

1.

From: licensing@rbkc.gov.uk <licensing@rbkc.gov.uk>

Sent: Monday, February 5, 2024 11:30 AM

To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>;

Subject: Licensing - Website Objection:

Thank you for your representations, which have now been received.

Below is the record of your form submission

Objector Name: Paul David

Postal Address:

Westbourne Park Rd, W11

Email Address:

Case number: LICPR/14/154344/10

Premises address: Basement and Ground Floor, 233 Portobello Road, LONDON, W11 1LT

Application Type: Variation Premises Licence (S34)

Representations:

I strongly object to this application on the grounds of prevention of public nuisance. The roof terrace in question is adjacent to several residential units, right by bedroom windows in several cases. We expect a certain amount of noise on the street in Portobello, but to have noise at the back as well makes leading a normal life, sleeping well and as a result being productive at work, very difficult, and is in conflict with the residents right to the quiet enjoyment of their homes. I don't think there should be any restaurant terraces in these back areas, so I certainly don't think the limited restrictions in place should be diluted in any way. The existing restrictions have limited effect anyway because even if the terrace is cleared after a certain time, the windows on to the terrace are left open and the noise still travels. And in any case the terrace often isn't cleared by the stated time, and it is a further nuisance to the residents to be expected to police those restrictions. And we all know that a sign telling clients to be aware of residents is practically useless. The rear outdoor spaces of this restaurant are causing a great nuisance to all the people, the public, living around it in its current form, and would be made even worse if the few existing restrictions were removed. I therefore urge you in the strongest terms to reject this application. Thank you.

2.

From: licensing@rbkc.gov.uk <licensing@rbkc.gov.uk>

Sent: Monday, February 19, 2024 11:28 AM

To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>;

Subject: Licensing - Website Objection:

Thank you for your representations, which have now been received.

Below is the record of your form submission

Objector Name: Caroline Atkins

Postal Address:

Westbourne Park Road, W11

Email Address:

Case number: LICPR/14/154344/10

Premises address: Basement and Ground Floor, 233 Portobello Road, LONDON, W11 1LT

Application Type: Variation Premises Licence (S34)

Representations:

This terrace is a public nuisance to local residents for the following reasons:

1 Residents are regularly subjected to customers talking loudly, and children running around screeching on the terrace, outside our windows.

2 Amplified music is clearly audible from inside the restaurant when the terrace doors are left open. (These doors should remain shut at all times to avoid restaurant noise disturbing the neighbours.)

3 MOST IMPORTANTLY, The 9pm limit of the previous licence was frequently ignored by both customers and staff, with the terrace doors left open and people coming out to talk, smoke, take photos or make phone calls until 11pm or later (most recently on the evening of 30 January 2024 - even though there is currently no licence to use the terrace at all).

Note: I have regularly contacted the council licensing department about use of the terrace after 9pm (the enforcement department should have a record of dates, but I can provide examples if not). The residents are used to noise from the street - but the area at the back of our houses has always been quiet apart from the occasional party. This terrace is effectively a pub garden immediately outside our windows: notices asking customers to respect residents aren't enough to compensate for that, especially as they are unlikely to be enforced by restaurant staff. In addition, removal of clause 33 suggests that there would be an increase in noise from the basement area. This is a concern as residents regularly hear noise - until late at night - from the open windows of the restaurant kitchen and the area outside it. There is already a permanent loud hum from the restaurant's extractor unit/s: we don't want even more disturbance.

From: Caroline Atkins
Sent: Wednesday, February 21, 2024 11:37 AM
To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>
Subject: Re: Cinquecento, 233 Portobello Road, W11

Dear Sharon

Thank you very much for your reply and for providing this extra information. I am attaching emails documenting correspondence between me and the licensing enforcement officer over the last few years. Most of the incidents I have complained about occurred up to June 2023, because the terrace licence expired in August that year. My most recent complaint was in December 2023, and they have clearly been trying to observe the restrictions recently, in anticipation of the renewal of their licence (although, as I mentioned in my original submission, the terrace was in use late on the evening of 30th January this year).

I am also attaching a list of specific dates when I recorded use of the terrace and/or terrace doors being left open after 9pm (this is obviously only partial, depending on whether I was here, and whether the nuisance was enough to make me note it down).

Unfortunately, I wasn't registered to receive council notifications at the time they originally applied for their licence, and the application notices were displayed at their premises, where I was never likely to see them. If I'd known about it, I would have objected at the time (especially as there is continual noise from their extractor units and smoke from the pizza oven). So I really hope that my comments this time will be taken into account.

