXXXXX

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

Tel: 020 8359 [REDACTED]

Ref: LAPRE4/20/62862

Noise Nuisance Make Representations to the following Premises Licence Variation

Sect 100 of the Licensing Act 2003

Application Given to Noise Nuisance:	2 nd June 2020
Premises:	Cielo Prlr, 1 Charcot Road London NW9 5HG
Person:	Mr Izzet Deniz Erpolat
Event:	LAPRE4/20/62862
Date:	
Time:	

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 many complaints of noise and nuisance from this 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 premises 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 premises 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.

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,

Simon Bull
Environmental Health Technical Officer

Matters for Decision

MATTERS FOR DECISION

Cielo Prlr, 1 Charcot Road, Colindale, London NW9 5HG

To allow the Supply of Alcohol - for consumption both on and off the premises

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	11:00	00:30			
Tuesday	12:00	00:30			
Wednesday	12:00	00:30			
Thursday	12:00	00:30			
Friday	12:00	01:30			
Saturday	12:00	01:30			
Sunday	12:00	00:30			

Added conditions, if any:

Reasons for decisions above:

To allow the Provision of Late Night Refreshment - for consumption both indoors and outdoors

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	23:00	01:00			
Tuesday	23:00	01:00			
Wednesday	23:00	01:00			
Thursday	23:00	01:00			
Friday	23:00	02:00			
Saturday	23:00	02:00			
Sunday	23:00	01:00			

Added conditions, if any:

Reasons for decisions above:

To allow the Provision of Recorded Music - indoors only

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	12:00	01:30			
Tuesday	12:00	01:30			
Wednesday	12:00	01:30			
Thursday	12:00	01:30			
Friday	12:00	02:00			
Saturday	12:00	02:00			
Sunday	12:00	00:00			

Added conditions, if any:

Reasons for decisions above:

To allow the Provision of Live Music - indoors only

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	12:00	23:00			
Tuesday	12:00	23:00			
Wednesday	12:00	23:00			
Thursday	12:00	23:00			
Friday	12:00	01:00			
Saturday	12:00	01:00			
Sunday	12:00	23:00			

Added conditions, if any:

Reasons for decisions above:

To allow the premises to remain open to the public

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	12:00	01:00			
Tuesday	12:00	01:00			
Wednesday	12:00	01:00			
Thursday	12:00	01:00			
Friday	12:00	02:00			
Saturday	12:00	02:00			
Sunday	12:00	01:00			

Added conditions, if any:

Reasons for decisions above:

From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxx
Sent: 04 August 2020 09:19
To: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Cc: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Missing photo evidence? : Submission of photos and videos for licensing hearing of Cielo
Prlr (Shisha bar/restaurant) Variation application - Tuesday 4th August 2020 (10.30am)

AGENDA ITEM 6

Dear Rahman,

I just noticed a key photo showing the shisha terrace with children walking pass & living nearby is missing from the meeting pack on

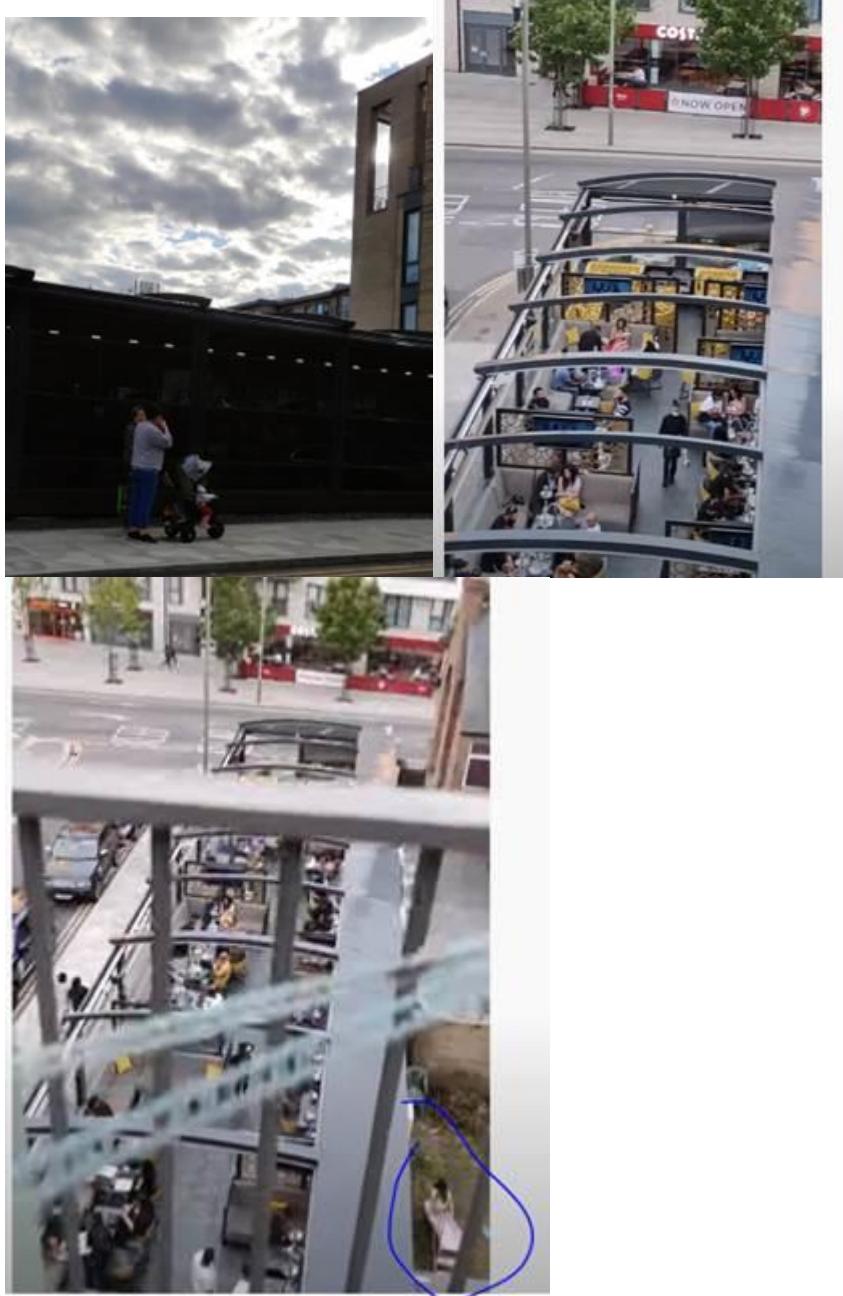
<https://barnet.moderngov.co.uk/documents/g10698/Public%20reports%20pack%2004th-Aug-2020%2010.30%20Licensing%20Sub-Committee.pdf?T=10>

Is it still possible to show this to the committee during the video conference at 1030am?

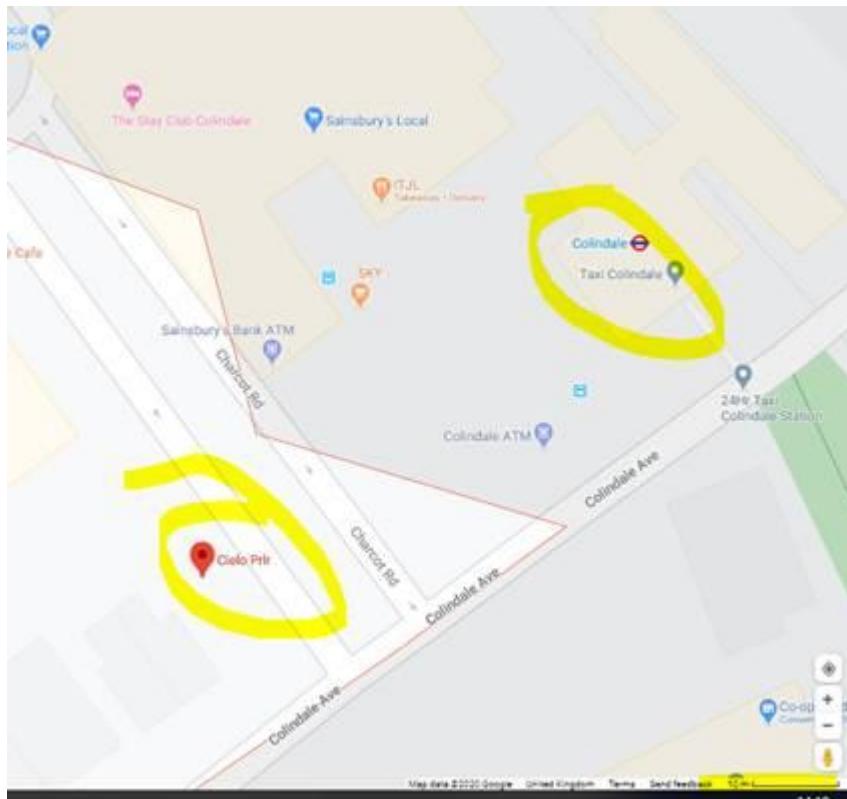
Protection of children from harm

Terrace creating shisha smoke & smell pollution where children walk pass and live (see point 4 further below)

Shisha terrace is 2 min walk from Colindale Tube station and shisha odour is noticeable from tube entrance.



