



City of Westminster

# Follow on Committee Agenda

Title:

Licensing Sub-Committee (3)

Meeting Date:

Thursday 26th April, 2018

Time:

10.00 am

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

**Councillors:**

Melvyn Caplan (Chairman)  
Julia Alexander  
Shamim Talukder



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

## AGENDA

### PART 1 (IN PUBLIC)

#### 5. SMITH'S BAR AND GRILL, 25 SHELDON SQUARE, W2

(Pages 1 - 428)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	Hyde Park Ward / not in cumulative impact area	Smith's Bar and Grill, 25 Sheldon Square, W2	Review of Premises Licence	18/00606/LIRE VP

**Stuart Love**  
**Chief Executive**  
**20 April 2018**

# Agenda Item 5

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City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**18/00606/LIREVP**

Date:

**26 April 2018**

Classification:

**For General Release**

Title of Report:

**Smith's Bar and Grill  
25 Sheldon Square  
London  
W2 6EY**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Miss Daisy Gadd  
Senior Licensing Officer**

Contact Details:

**Telephone: 0207 641 2737  
E-mail: dgadd@westminster.gov.uk**

## 1. APPLICATION DETAILS

<b>Application Type:</b>	A review of premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Ms Tanya Dias	<b>Date Application Received:</b>	15 <sup>th</sup> January 2018
<b>Premises Name and Address:</b>	Smith's Bar and Grill 25 Sheldon Square London W2 6EY		
<b>Ward Name:</b>	Hyde Park	<b>Cumulative Impact Area:</b>	None
<b>Description of Premises:</b>	The premises currently operates as a restaurant and bar.		
<b>Preliminary Note:</b>	None		

## 2. SUMMARY OF APPLICATION

- 2.1 An application has been submitted by Ms Tanya Dias, a local resident, for a review of the premises licence for Smith's bar and Grill, 25 Sheldon Square, London, W2 6EY. This application was received on 15 January 2018 on the grounds of public nuisance. A full copy of the application can be found at **Appendix 1**.
- 2.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.4 The premises currently benefits from a premises licence that permits:

### **Late Night Refreshment**

Friday to Saturday: 23:00 to 00:00  
Sundays before Bank Holidays: 23:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

### **Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:00  
Friday to Saturday: 10:00 to 00:00  
Sunday: 10:00 to 22:30  
Sundays before Bank Holidays: 10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Performance of Live Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

- 2.5 These review proceedings are brought under the licensing objectives on the grounds of public nuisance. Further documents that were submitted as part of the review application can be found at **Appendix 1**.
- 2.6 The applicant states that there have been numerous instances of antisocial nuisance which have caused disturbance to local residents and have subsequently resulted in breaches of licence conditions.
- 2.7 On submission of this application, the applicant provided an in-depth description of the issues relating to the premises. The main points were:
- Noise nuisance from the annual New Years Eve parties in 2015, 2016 and 2017 which resulted in breaches of conditions 20, 21 and 22.
  - Noise nuisance and anti-social behaviour has been consistent over the last 9 years. This has resulted in breaches of conditions 22, 34, 37 and 40.
  - Smoking in non-designated areas which has resulted in breaches of condition 12.
  - Drinking outside residential entrances of 27 Sheldon Square, resulting in breaches of condition 10ii.
- 2.8 A copy of the existing Premises Licence (16/01994/LIPVM) is attached at **Appendix 2**.
- 2.9 Videos and photographs submitted by the applicant will be available to view at the Licensing Sub-Committee hearing.

### **3. REPRESENTATIONS:**

- 3.1 On 8 February 2018, the Environmental Health Consultation Team, as a responsible authority submitted a representation in relation to this application. A copy of this representation can be found at **Appendix 3**.
- 3.2 On 23 February 2018, the Environmental Health Consultation Team provided further submissions to their original representation. A full history of the Noise Team complaints and City Inspector visits were provided since the grant of the premises licence on 30 May 2013. The full details of this further submission can be found at **Appendix 4**.
- 3.3 4 resident representations have been received in support of the review application. The full details of these can be found at **Appendix 5**.
- 3.4 11 resident representations have been received in support of the premises. The full details of these can be found at **Appendix 6**.