I hope these attachments are enough to support my objection, but please let me know if I need to supply them in a different format, or attach them to my original submission?

With thanks,

Caroline

Caroline Atkins
writer • editor • painter
Westbourne Park Road, W11

specific dates of noise reported to council

31st March 2022

22nd April 2022

29th April 2022

5th May 2022

9th May 2022

14th May 2022

27th May 2022

22nd July 2022

18th Sept 2022

15th Dec 2022

25th June 2023 - report to council that the terrace doors were being left open after 9pm on a regular basis

15th December 2023

Email Attachment 1

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>

Sent: Thursday, April 14, 2022 4:00 PM

To:

Subject: Cinquecento - 233 Portobello Road

Dear Ms Atkins,

I have been forwarded your complaint by Ashleigh Wilson regarding Cinquecento, 233 Portobello Road. In response to your complaint, I visited the premises this afternoon and spoke to the management regarding the use of the terrace. They have been advise that the terrace must be clear of all customers by 21:00 hours as per the condition on their licence.

Use of the terrace was granted, as there were no objections from immediate residents at the time of the application, however the committee were minded to time limit this until the 4th of August 23 in case any issues with it's use should arise.

I also spoke to the management regarding the issue of the pigeons, they are aware of the problem and have it in hand.

Please do keep me informed if you note any patrons on the terrace after 21:00pm. Please note that staff are permitted but I have advised against them being out there other than to clear away after last customers have left.

Kind Regards

Melanie Adam

Licensing Enforcement Officer

Licensing Team

Tel: 020 7341 5693

Town Hall, Hornton Street, London W8

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From: Caroline Atkins

Sent: 01 April 2022 13:22

To: Wilson, Ashleigh: RBKC <Ashleigh.Wilson@rbkc.gov.uk>

Subject: Ref: /ENF/22/01447 // 233 Portobello Road, LONDON, W11 1LT

Dear Ashleigh,

I hope you don't mind me contacting you direct - I have been given your name as a contact following my report to the council about the use of the rear roof terrace at the above address as a restaurant dining area.

It is not in use every day (understandably, given the current weather) but it has the potential for that, because of outdoor heating and lighting. Last night, there was at least one customer outside after 11.30pm, making phone calls while leaning over the railings overlooking other gardens, and the terrace doors were open, so that noise from inside the restaurant could clearly be heard.

The terrace is in a corner with buildings on three sides, which means that any noise from it echoes around the other gardens and terraces - and into the bedroom windows - it backs onto. If it were a private terrace, I accept that there would be occasional noise from parties, outdoor eating etc - but not on a regular basis, and not from paying customers. This is essentially like having a pub garden suddenly open behind our houses.

If it were a pavement area, it might have a notice asking customers to leave quietly and respect the local residents, but there seems to be no such restriction here. The restaurant has no control over how much noise is made by diners using the terrace. I, and my downstairs neighbours (whose bedroom windows are level with the terrace), are very concerned about what it will be like when the weather gets warmer and the space is used more regularly, by more people.

(As another matter of concern, there are also now pigeons nesting in the wooden cladding that surround the chimneys from the wood-fired ovens below the terrace - these chimneys run up one side of the building, in a corner of the terrace, emitting quantities of smoke (or steam?) and evidently providing a warm, cosy environment for the pigeons to enjoy...)

As I'm sure you understand, this is an ongoing worry, especially late in the evening when residents expect to be able to go to bed in peace, so I wanted to be sure you have all the information you need to investigate the issue.

Please let me know if you need anything further from me - I hugely appreciate your help with this.

Kind regards

Caroline

Caroline Atkins
writer and editor

Westbourne Park Road, W11

Email Attachment 2

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>

Sent: Saturday, April 23, 2022 5:07 PM

To:

Subject: RE: Cinquecento - 233 Portobello Road

Dear Caroline,

I am sorry to hear that Cinquecento are not sticking to the requirements for the terrace, especially as I only visited them last week.

I am in this evening so will give them another visit and follow up with an official written warning via their solicitor. If you have any issues this evening then please use the noise & nuisance call out service on 020 7361 3002, I am working with them tonight so the call will be passed to me.