<https://youtu.be/j45OkxTy3M8> (filmed 17 July 2020 noisy and smoke from shisha terrace-newspaper in video shows 14 July 2020)



The venue is about 30 meters from Colindale Tube station entrance, and shisha smell is often apparent when entering/leaving the tube station.

Many thanks

Jeremy

From: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Sent: 24 July 2020 16:32
To: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx
Cc: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: RE: Submission of photos and videos for licensing hearing of Cielo Prlr (Shisha bar/restaurant) Variation application - Tuesday 4th August 2020 (10.30am)

Noted. Thank you.

Kind regards,

Pakeezah Rahman
Governance Officer (Acting Up) – Governance Service, Assurance
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW
Tel: 020 8359 6452 | Mobile: 07784 290745 | Web: barnet.gov.uk

From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxx
Sent: 24 July 2020 15:52
To: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Cc: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: RE: Submission of photos and videos for licensing hearing of Cielo Prlr (Shisha bar/restaurant) Variation application - Tuesday 4th August 2020 (10.30am)

Dear Pakeezah,

Thank you for the prompt confirmation. Do feel free to share with all parties.

A neighbour just forwarded me an additional movie that shows in greater detail the chimney smoke problem (point 3: <https://youtu.be/erNsNOqao2c>)

Kind regards,

Jeremy

From: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Sent: 24 July 2020 15:05
To: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxx
Cc: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: RE: Submission of photos and videos for licensing hearing of Cielo Prlr (Shisha bar/restaurant) Variation application - Tuesday 4th August 2020 (10.30am)

Dear Mr Tang,

Thank you for your very clear and detailed email. This will now be sent to our panel and legal for review.

It would also be useful for all interested parties to have this information. As soon as I get clearance, I will blind copy other interested parties into this email for their reference.

Any further details of accessing the MS Teams meeting should be sent to you early next week.

Kind regards,

Pakeezah Rahman
Governance Officer (Acting Up) – Governance Service, Assurance
London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW
Tel: 020 8359 6452 | Mobile: 07784 290745 | Web: barnet.gov.uk



Consider the environment. Do you really need to print this email?

From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 24 July 2020 14:22
To: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Cc: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Subject: Submission of photos and videos for licensing hearing of Cielo Prlr (Shisha bar/restaurant) Variation application - Tuesday 4th August 2020 (10.30am)

Dear Pakeezah,

I wish to submit following photos, videos and documents for licensing hearing of Cielo Prlr Variation application - Tuesday 4th August 2020 (10.30am).

I apologise for the lengthy email in advance but since the opening of this establishment, my right to peaceful enjoyment at my own home in Colindale has been severely infringed.

In summary, I am presenting evidence that will show that the management of Cielo Prlr is operating a restaurant/shisha business that contradicts 3 if not all 4 objectives of the licencing act, namely:

<p>Protection of children from harm</p> <p>Terrace creating shisha smoke & smell pollution where children walk pass and live (see point 4 further below)</p> <p>Shisha terrace is 2 min walk from Colindale Tube station and shisha odour is noticeable from tube entrance.</p>
<p>Public nuisance</p> <p>Past infringement of licenced opening & music times (see point 1)</p> <p>Kitchen chimney creating smell and smoke pollution July 2020 (see point 3)</p> <p>Type of patrons not suitable for residential area (smoking, drinking, noisy cars) (see point 6)</p> <p>Management unresponsive and not working with people living nearby (see point 7)</p>
<p>Public safety</p> <p>Building a shisha terrace without building permission (see point 2)</p> <p>Kitchen chimney creating smell and smoke pollution July 2020 and build too close to home windows (see point 3)</p>
<p>Crime and disorder</p> <p>Parking not adequate and encouraging antisocial parking/driving in the area (see point 5)</p> <p>Type of patrons not suitable for residential area (possibly attracting weed trafficking in the area) (see point 6)</p>

Based on this, I will appeal to the committee to revoke the licence of Cielo Prlr or at the very least force them to

- Cease selling Shisha smoke
- Cease selling alcohol
- Reduce their opening time to max 9pm
- Cease their licence to offer hot cooked food until the chimney situation is resolved
- Cease ability to play music/TV (both recorded and live) in their terrace area

I support local businesses and welcome the economic benefits they provide. I have no complaints for the nearby Pizza, sandwich, Costa café and Taco Bell. But the way the management has behaved since they opened business indicate to me that they put their own economic greed above the interest of the stakeholders in this area.

As a background:

I live in the flat directly above the licence applicant and I oppose the renewal of Cielo Prlr (a Shisha bar/restaurant) licence application. Since this establishment opened myself and my neighbours have encountered a long list of problems that made life in our own home very uncomfortable.

1) Past infringement of licensing opening & music times

Back in 2019, the venue regularly ignored its own licensing opening times & music guidance.

The current license register of Barnet Council for this venue states that music is only licensed to 2230 on Sundays.

Source:

<https://barnet.moderngov.co.uk/documents/s41982/agenda.pdf>

From: Vicky.Johnson@met.police.uk **To:** Barnet.Licensing@met.police.uk
Sent: 01 August 2017 11:43
To: Pateman, Roxanne
Cc: Pateman, Roxanne; Pattenden, Daniel
Subject: New Premises licence: Asuya (Very Good Entertainment) 2 Charcot Road, NW9 5WU

Ayodele,

Following our conversation, I have addressed my typo's my email below and have made the amendments that you requested to the times which seem reasonable. As you said the Beaufort Pub have set a president in this area (although it is a few minutes' walk up the road), so typical quiet pub hours would be reasonable. I have added the condition re ambient music volume. As you will see I have also expanded on the condition in relation to your outside seating area (This include the covered mezzanine area) as I think this is a more reasonable compromise.

Timings

Provision of live music – remove from application
 Provision of Dance – remove from application

Provision of recorded music (indoors only)
 Monday – Thursday 1000 – 2230
 Friday – Saturday 1000 – 0000
 Sunday 1100 – 2230
 Seasonal variations:
 Until midnight on any day preceding a bank holiday
 New Year's Eve until 0200

Late Night Refreshment
 Friday – Saturday 2300 – 0000
 Seasonal variations:
 Until midnight on any day preceding a bank holiday
 New Year's Eve until 0200

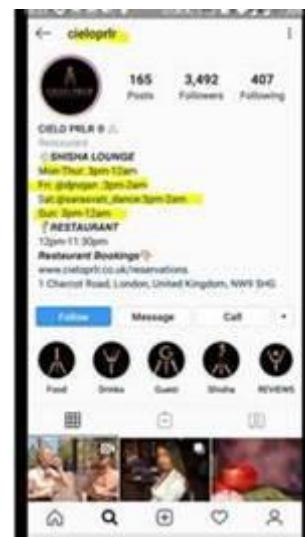
Supply of alcohol (amend to: On sales only)
 Monday – Thursday 1000 – 2230
 Friday – Saturday 1000 – 0000
 Sunday 1100 – 2230
 Seasonal variations:
 Until midnight on any day preceding a bank holiday
 New Year's Eve until 0200

Hours open to the public
 Monday – Thursday 0700 – 2300
 Friday – Saturday 0700 – 0030
 Sunday 0800 – 2300
 Seasonal variations:
 Until 0030 on any day preceding a bank holiday
 New Year's Eve until 0230

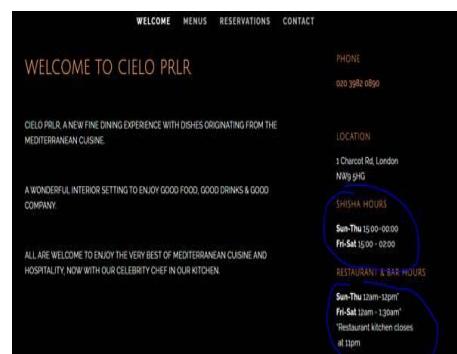
Conditions

a. Digital recording colour CCTV comprising of a multi camera system
 a) The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium

Yet, the shisha's bar own Twitter/Instagram account used to advertise live DJ music until 2am (note the license only lists recorded music)



Also own website: <https://www.cielopr lr.co.uk/>



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Please review video evidences (all about 25 seconds long) of loud music in our residential flats:
Videos with BBC time stamps on TV and noise coming from Cielo Prlr “outdoor” terrace:

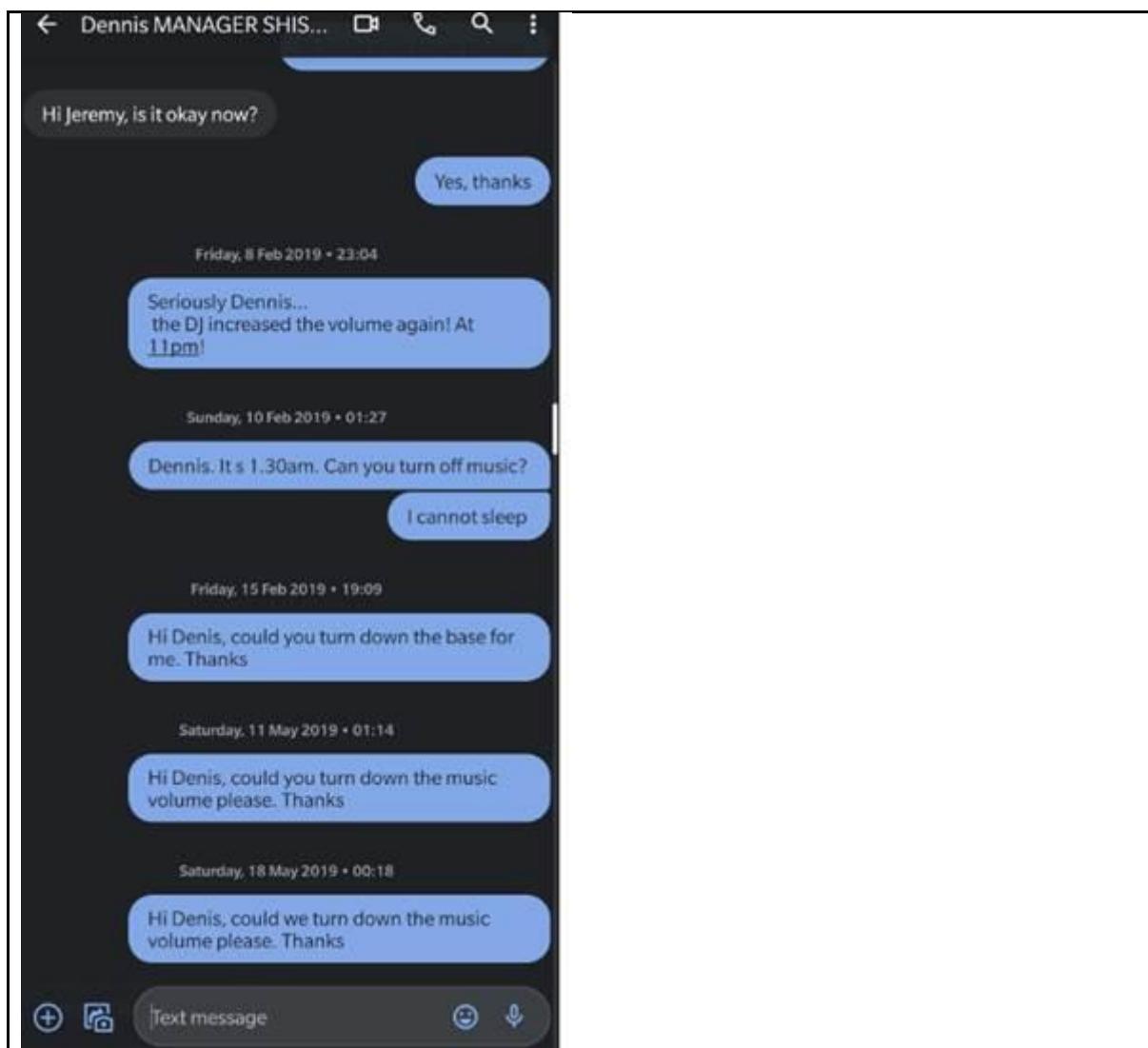
16 Feb 19 at 0030 <https://youtu.be/Xi7vL9zQMN8>

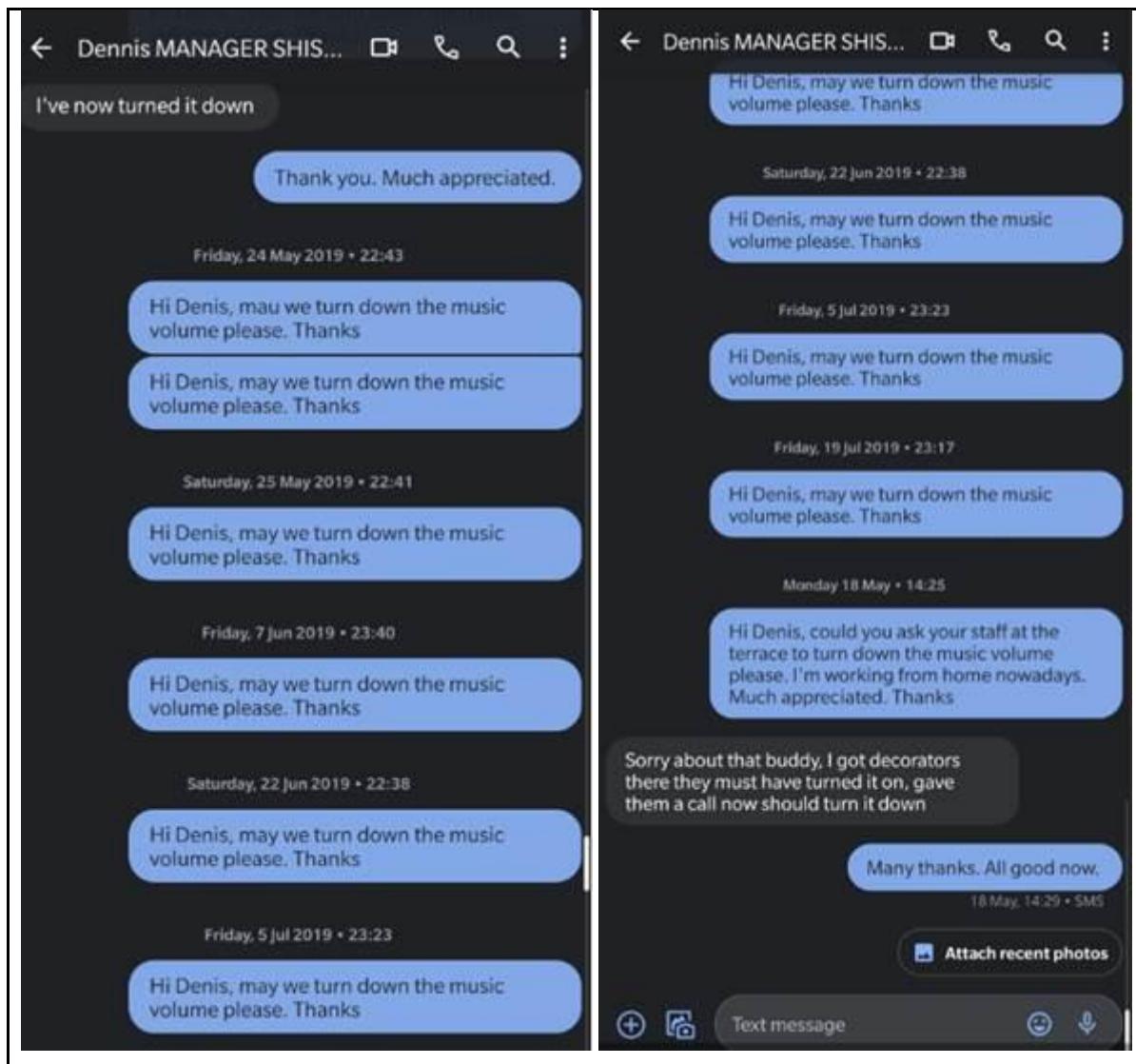
17 Mar 19 at 1am <https://youtu.be/hPfZXHAd9aE>

29 Mar 19 9pm <https://youtu.be/DOrpBSPQIB0>

Admittedly noise pollution has improved, but this may have to do with a council noise recording device being installed and the current licence renewal hearing.

Note – while the management sometimes would respond, most of the time I was simply ignored.
Barnet Council noise nuisance teams were regularly contacted.





Some screenshots of my regular sms messaging to Cielo Prlr regarding noise complaint. As you can see, often manager does not even reply.

2) Building a shisha terrace without building permission

Now (Blue circle is the balcony of my home)

Excerpt of the findings of Barnet building permissions department
Source: <https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=contacts&keyVal=PUH>



REFUSAL OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES PLANNING PERMISSION for:

**Erection of single storey building to be used as a shisha lounge
(RETROSPECTIVE APPLICATION)**

At: 1 Charcot Road, London, NW9 5HG,

as referred to in your application and shown on the accompanying plan(s).
For the following reason(s):

- 1 The proposed retention of the single storey building, by virtue of its scale, siting, **poorly considered design and materials**, is an excessively prominent feature within the streetscene and out of keeping with the established character of the area, being detrimental to the character and visual amenities of the locality, **contrary to design and character guidance** within the NPPF, Policy DM01 of Barnet's Development Management Policies DPD (2012) and Policy CS5 of Barnet's Core Strategy (2012).
- 2 The proposed retention of the single storey building used as a shisha lounge, by reason of its **siting and close proximity to nearby residential dwellings** would be **detrimental to the acoustic amenities** of the occupiers of these properties. The submitted information is not considered to be sufficient to demonstrate that these impacts are acceptable or can be sufficiently mitigated. The proposal is therefore found to be contrary to Council's policies CS5 of the Local Plan Core Strategy (Adopted 2012), and policies DM01, DM02 and DM04 of the Local Plan Development Management Policies DPD (Adopted 2012).