### **4. OPTIONS:**

- 4.1 The applicant is seeking revocation of the Smiths Bar and Grill licence.
- 4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.



- 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.4 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

## 5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

- 5.1 Any applications under the Licensing Act 2003 are set out in Appendix 5.

<b>List of Appendices:</b>	Appendix 1 – Review Application and supporting documents Appendix 2 – Current Premises Licence Appendix 3 – Environmental Health Consultation Team representation Appendix 4 – Environmental Health Consultation Team further submission Appendix 5 – Resident Representations in support of the Review Application Appendix 6 – Resident Representations in support of the premises Appendix 7 – Premises History Appendix 8 – Conditions consistent with the operating schedule and conditions proposed by a party to the hearing Appendix 9 – Additional submission from the applicant Appendix 10 – Submissions on behalf of the premises
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### Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2017)



# City of Westminster

## APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service  
Westminster City Council  
Westminster City Hall  
4th Floor  
64 Victoria Street  
London  
SW1E 6QP

### AND

You must give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service:

- 1. The Chief Officer of Police**  
Westminster Police Liaison Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP
- 2. Fire Safety Regulation:**  
South West Area 4  
169 Union Street London SE1 0LL
- 3. Premises Management (Environmental Health; Health & Safety; Weights and Measures)**  
Westminster City Council  
Environmental Health Consultation Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP

Continued.....

**4. Development Planning Services**

Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

**5. Area Child Protection Committee**

Head of Commissioning – Child Protection & Quality, Social and Community  
Services – Children and Families  
4 Frampton Street  
NW8 8LF

**6. Public Health**

Estates Lead  
NHS Central London Clinical Commissioning Group  
15 Marylebone Road  
London  
NW1 5JD

**For boats only:**

The Navigation Authority (for vessels not permanently moored)

Tidal Thames  
The Harbour Master  
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames  
The Environment Agency Recreation and Navigation, Thames Region, Kings  
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals  
The Leisure Manager  
British Waterways Board  
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General  
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll  
Rise

**Application for the review of a premises licence or club premises certificate 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 Tanya Dias

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Smiths Bar And Grill 25 Sheldon Square London W2 6EY	
<b>Post town</b> London	<b>Post code (if known)</b> W2 6EY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
London Restaurants Limited

<b>Number of premises licence or club premises certificate (if known)</b>
16/01994/LIPVM (Original ref: 13/01955/LIPN)

**Part 2 - Applicant details**

I am

Please tick  yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

Dias

**First names**

Tanya

I am 18 years old or over

Please tick ✓ yes

**Current postal address if different from premises address**

[Redacted]

**Post town**

London

**Post Code**

[Redacted]

**Daytime contact telephone number**

[Redacted]

**E-mail address (optional)**

[Redacted]

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

Please state the ground(s) for review (please read guidance note 2)

Prevention of public nuisance

There have been numerous instances of antisocial nuisance which have caused disturbance to local residents and have resulted in breaches of licence conditions

- Noise from annual New Year's Eve parties (three years in a row 2015, 2016, 2017) resulting in breaches of conditions 20 (no noise nuisance to local residents), 21 (sound generating nuisance shall not be used without sound limiter), 22 (no noise shall emanate from the premises nor vibration be transmitted through structure of the premises which gives rise to a nuisance).
- Noise and anti-social behaviour from Smiths patrons during the summer for the last 9 years (since Smiths began operating in 2009), resulting in breaches of conditions 22 ( as above), 34 ( notices shall be prominently displayed requesting patrons respect neighbours), 37 & 40 (patrons to smoke in designated areas, not obstructing entrance to block 27, Smiths to clean up patrons glasses, bottles and cigarette butts from outside block 27 entrance so that it's not visible to residents the following morning)
- Smoking in non-designated area, constituting breaches of condition 12 (customers and staff to smoke in designated area only)
- Drinking outside residential entrance to 27 Sheldon Square, resulting in breaches of condition 10ii (sale of alcohol with meal not consumed outside of premises)

Please provide as much information as possible to support the application (please read guidance note 3)

#### Overview

'Smiths' is located at 25 Sheldon Square W2. It is part of the Paddington Central development, a mixed use development with residential accommodation.

