

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London, NW9 4EW  
16 November 2021  
Our ref: 7749128

Thank you for your request received on 20 October 2021, for the following information:

**I am instructed to make a planning application for the above address. It has been alleged that the premises cause noise nuisance detrimental to the amenities of the surrounding area. We have undertaken a comprehensive noise impact assessment which clearly establishes that there is no noise generated externally by the use of the property.**

**In order to clarify the position and to prepare for a pre-application/planning application can you let me have the details of the number of visits made to the property by an Environmental Health Officer including dates and outcome for each visit.**

We have processed this request under the Environmental Information Regulations 2004.

## **Response**

The council holds the information requested and the answers to your questions are below.

19 site visits made to the property by Noise Nuisance Officers.

Dates and notes below

30/03/19 - Details: visit made, extremely loud at street level, all windows at shisha lounge are split in two with no top half. Noise not that loud in comp's room with windows closed but could feel floor vibrating advised we'd go to perps

31/05/19 - Details: On-going complaint regarding l/m emanating from the Shisha Bar @ 1 Charcot Rd. NNO to investigate -Action: No nuisance witnessed

14/07/19 - Details: Message left advising that complainant came out of Colindale Tube Station at 23:50 and the premises was playing very loud music- Action: Called comp, no answer and no facility to leave a voice message.

27/07/19 - Details: Complainant is affected by loud music emanating from the restaurant below flat. Whilst audible not deemed to be intrusive however comp advised it was louder- Action: Visit to Perp, Advised of the repeated complaints

received to date and advise of the need to regularly survey for noise; it should not be audible at street level

04/08/19 - Details: arrived at the site at 23:02. The restaurant part was empty, but the shisha part was still operating, with patrons still smoking and we could hear music and people noise from outside (even when stood across the road by the Sainsburys). Was at the site until 23:11 and music/people noise/smoking was still ongoing. No sign of it ending or people leaving- Action: Site Visit

05/08/19 - Details: visited site with noise manager, spoke to acting assistant manager and advised on reason why we were visiting and she said she will contact her manager - after contacting manager it was stated that manager will be on premises in 10mins - we waited in the shisha bar area for over 35mins before manager arrived - in that time we counted 10x small loud speakers position all around the shisha bar area close to roof - the roof was retractable - manager arrived and discussed the licensable activities of the premises - it was found that the music being played was not part of license and was ordered to cease with immediate effect - Noise manager allowed music to be played from TV screens only and to turn off the 10x loud speakers - discussed the issues with noise nuisance and emphasized music only to be played from TV's and at a level that could not be heard from o/s location especially when roof is retracted - advised that an abatement notice would be served if a nuisance was witnessed and that we have an ooh's team that would be doing spot checks very regular on the premise at night - A warning letter was delivered by hand to the restaurant- Action: Formal Written Warning

25/08/19 - Site visit spoke to manager requested volume slightly lowered and lower the bass keep front doors closed - the event was wedding that was finishing at 5pm

31/08/19 - Site Visit Details: Carried out a street assessment. There was music audible, but not considered to be of a volume that is a noise nuisance.

08/10/19 - Details: further complaint received - Noise levels from guests at both Cielo Prr and the Stay Club extremely loud and can be heard within property until early hours of the morning. Groups of guests hanging around the premises shouting and screaming. Business not doing anything to control the noise coming from their properties

12/10/19 - Details: Background music was heard from the street, not sure whether it was from the TVs as there was a static image on the tvs. Not considered to be a statutory noise nuisance.

06/12/19 - Details: Communication received from the complainant in regards with noise nuisance disturbance from loud music and then Communication received from complainant advising that the noise has stopped-explained to the complainant the Environmental Health, regulations and legislation under the EPA 1990, Section 80 in regards with loud music causing a statutory noise nuisance and what actions can be taken if these occurrences were witnessed and explained the proceedings, the team can only act based on vital evidence, therefore, assessments are required to be taken place within the premises during noise nuisance occurrences in order for the noise and nuisance team to take formal action.

13/08/20 - Action: Proactive Sound Visit undertaken

02/07/21 - A visit was made by OOH on Sat 26/6 , 2 officers arrived at 1 Charcot Rd at 23:25, doors to restaurant were open and no music could be heard at street level.

There were a few people sitting inside eating and about 4 men outside chatting and smoking. Left venue at 23:45. This is on proactive list so hopefully they will visit this weekend

09/07/21 - A complaint was received from comp regarding loud music, we were in North Barnet at the time and comp did not want a visit - A call was made by officer requesting that the noise be lowered. Drove to the restaurant at 23:50. but did not witness any loud music coming from the restaurant. No time entered for when call was received and who the comp was - No nuisance witnessed

10/07/21 - Details: Visited perp/leasehold partner and advice given to keep music to a minimum also explained EPA protocols. Perp complied with given advice.

17/07/21 - Details: OOH visit o/s P - NNATOV Action: Site Visit

24/07/21 - Details: OOH visit o/s P - NNATOV Action: Site Visit

01/08/21 - Details: visit o/s P - NNATOV - No patrons noted in the extension; staff were observed cleaning

07/08/21 - Details: Site visit undertaken - no noise nuisance was witnessed from street level. This site was visited the Cielo Prr at 11.30pm Sat 7th August 2021. We can confirm that no noise nuisance was witnessed. However, since a significant no of their window were open, Officers advised to the Manager on site to reduce the volume of the music in order to deter possible complaints. In response the Manager advised the approached the DJ and the volume was turned down.

### **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

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You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.