The Shisha terrace of Cielo Prlr was built in late 2018 without building permission and consultation of the neighbours. A retrospective application was submitted but was rejected gathering over 200 objections. The application is under appeal but the restaurant is still offering its shisha services in apparent disregard of social distancing guidance.

Retrospective Planning Application 19/3858/FUL submitted by the Shisha bar premise at Cielo Prlr 1Charcot Road, NW9 5WU. Please [click for link](#)

Yet, this venue is still operating its shisha business from an unlawfully build terrace...

3) Kitchen chimney creating smell and smoke pollution July 2020

About 3 weeks ago, Cielo Prlr reopened their restaurant and terrace as the UK government relaxed the lockdown guidance. As I am following social distancing rules, I stay most days at home and it became apparent that the kitchen chimney of Cielo Prlr is far too close to windows and balconies of nearby flats. I can regularly smell smoke and kitchen bbq smell.



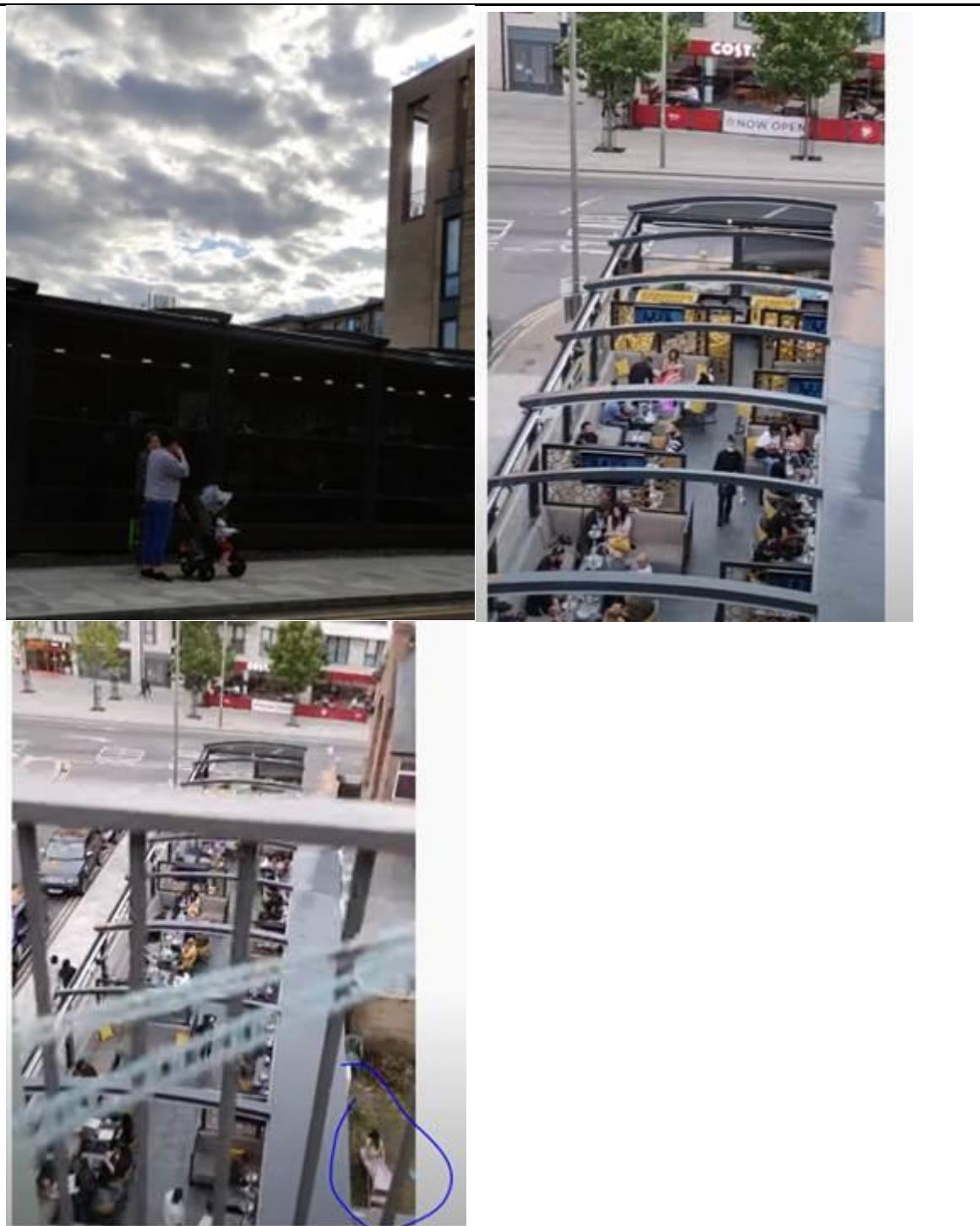
Video of smoking restaurant chimney near residential flats

<https://youtu.be/D3w1rHKQ8lo> (Newspaper states 17 July but video was taken 21 July 2020)

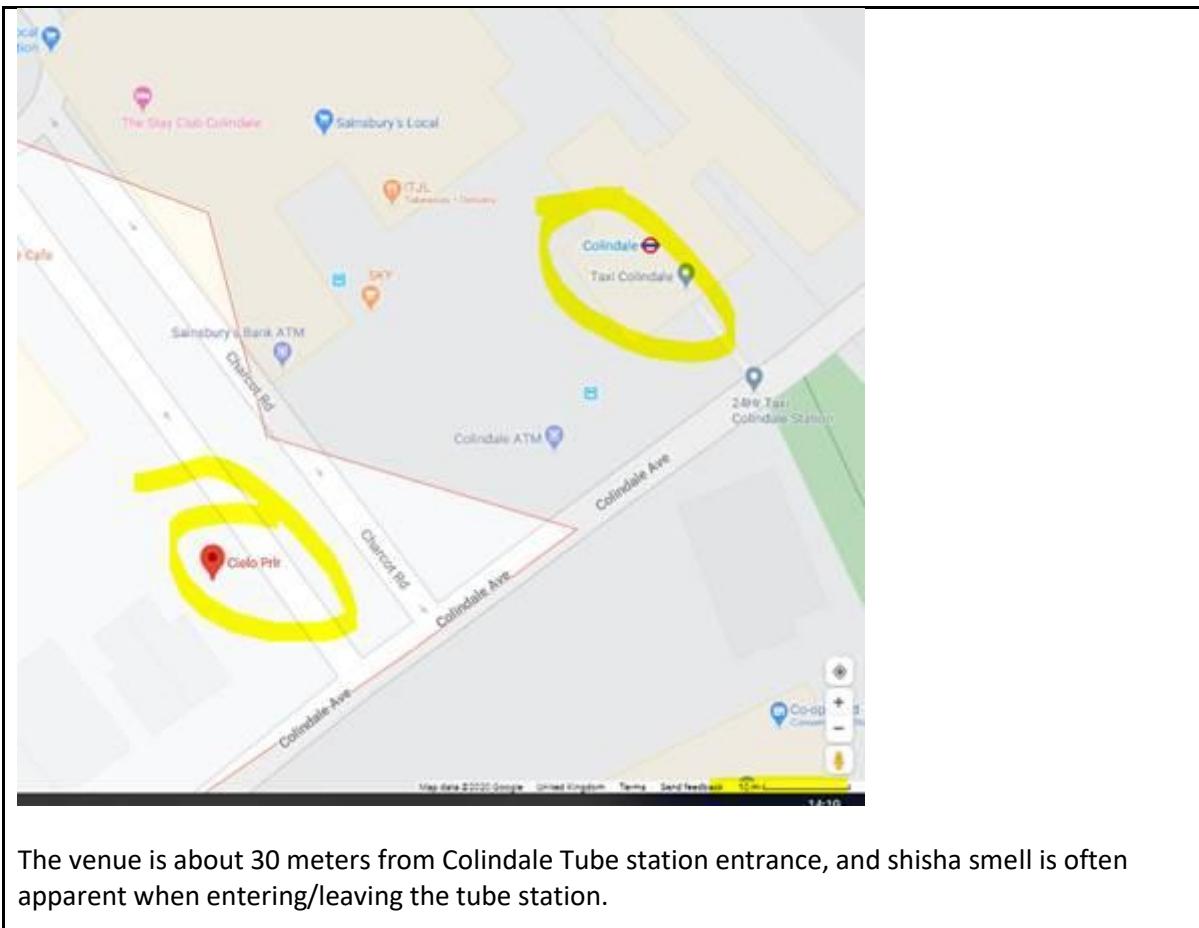
Speaking to the management has only returned denial claiming that the smoke came from neighbours garden & that the BBQ smoke cannot be from them as they do not do BBG (Cielo Prlr's menu lists steaks and meat however)

Barnet pollution team (Charlene.Burrows@barnet.gov.uk) has been contacted, but please take this as further proof that the management of this restaurant has no regard for the wellbeing of its neighbours.