Smiths is located on the ground floor of a residential block. Smiths has a frontage with customer entrance/exit on the canal side of Paddington Central and on the 'Paddington Central main entrance' side. It stretches the entire width of the building. The western side of the building facing the canal and Bishops Bridge is where Smiths' 'designated smoking area' is located.

Smiths is immediately beneath the residential block 27 Sheldon Square. I live at flat 14, 27 Sheldon Square, on the first floor, directly above Smiths. I overlook the 'Paddington Central main entrance' side of the development. I am aware that residents on both sides of the building have been affected by public nuisance issues arising from Smiths for the entire duration of their tenure.

When I bought my flat, 25 Sheldon Square was operated by a Japanese restaurant called Ayumu. This was an operation which did not play loud music; was not drink-led; and was entirely in keeping with the locality. That is why I bought my flat above it. Unfortunately in 2009, Smiths took over the premises and the licence. I have experienced problems ever since. Many of these problems are of the nature described below. A new premises licence was applied for in 2013, ref: 13/01955/LIPN. This was as a result, I understand, of the previous licence being allowed to lapse in May 2012. A licence was granted on 30 May 2013. The premises had continued to operate during this period. I have a great deal of evidence going back as far as 2009 and I even had a meeting with Odil the manager, Shuks the owner and their barrister, Robert Sutherland, from Jeffrey Green Russell in September 2009 in my flat. For the purposes of this review application, I have concentrated on matters which have arisen more recently. However, I stress that the problems have been ongoing for nine years and have had a significant negative impact on my life and health. I and others have complained to Westminster City Council on numerous occasions. We have also complained directly to the management. As can be seen from (1) below, this has not resulted in the problems ceasing. Indeed, the exact same problems have continued to reoccur year after year despite promises from the management.

1. Noise from annual New Year's Eve party – We have experienced noise nuisance caused by annual New Year's Eve parties at Smiths, which sometimes continue into the early hours of the morning. In 2016 two residents above Smiths in block 27 Sheldon Square were very close to submitting a licence review (for New Year's Eve 31 December 2015) because of the noise nuisance from live and recorded music and the corresponding vibrating floors of the residents concerned. I know that they corresponded with the City Council and with Smiths management and ultimately decided not to do a licence review on guarantee of promises to be considerate and respect the residents above the premises. I also complained of the noise simultaneously with my neighbours at the time but didn't join the group discussion because they weren't submitting a licence review but compromising yet again, which I felt was a mistake after a seven year pattern of ignorance and disrespect by Smiths. I thought it was a waste of time to negotiate with Smiths. The result of the complaints was nothing. Smiths continued as before being a nuisance for New Year's Eve 31 December 2016 which resulted in the same level of complaints from the same neighbours as for the 2015 party. Seeing the pattern, I asked Odil (the manager) and Westminster Licencing (Joe Fahmy) in an email on 8th December 2017 copied to other parties whether there was a planned New Year's Eve party that year and what precautions were being taken to reduce noise nuisance to residents. I followed up on 19th and 31<sup>st</sup> December 2017 but there was no response. In fact there was no communication from the manager of Smiths nor Westminster Licencing, before the event, during the event, or after the New Year's Eve event. This time I kept an email and video log throughout the last month 8th December 2017- 8th January 2018. Consequently there is incontrovertible proof of the noise nuisance in the form of video footage taken and uploaded immediately to the Sheldon Square Residents Association YouTube channel. I made two noise team calls on 31st December 2017 (reference 17/42473/ENC45 and 17/42469/ENC45). I know that Odil, the Smiths manager has seen my emails as a neighbour complained to him forwarding my emails and Odil replied to that neighbour Andy Macmason requesting a meeting with only him. Andy declined the meeting. Andy was one of the residents who submitted a Smiths complaint to licencing in January 2016. Odil did not ask me for a meeting and has not made any effort to communicate with me through any means e.g. email, phone, social media, face to face, letter etc. That is normally the case with Odil who prefers to talk with my male neighbours only, which leads me to believe there is some degree of chauvinism at play and he may think I may not have equal

normally the case with Odil who prefers to talk with my male neighbours only, which leads me to believe there is some degree of chauvinism at play and he may think I may not have equal rights to be heard and acknowledged.