Kind Regards

Melanie Adam

Licensing Enforcement Officer

Licensing Team

Tel: 020 7341 5693

Town Hall, Hornton Street, London W8

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From: Caroline Atkins
Sent: 22 April 2022 21:50
To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Subject: Re: Cinquecento - 233 Portobello Road

Dear Melanie

I'm sure you're not at work at the moment, but I wanted to let you know that two new tables of guests arrived on the Cinquecento terrace just before 9.15pm this evening. I was so relieved to see the previous customers had disappeared by 9pm - but a new batch appeared within 15 minutes. I don't want to be a killjoy, and it's not the customers' fault that they've been placed there, but the noise is extremely irritating.

I was away from Thursday last week to Tuesday this, so I have no idea if the restaurant kept to the permitted hours last weekend, but they don't seem to be taking much notice of them at the moment.

If it continues later tonight I will go round myself and ask them to bring the customers indoors, but I thought in the first instance I should let you deal with it. I hope you can help.

Kind regards

Caroline

Caroline Atkins
writer and editor

Email Attachment 3

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>

Sent: Monday, May 30, 2022 11:04 AM

To: Caroline Atkins

Subject: RE: Cinquencento restaurant, Portbello Road

Dear Caroline,

I am disappointed to hear this after being assured that the terrace doors will be locked from 9pm. I will contact the manager again..

I am away on holiday from this afternoon until the 13th of June. However, if you have any further issues while I am away, you can email my team LicensingEnf@rbkc.gov.uk and one of my colleagues will pick this up in my absence. You can also call the Noise & Nuisance Team out of hours to get it witnessed by calling 020 7361 3002.

Kind Regards

Melanie Adam

Licensing Enforcement Officer

Licensing Team

Tel: 020 7341 5693

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I'm a Dementia Friend
Join me at dementiafriends.org.uk



From: Caroline Atkins
Sent: 27 May 2022 23:10
To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Subject: Cinquecento restaurant, Portbello Road

Dear Melanie

I've been keeping a note of noise from the restaurant and use of the terrace after 9pm.

Fri 29th April: a small group appeared on the terrace around 10.50pm, smoking and drinking. They may have been staff, but the lights had been off all evening up to then, and there were no tables to clear. Stayed there for about 15 minutes taking photos until a member of staff turned the lights off again and closed the doors.

Thurs 5th May: Terrace doors were wide open at around 10pm and restaurant noise clearly audible from inside

Monday 9th May: Doors open after 10pm with music audible from inside

Sat 14th May: Doors wide open at 9.40pm with noise from inside. Open again at 10.40pm.

Friday 27th May: Some sort of party with live singer, ongoing from 9.30 until late. Doors left open much of the time, and people coming outside onto the terrace. It must have been impossible for my downstairs neighbour to sleep. I'm writing this just before 11pm and they have finally shut the doors now, but I can hear the noise even with my own windows shut.

There may have been other occasions when I wasn't here, but tonight is beyond a joke (unless they have a special licence of some sort). I don't want to be a total killjoy, but either there is a 9pm limit or there isn't. And if they ignore it, what's the point?

Sorry to bother you again with this, but hope you can help,

Caroline

Caroline Atkins
writer and editor

Email Attachment 4

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Sent: Tuesday, October 25, 2022 10:21 AM
To: Caroline Atkins
Subject: RE: Cinquecento, Portobello Rd

Dear Ms Atkins,

Just to update you, I visited Cinquecento last week and met with the manager. He apologies for any disturbance caused and has advised that he will now lock the doors to the terrace and keep the key so it can't be used unless he is there to ensure that the conditions are being complied with. He has followed this up with an email to all staff.

Hopefully this will now address the issues with the terrace, however please do keep me informed if you notice any further breaches.

Kind Regards

Melanie Adam
Licensing Enforcement Officer
Licensing Team
Tel: 020 7341 5693

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-----Original Message-----

From: Caroline Atkins
Sent: 18 October 2022 09:30
To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Subject: Re: Cinquecento, Portobello Rd

Thanks Melanie. Having said I'd recorded dates, I now can't find them all, because I'd stupidly jotted them down in different notebooks. The only other specific dates I have (beyond 27th May, which was the last one I sent you) are Fri 22nd July, when a new party came out to be seated around 9.15pm and didn't leave until 10.20, and Sunday 18th Sept, when a group came out talking loudly just after 9 (they were called back inside about half an hour later, but the doors were left open and customers kept coming out again). And there was someone at a table around 10.30pm on Sunday 16th Oct, with the doors open and terrace lights on.

I was away for most of August, so no record of that anyway. But I have noticed that the doors are regularly left open well beyond 9pm, so even if the terrace is cleared noise is audible from inside.

Again, sorry to be spoiling people's fun, but if they don't keep to the permitted hours it makes evenings quite stressful, not knowing when noise will start at any minute.