4) Terrace creating shisha smoke & smell pollution where children walk pass and live



<https://youtu.be/j45OkxTy3M8> (filmed 17 July 2020 noisy and smoke from shisha terrace-newspaper in video shows 14 July 2020)

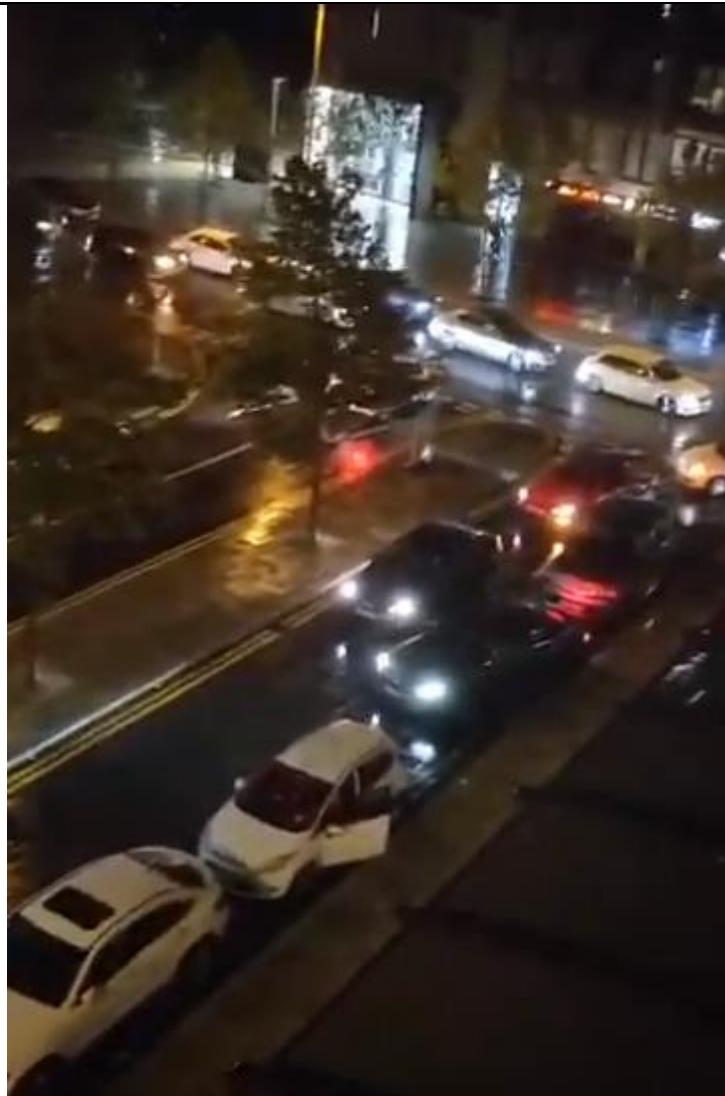


Families with children walking pass and living nearby must endure the shisha smell (Smoking terrace is at the main T junction into the Colindale Pulse residency and opposite Colindale Tube station) clearly contradicting the Protect Children from Harm Directive

Also I note that social distance of 1m+ does not seem to be kept by Cielo Prlr management.

5) Parking not adequate and encouraging antisocial parking/driving in the area

There is no adequate parking for the patrons of Cielo Prlr. The congestion around the vital T junction of the Pulse residency often causes honking noise. In addition, patrons often arrive at Cielo Prlr with loud music and motor noise, lingering around the area until they find a parking spot.



Taken: Fri 16 Aug 2019 2300, traffic chaos caused by shisha bar <https://youtu.be/qt1SJPYRTJK>
This problem still occurs regularly right in front of my window and balcony.

6) Type of patrons not suitable for residential area (smoking, drinking, noisy cars)

Cielo Prlr market itself as an upmarket Shisha/Restaurant opening late upto 2am during weekends in a predominantly residential area. This type of marketing attracts an audience that creates noise, making a bad impression of the area when patrons smoke outside the entrance & females in revealing outfits (eg hen & stag parties that involves heavy alcohol consumption and noisy music). The opening times of this establishment should be limited. Anecdotal evidence also suggest an increase in weed drug trafficking in the area.

Please see some images from Twitter/Instagram/Facebook

Facebook

Sarasvati Dance - Last night at Cielo PRLR shisha in... | Facebook

Images may be subject to copyright. Learn more

Related images See more

CIELO PRLR - Hookah Lounge - London... instabase.com

Home | United Kingdom | London | London Restaurants | Cielo PRLR

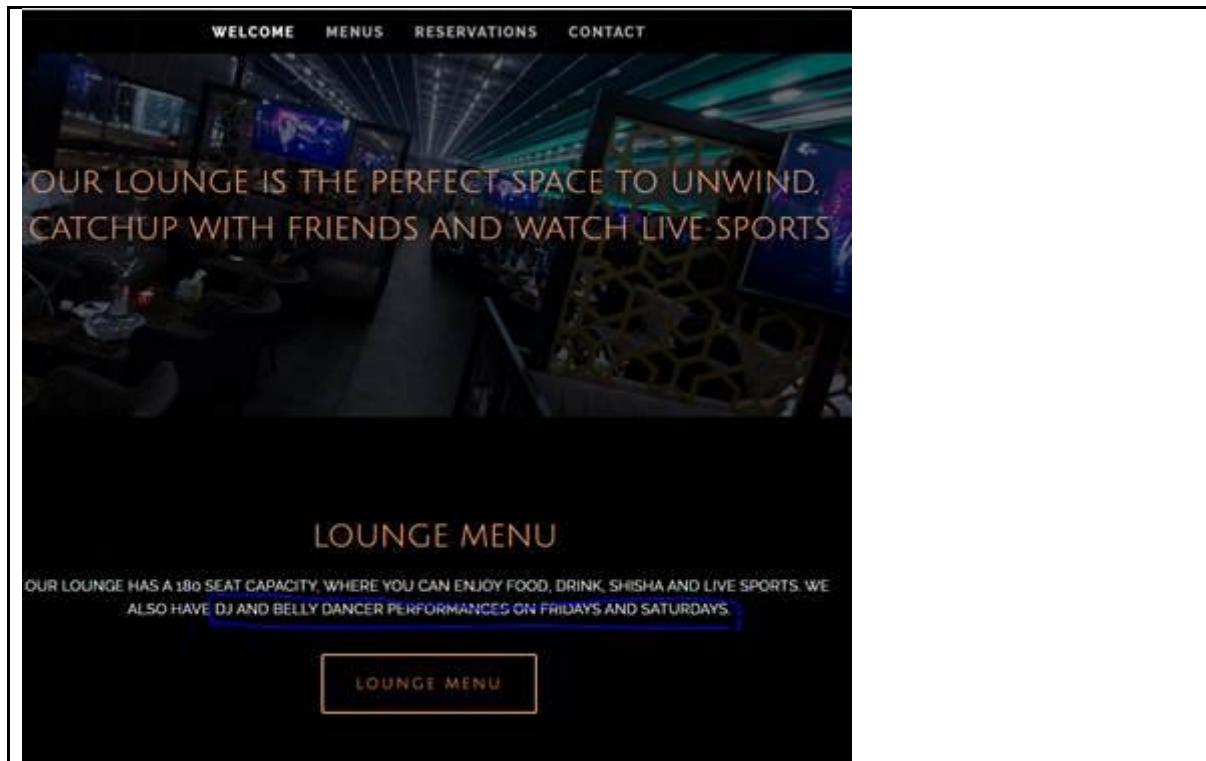
CIELO PRLR

ABOUT CIELO PRLR

CIELO is Italian for sky. Our talented team of chefs and founders... had a vision to bring a new type of dining experience to London. Combining the fusion of flavours from their dishes and cocktails, all presented in a sophisticated atmosphere, centred around a contemporary interior setting. All are welcome to enjoy the very best of Turkish and Italian cuisine and hospitality.

Please be aware that we do not take any parties larger than 12 guests on Friday and Saturday evening. Give us a call or e-mail us directly at: info@cieloprlr.co.uk

*NOTE: WE DON'T TAKE BOOKINGS FOR THE SHISHA LOUNGE.



7) Management unresponsive and not working with people living nearby

Here are some comments from neighbours that voices their objections against the managers of Cielo Prlr

[Details](#) [Comments \(24\)](#) [Constraints](#) [Documents \(27\)](#) [Related Cases \(1\)](#) [Map](#)

[Make a Comment](#) [Public Comments \(24\)](#) [Consultee Comments \(0\)](#)

Total Consulted: 444 Comments Received: 24 Objections: 24 Supporting: 0 [View all comments](#)

Sort by [Added](#) Direction [Descending](#) Results per page [10](#) [Go](#)

1 2 3 Next ▾ Showing 1-10 of 24 [Collapse All](#) [Expand All](#)

Mr Dragos Despa [REDACTED]

Comment submitted date: Fri 26 Jul 2019

Loud music past 12am, illegal parking in the few resident parking spaces, noticed a lot of illegal activities related to drugs;

Ms Lauren Ng [REDACTED] (Objects)

Comment submitted date: Thu 25 Jul 2019

The shisha bar owned by the same people is already disruptive, blocking roads, people drinking till the early hours, honking outside the venue, rowdy behaviour and being loud and causing a nuisance. This will further add to the disruption at Colindale. The cars already zoom into the road up to the venue without checking for pedestrians which is a real risk given that so many people have to cross the area to get to the public tube station. I don't feel safe walking past already.