2. I have complained consistently throughout the last nine years on antisocial and noise nuisance from Smiths. I live directly above Smiths. I have made many Noise Team calls from 2009-2017. These (and other residents calls and complaints) were mostly ignored by Westminster Licensing and Smiths which is why residents felt the need to start their own YouTube channel and are active on social media providing both Smiths and Westminster Licencing with up-to-date on the ground reporting backed up with photographic and video evidence. We have had to evolve to become both journalists and lawyers in dealing with Smiths and Westminster Licencing over the last decade.
3. The antisocial incidents include both staff and patrons smoking outside and near the block 27 entrance, patrons obstructing the block 27 door and sometimes arguing back with residents that they will not move. I have provided photographs over the years showing Smiths patrons illiteracy in reading the 'no smoking' signs outside the block 27 entrance and lack of care for consideration of residents. Due to the extreme levels of Smiths patrons smoking under my windows in the early years of Smiths existence, I developed asthma because I was forced to passive smoke Smiths' patrons' cigarette smoke. At times there could be up to 30 people outside my windows drinking and smoking. Further, I also used to get cooking smells coming into my bathroom before the duct pipe work happened in 2017.
4. On several occasions I have come out of the block 27 entrance to find pint glasses, wine glasses, glass beer bottles, used napkins outside the block entrance. It's an eyesore and dangerous.  
When I bought my flat there was a quiet Japanese restaurant Ayumu and I was surprised and unhappy when Smiths moved in and put a bar below my flat, showed sports on a big screen, subjected me to the noise of crowds and their cigarette smoke. I couldn't hear my TV, phone calls, radio without putting it on maximum volume. My floor vibrated when they play their music or played sports on their TV. This neighbour has been nothing but an antisocial nuisance to me since the day they moved in. Compromises over the years have resulted only in minor tweaks to the licence and generally ignored by both Smiths and Westminster Licencing resulting in no abatement of antisocial behaviour for residents. This type of bar/New Years' Eve nightclub venue is unsuitable to this area and only a quiet restaurant that serves alcohol with food and doesn't play music is really suited to have a licence to operate under a residential block.
5. The recent duct pipe work is passed through the residential floors above Smiths and it is very noisy when it pumps out likely toxic fumes into the residential block 27 Sheldon Square.

The outcome I would like to see from this review is a revocation of the Smiths Bar and Grill licence. I believe we passed the stage of compromising over good behaviour and licence tweaks with Smiths management and Westminster Licencing at least five years ago. For these last five years other residents were prepared to give Smiths chances, so I gave way. Even those residents have finally come to realise talking with Smiths is a pointless waste of time and they are refusing to meet Odil to receive further fake promises.



Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
0	0	0

If you have made representations before relating to the premises please state what they were and when you made them

I made a relevant representation in 2013 in respect of application 13/01955/LIPN.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

15/01/18

Capacity

Applicant

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## Breaches of licence conditions

The relevant conditions on the current licence are:

10. The sale or supply of alcohol for consumption off the premises shall only take place before 23:00 hours and shall be so supplied;
  - (i) By waiter/waitress service to persons seated at tables in the areas marked on the plans and the consumption of alcohol in these areas shall cease at 23:00 hours; or
  - (ii) In sealed containers ancillary to a meal.

*Comment: the effect of this condition is that nobody should stand and drink outside the Paddington Central frontage of the premises i.e. adjacent to the entrance to block 27 and beneath my flat.*

*The evidence I have provided this year clearly show that this has happened on several occasions.*

12. Customers or staff wishing to smoke shall only use the designated area as approved by the Environmental Health Service of the Council.