Thanks for your help,
Caroline

Sent from my iPhone

> On 17 Oct 2022, at 08:15, Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk> wrote:

>

> Dear Ms Watkins,

>

> Thank you for bringing this to my attention, could you please forward me the list of dates and times you have recorded and I will visit them again this week.

>

> Kind Regards

>

>

> Melanie Adam

> Licensing Enforcement Officer

> Licensing Team

> Tel: 020 7341 5693

>

> Town Hall, Hornton Street, London

W8

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> -----Original Message-----

> From: Caroline Atkins

> Sent: 14 October 2022 22:11

> To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>

> Subject: Cinquecento, Portobello Rd

>

> Dear Melanie

>

> I have been away for the last week, but have come back today to find there are still diners eating outside on the restaurant terrace after 10pm, with the terrace doors wide open.

>

> This continues despite repeated reminders of their licence restrictions. Not every night, but often enough for me to have recorded dates and times when I have been aware of it. I don't want to have to go out this late and ask them to close the terrace - but perhaps someone could remind them again that they are in breach of their licence?

>

> With thanks,

> Caroline

>

> Caroline Atkins

Email Attachment 5

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Sent: Friday, December 16, 2022 9:46 AM
To: Caroline Atkins
Subject: RE: Cinquecento Portobello Rd

Dear Caroline,

Sorry to hear you have been disturbed again. I will log as a complaint and contact the premises today.

Kind Regards

Melanie Adam

Licensing Enforcement Officer
Licensing Team
Tel: 020 7341 5693

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From: Caroline Atkins
Sent: 15 December 2022 23:08
To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Subject: Cinquecento Portobello Rd

Dear Melanie

A group from the restaurant seem to have come out onto the terrace for their own private party. It is past 11pm and I don't want to have to go round and ask them to go inside. Could you perhaps remind them tomorrow that they aren't permitted to use the terrace after 9pm - even if it's nearly Christmas.

Sorry to have to bother you again about this.

With thanks,

Caroline
Caroline Atkins
writer and editor

Email Attachment 6

From: Caroline Atkins

Sent: Sunday, June 25, 2023 10:05 AM

To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>

Subject: Cinquecento

Dear Melanie

I wonder if you could remind the staff at Cinquecento on Portobello Road that the doors to their terrace have to be closed at 9pm under the terms of their licence. They seem to be ignoring that on a regular basis. Even if they bring customers inside after 9pm, noise from customers, staff, music and kitchen activity continues till all hours while the doors are open.

I know it's hot - but that means I'd like to keep my windows open too, and instead I keep having to close them to shut out the noise.

Also, I don't know if you realise this, but they have some kind of terrace on the ground floor too, and the doors to this are almost permanently open. Is that allowed under their licence? Noise from the restaurant and kitchen now echoes around the space behind our houses until late at night, which is very intrusive and anti-social.

I would really appreciate your help in ensuring that they keep their noise to a minimum. They - and their customers - seem to forget that people actually live here.

With thanks for your help, as always,

Caroline

Caroline Atkins

writer • editor • painter

Email Attachment 7

From: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Sent: Monday, December 18, 2023 1:25 PM
To: Caroline Atkins
Subject: RE: Cinquecento restaurant, Portobello Road

Dear Caroline,

I can confirm that Cinquecento did not renew the extension of their licence and there are no exceptions over the Christmas period.

I will send them a warning letter regarding the restricted use of the terrace.

Please do let me know if there are any further issues. If it does happen again, please use the Noise & Nuisance call out service to get it witnessed and I will take enforcement action for breach of licence conditions. The number to call for the out of hours service is 020 7361 3002.

Kind Regards

Melanie Adam

Licensing Enforcement Officer
Licensing Team

Town Hall, Hornton Street, London W8

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From: Caroline Atkins
Sent: Friday, December 15, 2023 10:37 PM
To: Adam, Melanie: RBKC <Melanie.Adam@rbkc.gov.uk>
Subject: Cinquecento restaurant, Portobello Road

Dear Melanie

As far as I know, the restaurant has not renewed its licence to use the outside terrace space - if they have, I wasn't sent any notification.

I wonder if you could please remind them that they should not be using it.

In particular, they should not be out there after 9pm. It is now 10.30pm and they are clearly having some kind of party out there. I know it's nearly Christmas, but surely that doesn't make any difference to the licensing rules? I'd really appreciate knowing that they are still going to be enforced.

With thanks,

Caroline
Caroline Atkins
writer • editor • painter