Mr Tuhin Roy [REDACTED] (Objects)

Comment submitted date: Thu 25 Jul 2019

Increased Noise pollution, disruption during night peaceful hours. Excessive traffic who pose a threat to passers by as they are rough driving

Dr John Moore [REDACTED] (Objects)

Comment submitted date: Thu 25 Jul 2019

Dear Sirs,

I strongly oppose the extension and planning application.

The vapour from the Shisha is a health hazard to the general public who lives nearby and walks past the venue.

The owners blatantly misrepresent their case in their licensing application form, ignoring opening times, alcohol and music restrictions.

Mr Adrian Lensiak [REDACTED] (Objects)

Comment submitted date: Thu 25 Jul 2019

I am lucky enough to not be living direct opposite The Shisha lounge. I might not be able to put it words better than others have already done, but the seemingly pleasant and quite area has turned into shady, loud and smelly area, mainly "thanks" to the Shisha lounge. Have you not thought about the fact, that majority of the Colindale residents WOULD NOT be the customers and it will attract people who are not residents to the area. That means cars are parked everywhere and in odd places such roundabouts and bends.

I can only feel sorry for the people leaving directly above, opposite or next to the lounge, even more so if they have bought. I would have certainly moved out by now.

As soon I found out what was being erected there, I smelt trouble. I believe no one appreciates alcohol, weed smell and loud music if its force upon them.

This need to be sorted and the lounge closed.

Miss Cecilia Budurea [REDACTED] (Objects)

Mr P Chu |

(Objects)

Comment submitted date: Fri 16 Aug 2019

1. Non-compliant structure: For a shisha lounge, this structure has failed the 50% rule on "smokefree premises" as per Chp 4 of the published guidance for council regulatory officers "Implementation of smokefree legislation in England".

2. Character: This is a new and dense residential area with lots of young families and shift workers living locally. This shisha lounge does not fit with the character of the area, and its open structure means noise generated by loud music and patrons cannot be contained within.

3. Potential breach of use of land: Item 91 of Title Register AGL321357 describes the land on which the shisha lounge has been constructed on as "amenity land". A shisha lounge is not an amenity facility.

4. False declaration in Section 10 of the application form: A number of trees at the back of 145 Colindale Avenue were removed as part of the process.

5. False declaration in Section 18 of the application form: It is fully staffed.

6. False declaration in Section 19 of the application form: Their New Premises Licence states the opening hours for Sunday-Thursday 11am to 12 midnight; Friday-Saturday 11am to 2am.

7. Dubious declaration in Section 21 of the application form: LPGs are used for the heater lamps at the entrance to the structure.

8. Noise: There are three blocks of 120+ flats sit next / opposite to this structure. There have been numerous occasions and complaints regarding sports TV programmes / loud music played within this structure, well past into the small hours with or without the roof closed. Patrons congregating outside the structure make loud noise / have arguments at night and into the small hours.

9. Transport: Since the opening of the shisha lounge, the venue has attracted a lot of "outside traffic" causing delays to emergency service vehicles gaining access to the NHS Blood Bank which is located at the end of Charcot Road, and TfL bus route 125.

Source: <https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUHG00JIJH500>

Kind regards,

Jeremy Tang

From: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Sent: 22 July 2020 08:58

To: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxx

Cc: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>

Subject: RE: Cielo Prlr Variation application - Tuesday 4th August 2020 (10.30am)

Hi Jeremy

I have heard back from Governance regarding the footage you want to show at the hearing. If you could please send it to Pakeezah.Rahman@Barnet.gov.uk

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale

London
NW9 4EW
0208 359 5639



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From: Tang Jeremy xxxxxxxxxxxxxxxxxxxxxxx

Sent: 20 July 2020 10:45

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Subject: RE: Cielo Prlr Variation application - Tuesday 4th August 2020 (10.30am)

Dear Elisabeth,

Thank you for your email.

I will be attending the virtual hearing. 2 questions:

- a) Where can I find the latest licensing objectives and guidelines by which this hearing is guided by? Last time I checked these were as follows but unsure if these still apply.
 - **Crime and disorder**
 - **Public safety**
 - **Public nuisance**
 - **Protection of children from harm**
- b) If I wish to submit photo and video evidence that this venue has been breaching some/all of the guidelines (if these apply) above. What are the steps? The videos are currently around 20 sec long and uploaded on youtube which show smell/noise/parking congestion issues caused by the venue.

Kind regards,

Jeremy

From: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Sent: 20 July 2020 10:26

To: Tang Jeremy xxxxxxxxxxxxxxxxxx
Subject: RE: Cielo Prlr Variation application

CAUTION: This email originated from outside the organisation.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Tang

Re: Variation Application, Cielo Prlr, 1 Charcot Road London NW9 5HG

HEARING: Tuesday 4th August 2020

I am writing to advise you that this application, to which objections have been lodged, will be heard by a Licensing Sub-Committee on Tuesday 4th August 2020 (10.30am) via a virtual meeting. Details of how to join the meeting are set out below. This Committee will comprise of 3 councillors.

Join Microsoft Teams Meeting

[+44 20 3321 5256](#) United Kingdom, London (Toll)

Conference ID: 544 822 097#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

The papers for the hearing are available on the Council's website and can be accessed via the following link:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?Cld=189&Mid=10698&Ver=4>

Please note that adjournments will not generally be agreed.

I shall be grateful if you will let me know as soon as possible if you will be attending this meeting.

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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From: Hammond, Elisabeth
Sent: 08 July 2020 12:53
To:xxxxxxxxxxxxxxxxxxxxxx
Subject: Cielo Prlr Variation application

Dear Mr Tang

I am writing to advise you that a Licensing Sub-Committee is being arranged to hear the above application, to which relevant representations have been lodged. The Licensing Sub-Committee must meet within twenty working days of the last date for representations, as is stated in the Licensing Act 2003. In this case the application must be heard by 4th August 2020.

You will be written to again when a date for the hearing has been confirmed. The papers and a document outlining the meeting procedure, which will be before the sub-committee, will be available to you before the hearing date.

You are asked to please note that due to COVID-19 and in keeping with government guidance, this hearing will be held as a 'Virtual' meeting. Details on how you can access and take part in the virtual meeting will follow once the hearing date has been confirmed.

If you have any additional information you wish to provide for the hearing, please make sure this is submitted to us at least 5 working days before the hearing so that there is ample time to circulate to all parties.

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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From: Hammond, Elisabeth
Sent: 06 August 2020 10:11
To: Paul Chu xxxxxxxxxxxxxxxxxxxxxxxxx
Cc: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Subject: RE: Application Number 19/3858/FUL - Refused

Dear Paul

Thank you for this.

I will ask that it be included as part of your representation. However, please note that planning consent in itself if not something that a Licensing Authority can take into consideration, when determining an application under the Licensing Act 2003.

Regards

Elisabeth Hammond
Licensing Officer
Commercial Premises
London Borough of Barnet
8th Floor
2 Bristol Avenue
Colindale
London
NW9 4EW
0208 359 5639



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If you, a family member, friend, or close member of your community are in need of urgent help that is **not medical related**, call us on **0808 281 3210** or use our [webform](#).



From: Paul Chu xxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 04 August 2020 13:57
To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>
Cc: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Subject: FW: Application Number 19/3858/FUL - Refused

Dear Elisabeth

I spoken with Pakeezah earlier as I was late for the licencing meeting due to my work commitment.

I understand that the hearing for licence variation application at Cielo Prlr has now been adjourned.

I would like to submit additional evidence (see the two attached pdf's) along with the representation that I previously submitted. These documents were issued by the Planning Inspectorate dismissing the applicant's appeal on the Council's decision on the refusal of the (retrospective) planning application of the outbuilding (the shisha lounge) which form part of the applicant's licence variation application.

Kind regards
Paul

Sent from [Mail](#) for Windows 10

From: [Gould, James](#)
Sent: 07 July 2020 09:39
Subject: RE: Application Number 19/3858/FUL - Refused

Dear Mr Chu,

I have attached the appeal decisions. They have until the 15th September to comply with the notice. If this has not been done by then we can look to take further legal action.

Regards

James Gould
Senior Planning Enforcement Officer
Development and Regulatory Services (DRS)
London Borough of Barnet, 2 Bristol Avenue, London, NW9 4EW
Tel: 020 8359 4732
Barnet Online: www.barnet.gov.uk
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From: Paul Chu xxxxxxxxxxxxxxxxxxxxxxx
Sent: 06 July 2020 20:11
To: Gould, James <James.Gould@Barnet.gov.uk>; Gaudin, Fabien <fabien.gaudin@barnet.gov.uk>
Cc: Narendhira, Cllr Nagus <Cllr.N.Narendhira@Barnet.gov.uk>; Sergeant, Cllr Gill
<Cllr.G.Sargeant@barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>
Subject: RE: Application Number 19/3858/FUL - Refused

Dear Mr Gould

I have noticed from the planning portal that the appeal (20/00064/AREF) was dismissed by the Planning Inspectorate on 15th June 2020.