*Comment: The designated area is on the canal-side of the premises, within the outside area laid out with tables and chairs. However, it is clear from the photos I have produced and from my own experiences over many years that customers are permitted to smoke outside the Paddington Central frontage of the premises i.e. adjacent to the entrance to block 27 and beneath my flat. I have described elsewhere the development of asthma due to this and the ongoing effect this has had on my health.*

18. Regulated Entertainment shall only be provided in the basement of the premises.

*Comment: We residents have experienced nuisance coming from what we think is the ground floor. In any event, we should not be hearing internal music and other noise.*

20. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.

And

21. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

*Comment: I do not know when/if the limiter was set. However, if it was, it should have been set at a level beneath that which would disturb us in the manner it did on New Year's Eve and has done repeatedly for many years.*

22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

*Comment: vocal crowd, music and sport screening noise has emanated from the premises and vibration transmitted through the premises which has given rise to a nuisance for residents.*

35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

*Comment: the notices are not 'prominent'. They are clearly not read anyway as is clear from the fact that customers ignore them.*

Re: Smiths Bar and Grill New Years Eve party 2017-2018

Thursday, 4 January, 2018 22:08

From: "Andrew MacConnal-Mason" [redacted]  
 To: "Odli Raupov" [redacted]  
 Cc: "Tanya Dias" [redacted]

Odli, I am sorry to say that I just don't see the point. We have been over and over this many, many times. My time has been massively wasted, my wife and I have been deeply disturbed and I have been consistently, relentlessly let down. Your bar is seriously impacting on my family life - for one thing, under new legislation I am obliged to disclose any facts regarding this flat to any prospective buyer. So I find my position seriously compromised by Smiths failure to keep a lid on thudding beats. During that party, I felt a strong temptation to invite you into my flat, to witness the noise for yourself. But I realised it would be fruitless. What would you have done? Urged all your rich clients, who were paying a huge amount for the privilege of being there to "keep it down"? I don't think so. I tried to be cool about it because, generally, Smiths has improved. I have had no cause for complaint in a while. But when I was awoken yet again by banging about at 5am, after a horribly fitful "sleep" (!!) a line had been seriously crossed. I don't know how to really make this crystal clear to you Odli because I have signally failed to do so up to now. However, I will try - I can live with all the noise from your clientele in terms of their chatter, and sometimes boisterous behaviour outside. I cannot - and I will not - put up with repetitive BEATS. Bottom line Odli is this - and I regret to have to say this. Next time I hear any beats coming through my floor, the Council will be notified. I do not care less if it's at 3pm, 7pm, whenever. If Westminster don't handle it to my satisfaction, I will go to my MP and conceivably take legal action. It would be nice to think that Smiths could effectively address this and go from strength to strength but I have completely lost faith in you guys to follow through on promises.  
 Andy

On Thursday, 4 January 2018, 20:08, Odli Raupov [redacted] wrote:

Hi Andrew,

Would you have some free time sometimes this or next week for a chat about New Year's Eve?

Regards,

Odli

Sent from my iPhone

> On 1 Jan 2018, at 16:57, Andrew MacConnal-Mason [redacted] wrote:

>  
 > Tanya, regrettably you are mistaken. I was jolted awake by thudding beats at Two o'clock in the morning. Thud, thud, thud, through my floor, despite all the assurances over the years. Last time I complained to Westminster, they had magically mislaid the vast history of complaints about this bar. It took them a day or two, then, grudgingly, "a couple" of historical issues re-emerged. Big Business. Corporate interests. Money. Say no more. I eventually complained in person to the staff at Smiths after their clean-up operation woke me yet again at Five am. The girl told me that the party finished at 4am. Smiths were told to keep amplified music to the basement. Yet again they flouted it. It is a grand Fuck You to residents and Westminster Council alike. This will continue as W C have demonstrated that they are incapable and / orr unwilling to intervene.