Is it possible to view the report prepared by the Planning Inspectorate please as it's not available in the portal?

Kind regards

Paul Chu

Sent from [Mail](#) for Windows 10

From: [Gould, James](#)

Sent: 28 February 2020 11:37

To: [Gaudin, Fabien](#); Paul Chu

Cc: [Narendhira, Cllr Nagus](#); [Sargeant, Cllr Gill](#); [Zubairi, Cllr Zakia](#)

Subject: RE: Application Number 19/3858/FUL - Refused

Dear Mr Chu,

The notice (which requires the demolition of the shisha structure) has been appealed to the planning inspectorate and we are currently waiting on them to provide the next milestones. This will include a neighbour consultation where any comments will be invited to be made by members of the public regarding the unauthorised development. Unfortunately I do not have any indication as to how long this will take as the process is administered by the planning inspectorate.

Regards

James Gould

Senior Planning Enforcement Officer

Development and Regulatory Services (DRS)

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

Tel: 020 8359 4732

Barnet Online: www.barnet.gov.uk

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From: Gaudin, Fabien

Sent: 28 February 2020 09:09

To: Paul Chu

Cc: Narendhira, Cllr Nagus <Cllr.N.Narendhira@Barnet.gov.uk>; Sargeant, Cllr Gill

<Cllr.G.Sargeant@barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>; Gould, James <James.Gould@Barnet.gov.uk>

Subject: RE: Application Number 19/3858/FUL - Refused

Dear Mr Chu,

The Council served a planning enforcement notice on 7th November straight after the decision to refuse was made. There is a compliance period and right of appeal. The case officer is James Gould and he will keep you informed of progress.

Kind regards,

Fabien Gaudin MRTPI
Service Director
Planning and Building Control
London Borough of Barnet
2 Bristol Avenue, Colindale, London, NW9 4EW
Tel: 0208 359 4258
Barnet Online: www.barnet.gov.uk



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From: Paul Chu
Sent: 27 February 2020 20:27
To: Gaudin, Fabien <fabien.gaudin@barnet.gov.uk>
Cc: Narenthira, Cllr Nagus <Cllr.N.Narenthira@Barnet.gov.uk>; Sergeant, Cllr Gill <Cllr.G.Sergeant@barnet.gov.uk>; Zubairi, Cllr Zakia <Cllr.Z.Zubairi@Barnet.gov.uk>
Subject: Application Number 19/3858/FUL - Refused

Dear Mr Gaudin

The above-mentioned retrospective planning permission application at No. 1 Charcot Road, Colindale NW9 5HG was refused by the Council on 1st November 2019.

I understand that the shisha lounge is still being operated by the restaurant Cielo Prlr.

Can you please confirm when the building / shisha lounge will be taken down?

Regards

Paul Chu MCIHT MSc(Eng)

London, United Kingdom

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Appeal Decision

Site visit made on 19 May 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th JUNE 2020

Appeal Ref: APP/N5090/W/19/3242144

1 Charcot Road, Colindale, London NW9 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Meral Cetin against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/3858/FUL, dated 6 July 2019, was refused by notice dated 1 November 2019.
- The development proposed is erection of single storey building to be used as a shisha lounge.

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have omitted the words "(retrospective application)" from the agreed description of development in the decision notice and have considered the appeal as seeking planning permission for the building, as constructed and shown on the submitted plans, and for its use as a shisha lounge.
3. Policy CS6 of Barnet's Local Plan¹ was not cited in the reasons for refusal relating to living conditions but is included in the evidence before me and I have had regard to it when considering that issue.

Main Issues

- The effect of the development on the character and appearance of the area.
- The effect of the development on the living conditions of neighbours, with particular regard to noise, enclosure and outlook.
- The effect of the development on the surrounding highway network in respect of car parking capacity.

Reasons

Character and appearance

4. The appeal site is relatively prominent due to its corner location and stands at a point of transition from traditional housing on the northern side of Colindale

¹ Comprising Barnet's Local Plan (Core Strategy) Development Plan Document and Barnet's Local Plan (Development Management Policies) Development Plan Document

Avenue to taller modern buildings with commercial and residential occupiers opposite and on Charcot Road. In this context, and particularly in view of the immediately adjacent back garden of the dwelling at 145 Colindale Avenue, a single-storey building may be an appropriate design approach.

5. However, the detailed design and appearance of the building, particularly the extensive use of black colour coated aluminium and smoked glass, are at odds with the surrounding traditional and modern buildings. These characteristics give the building a blank appearance, particularly when the wall and roof openings are closed, such that it lacks visual interest, is unsympathetic to local character and history, and fails to add to the overall quality of the area.
6. I have found that the development fails to respect local context and character and the appearance, scale, mass, height and pattern of surrounding buildings, and fails to provide visual interest, particularly at street level. It therefore conflicts with policies CS5 and DM01 of Barnet's Local Plan² and part 12 of the National Planning Policy Framework (the Framework) and I conclude it is unacceptable in this respect.

Living conditions

7. In order to comply with legislative requirements, large parts of the building's roof and walls must be open when it is in use as a shisha lounge. This significantly limits the scope to implement acoustic control measures and I have noted several references to noise from patrons and music.
8. An environmental noise survey and noise impact assessment report submitted with the application concludes that the use of the building as a shisha lounge causes "noticeable and disruptive" perception of noise, which may require neighbours to keep windows closed most of the time, with potential for sleep disturbance and a diminished quality of life due to the change in the acoustic character of the area. The report notes that this is a significant observed adverse effect, which the Planning Practice Guidance indicates should be avoided. While I accept the appellant's point that increased ambient noise levels may be expected in locations like this, the evidence of their report confirms that noise from the development has a significant and harmful effect.
9. The report recommends mitigation through a noise management plan, which it indicates could include limiting the volume of loudspeakers in the building, controlling unruly behaviour and having a dispersal policy. However, no detail is provided on how these measures might be implemented or what difference they might make. Considering this, the proximity to dwellings, and the need to have significant open sections within the building when it is used as a shisha lounge, the report does not provide sufficient confidence that noise can be adequately mitigated, or that any control measures could be enforced.
10. The building stands adjacent to, and runs the full depth of, the back garden of 145 Colindale Avenue. The submitted drawings indicate that it is 3.3m high at this point, much higher than normally found on a garden boundary. While I agree with the appellant that this may not cause unacceptable loss of light, the resultant sense of enclosure and reduced outlook cannot achieve a high standard of amenity for the occupiers of No 145.

² Comprising the Core Strategy Development Plan Document and the Development Management Policies Development Plan Document

11. While concerns have been expressed about odour from smoke and rubbish, litter, and problems with waste storage, the Council's environmental health officers did not identify unacceptable odour problems and it is unclear from the evidence before me to what extent the litter and waste storage matters can be attributed to the shisha lounge rather than the restaurant and other businesses in the vicinity. Accordingly, I have afforded limited weight to these aspects.
12. For the reasons stated, the building and its use as a shisha lounge do not protect residential gardens or outlook for adjacent occupiers or ensure that the evening economy does not have a harmful effect on residents by reason of unacceptable noise generation. Accordingly, it conflicts with Barnet's Local Plan policies CS5, CS6, DM01 and DM04 and part 12 of the Framework and I conclude that the development is unacceptable in this respect.

The highway network

13. Policies within Barnet's Local Plan and the London Plan expect non-residential development to provide parking in line with maximum standards, although the precise standards, including parking for disabled people, are not included in the evidence before me. No car or cycle parking is provided within the site, although there would appear to be some scope for the latter between the building and Colindale Avenue. However, recently developed food and drink uses in the vicinity do not appear to include visitor parking provision and I have seen that the site is close to Colindale Underground Station and that buses stop opposite on Charcot Road. Accordingly, the absence of parking provision is not, of itself, a reason to dismiss the appeal.
14. Nevertheless, development should be matched to highway capacity and not adversely affect the operation of roads in the area and I have seen reference to illegal parking in the vicinity. The transport response note accompanying the application identified additional parking capacity in the surrounding area on Tuesday and Wednesday evenings, although the time of highest demand, on Friday and Saturday evenings, was not surveyed. Notwithstanding this, the application form indicates that the shisha lounge has been operating since December 2018 and it is therefore reasonable to expect that clear evidence of any significant pressure on the local highway network arising from it would be available by now. The evidence of adverse pressure on the local highway network is therefore inconclusive and I do not find harm in this respect.

Other matters

15. Concern has been expressed about alleged anti-social behaviour by patrons and some residents have stated they feel unsafe or uncomfortable when near the site. While these may be matters of genuine concern, the evidence before me is limited, and does not include details of specific incidents. I have therefore not been able to afford it significant weight.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mark Harbottle

INSPECTOR

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Appeal Decision

Site visit made on 19 May 2020

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th JUNE 2020

Appeal Ref: APP/N5090/C/19/3243090

Land at 1 Charcot Road, London NW9 5HG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Deniz Erpolat against an enforcement notice issued by the Council of the London Borough of Barnet.
- The enforcement notice, numbered ENF/1452/18, was issued on 7 November 2019.
- The breach of planning control as alleged in the notice is, without planning permission, the construction of a single storey building and its use as a shisha lounge.
- The requirements of the notice are: 1. Cease use of the building as a shisha lounge; 2. Demolish the building; and 3. Permanently remove all constituent materials resulting from the works in 2. above from the site.
- The period for compliance with the requirements is three months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

2. While the appeal on ground (a), that planning permission should be granted, has lapsed, an appeal¹ against the refusal of planning permission for the construction of the building is subject to a separate Decision.

The ground (f) appeal

3. For the appeal to succeed on this ground, it must be demonstrated that the steps required to comply with the notice are excessive and that lesser steps could overcome the breach of planning control alleged in the notice. The notice defines the alleged breach of planning control as the construction of the building and its use as a shisha bar. Therefore, the lesser step of ceasing the use but retaining the building would not overcome the entire breach.
4. The appellant contends that the notice should be varied to permit the retention of the building, allowing it to be used for purposes ancillary to the adjacent

¹ APP/N5090/W/19/3242144

restaurant, in accordance with the decision in the *Mansi* case² that the requirements of an enforcement notice must respect lawful use rights. However, as the building is unauthorised and was built within the last 4 years, it has not acquired any lawful use rights.

5. For these reasons, the steps specified in the notice are not excessive and I shall not vary the notice. The appeal on ground (f) fails.

The ground (g) appeal

6. For the appeal to succeed on this ground, it must be demonstrated that the period for compliance with the requirements of the notice, i.e. 3 months after it takes effect, falls short of what should reasonably be allowed. The appeal on this ground is limited to requirements 2 and 3 of the notice.
7. The appellant suggests the compliance period for these requirements should be extended to 12-18 months to allow for further negotiations with the Council over an alternative scheme, to allow for religious holidays, and to minimise disruption. The evidence provided to support this suggestion is limited and only relates to the possibility of an alternative scheme. I am satisfied that 3 months is a reasonable period for requirements 2 and 3 to be complied with or for an alternative scheme to be devised for the Council's consideration.
8. Accordingly, I shall not vary the notice and the appeal on ground (g) fails.

Conclusion

9. For the reasons given above I conclude that the appeal should not succeed and I shall uphold the enforcement notice.

Mark Harbottle

INSPECTOR

² *Mansi v Elstree RDC* [1964] 16 P & CR 153

From: Budurea Cecilia xxxxxxxxxxxxxxxx
Sent: 04 August 2020 12:53
To: Rahman, Pakeezah <Pakeezah.Rahman@Barnet.gov.uk>
Subject: Cielo Prlr - Licensing sub-committee- further evidence

*Note - apologies for sending the previous email without finishing adding the evidence.

Hi Pakeezah,

Thank you for giving me the opportunity to attend the licensing sub-committee meeting.

Although, I am very upset that this matter is being dragged by their representatives and we have to put up with the issues for 2 more weeks, I decided to send you more evidence about how this establishment is conducting business without having any consideration towards the residents and community, constantly breaking or ignoring the law and common sense.

1. Barbecue smoke coming out of the chimney. We are forced to keep our windows closed at 25-30 degrees Celsius because of the smoke coming inside our homes. This is happening constantly for the past 2 years.

We have made complaints to the Nuisance department and it looks like they pretend of not knowing the source of the smoke and lied about asking a builder to come and assess the issue. The assessment was comprised of one man putting the ladder up the shed and just looking at the chimney. Nothing else.

10:59

88%



Cielo Prlr - chimney smoke co...



Me

5d

Hi Charlene, Please see below
another video taken today, 3...



Burrows, Charlene

Me



Yesterday, 15:06

5 attachments

Good afternoon

I apologise for the late response, I was not dealing with nuisance cases last week. I spoke to the restaurant on the 14th July and requested that they look into what is causing the excessive smoke. I then contacted them again today for an update. They did manage to get some builders out last week but the manager is not aware of what was discussed. He has passed my details on to the owner and I am expecting to hear from him today or tomorrow. Once I have heard back from him I will update you.

Kind Regards

Charlene Burrows
Scientific Officer
Environmental Health
Development and Regulatory Services

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

Tel: 020 8359 7995

Barnet online: www.barnet.gov.uk

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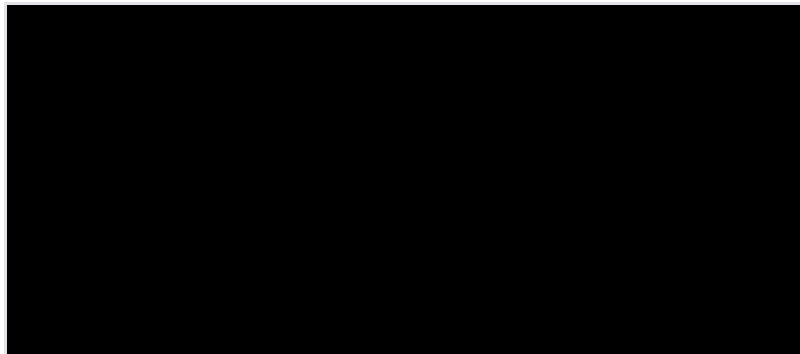


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24th July 2020

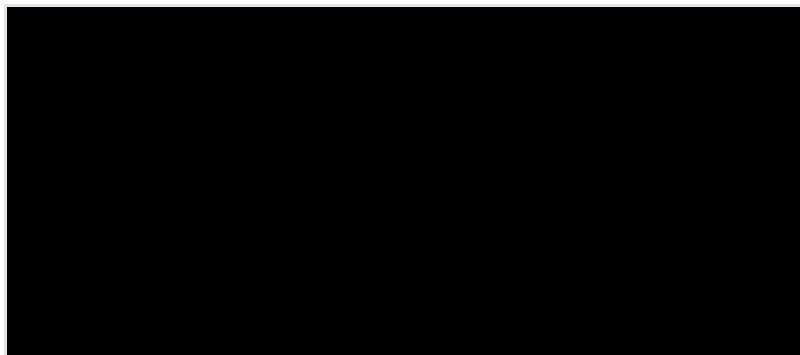
[24th July 2020 - BBQ Smoke](#)



24th July 2020 - BBQ Smoke

30th July 2020

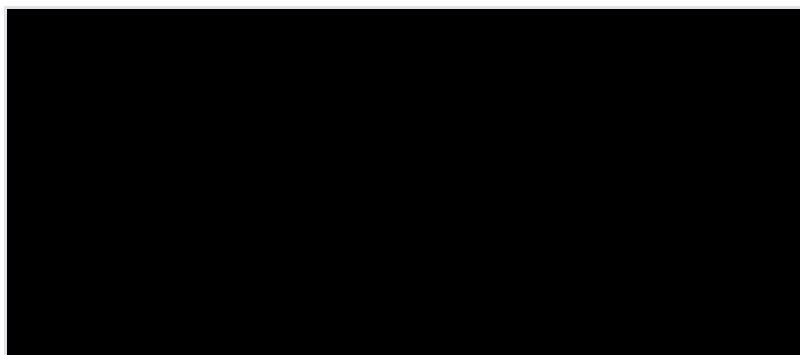
[30th July 2020 - 11:26 am](#)



30th July 2020 - 11:26 am

27th July 2019

[Smoke from the charcoal grill from Shisha Lounge](#)





Smoke from the charcoal grill from Shisha Lounge

2. Employees smoking and chatting under the residents windows at 00:42 am this Saturday, 1st August.

[2nd August @ 00:42 AM](#)



2nd August @ 00:42 AM

3. Rubbish left in the parking lot for 2 days blocking the pedestrian access door to the car park.

access door to the car park was
blocked by rubbish for 2 days





4. Employees cutting their hair in the residents car park on Sunday, 2nd August.

<https://play.google.com/store/apps/details?id=video.totalvideoconverter>

<https://youtu.be/GuOZE6Posyg>

5. Last Saturday, at 11:30 pm one of the residents found her parking space occupied by one of the Cielo Prlr customers who was just sitting in the car. She asked him politely to move the car. He became agitated and rude and the resident had to go inside the restaurant to ask one of the employees to come outside and explain to the man that he cannot park there.

How safe it is for a woman to come home at night and deal with this kind of situations?

7. There are professionals living in this area, people who work in shifts, young families with children. We are breathing the shisha smoke every day. This smoke can often be smelled from hundreds of metres distance. I am sorry I cannot send a video accompanied by the horrendous shisha smoke, charcoal grill smoke and rubbish smell we are dealing with every day for the last 2 years.

I look forward to the next meeting on Tuesday, 18th August at 10:30 am.

Best wishes,
Cecilia