> Andy

> On Mon, 1/1/18, Tanya Dias [redacted] wrote:

> Subject: Re: Smiths Bar and Grill New Years Eve party 2017-2018  
 > To: "licensing licensing" [redacted] "Fahmy, Joe: WCC" [redacted]

> Cc: "Cox, Antonia (CIP) CODE:03: WCC" [redacted]

> Date: Monday, 1 January, 2018, 7:51

>  
 > The 10.24pm  
 > Noise Team call reference was 17/42473/ENC45.  
 > The Smiths noise stopped at 12.30pm.  
 > They started at 6.30pm. That's six hours of partying. An average working day for a permanent employee is typically eight hours. That's almost a full working day of Smiths harassing their neighbours. That's unacceptable and an inappropriate violation of the human rights of the residents above them. I assume Westminster licensing gave Smiths permission for this six hour event and both parties failed repeatedly to communicate that to residents when I made a direct request (see the beginning of this email thread 8th December 2017 onwards).  
 > For the last three years in a row,  
 > I've typically got one or two hours sleep on New Year's

15/01/2018



Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

> Eve and woken up tired and angry for my early start on New  
> Year's Day.  
> Westminster CAB and Licensing, do  
> not suggest compromise with Smiths. Both Smiths and  
> Westminster Council has shown contempt towards residents in  
> this matter and the Council approval of weekly planning  
> applications for even more 'vibrancy' in the immediate  
> vicinity (aka resident harassment and privacy and human  
> rights violations).  
> Did the Noise Officer even turn up  
> last night and how long did he spend inspecting Smiths? On  
> both his calls to me he told me identical spiel he was busy  
> attending an alarm and reeled off a list of priority calls  
> the bottom of which was my call, giving me a clear  
> indication of the low priority Westminster Council and  
> it's Noise Team categorise my calls. The Noise Officer  
> told me he arrived within one hour of my first call at  
> 6.50pm. I told him his voicemail to me was at 9.40pm, almost  
> three hours after my call and I was keeping a video and  
> email log. He knows the videos are up on YouTube and his  
> 'nothing was happening' statement is proven  
> false.  
> Is  
> Westminster Council in the payroll of these commercial  
> premises? Is it on the pay of Smiths? Smiths tried to bribe  
> me with the installation of an air conditioning unit in my  
> flat in return for silence some years ago. They aren't  
> above bribery and corruption. Westminster Council and the  
> Noise Team have never ever acted as an independent party in  
> this instance...both Smiths and Westminster licensing have  
> acted repeatedly with contempt towards me and other  
> residents for almost a decade.  
> Tanya  
>  
> Sent  
> from my iPhone  
> On 31 Dec  
> 2017, at 11:49 pm, Tanya Dias [REDACTED]  
> wrote:  
>  
> I went downstairs and filmed  
> Smiths in action directly below residents  
> bedrooms.  
> This is what the  
> deaf and blind Westminster Noise Officers dismissed as no  
> noise and nothing happening tonight. The noise team is  
> untrustworthy.  
> This  
> New Year's Eve parties are an annual violation of  
> residents privacy by Smiths. I asked on 8th December 2017  
> from Joe Fahmy from Westminster licensing and Odil Raupov  
> Smiths Manager whether there was a planned event. Neither  
> deigned to reply despite several follow ups. Both see  
> residents as beneath their notice and unworthy to respond  
> to. Both can't be in holiday the entire month of December.  
> That would be too much of a coincidence.  
>  
> 11.30pm <https://youtu.be/-OIGqsq1XLM>  
> <https://youtu.be/hexblmGr9G0>  
> <https://youtu.be/8C0HVy14pd4>  
> <https://youtu.be/d-zlYSzliCQ>  
> I will be submitting a licence  
> review application with video evidence. I expect smiths  
> licence to be revoked. You can't hoodwink us anymore  
> Westminster licensing.  
>  
> Tanya  
>  
> Sent from my  
> iPhone  
> On 31 Dec 2017, at 11:51  
> pm, Tanya Dias [REDACTED]  
> wrote:  
>  
> I  
> phoned the Noise Team again because the Smiths female DJ is  
> shouting at a shrill pitch and their base beat is vibrating  
> my bedroom floor.

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWc4YaMbQn\\_ZnuWM03WGUUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrAlj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWc4YaMbQn_ZnuWM03WGUUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrAlj...) 2/7

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

> Each time  
> the stupid The Noise Team log my call as a new call and  
> never cross-reference with the previous calls. They asked me  
> to give my name, address, Smiths address etc EVERY SINGLE  
> time. They never bring up the old call records. They  
> wouldn't even take the old reference number. They actually  
> refused! I must have made 50 calls over the last decade to  
> the Noise team, mostly about Smiths. Why don't the Noise  
> Team have my details to hand and why are they so  
> bureaucratic?! The Noise Team is just an administrative  
> burden who are pointless for residents. They are the least  
> customer focused organisation around.  
>  
> I have an early start tomorrow and I'm not  
> getting sleep. 😞  
> 10.22pm <https://youtu.be/TUxHzaUuEQ>  
> 10.45pm <https://youtu.be/pSEYwyeIQq8>  
> I got a call from the Westminster  
> Noise Team Officer and they have only 2 Noise Officers in  
> duty tonight (New Years Eve!) for the whole of Westminster  
> borough (which includes the west end, trafilgar sq etc), so  
> they have no time. This is grossly understaffed and  
> unprepared by the Council. The Noise Officer had an  
> appalling attitude to go with being overstretched and unable  
> to attend promptly. This service is CRAP! He had the nerve  
> to tell me off for being in the bathroom when he called  
> almost 3 hours later and he said I should wait by the phone  
> at all times during the night and let them into my flat. I  
> happened to be in the bathroom when he called. When exactly  
> am I to go to the toilet, or to sleep? He acted as if he  
> were some kind of king doing a massive service when in  
> reality the noise team is ineffectual and a useless waste of  
> taxpayer money.  
> 😞  
> Tanya  
> Sent  
> from my iPhone  
> On 31 Dec 2017, at  
> 10:08 pm, Tanya Dias   
> wrote:  
>  
> I  
> phoned the Noise Team before 7pm. They arrived almost 3  
> hours later and left a voicemail for me at 9.40pm saying  
> there's no noise. Smiths went silent just in time for the  
> Noise Officer visit. At 10pm they restarted the noise when  
> they were certain the Noise Officer left. This is why I take  
> continuous video recordings. The Noise Team never pickup any  
> noise and they make out as if residents are making it up.  
> What's the point if that team?! We have proof irrespective  
> of the Noise Team.  
> 8.54pm <https://youtu.be/gLAWKgLtcID>  
> 7.32pm <https://youtu.be/c81kEYCYVKs>  
> 9.16pm <https://youtu.be/pCyuimzo8uk>  
>  
> Tanya  
>  
> Sent  
> from my iPhone  
> On 31 Dec 2017, at  
> 7:18 pm, Tanya Dias   
> wrote:  
>  
> No  
> one from Smiths or Westminster Licensing got back to me at  
> all from the beginning of December about any planned New  
> Years Eve party. The nightclub disco has started this year  
> at 8.30pm! 😞 The noise is coming through my floor with a  
> female DJ talking away.  
> Attached is a recording. It is now  
> 8.50pm. I'll be taking recordings and they will go up on  
> our YouTube channel to demonstrate the levels of resident  
> harassment we experience.  
> <Video.MOV>  
>  
> I phoned  
> the Noise Team the reference is 17/42469ENC45. I have no  
> doubt I'll be adding to this complaint during the

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxqJNFewuaBrALji...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxqJNFewuaBrALji...) 3/7

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

> evening.  
> For the  
> last two years I've been forced to start the new year with  
> lack of sleep and anger because of Smiths inconsideration  
> and Westminster licencing continued lax dealing with the  
> premises and complete disregard towards residents. You will  
> be getting emails from me. This is a written  
> record.  
> Westminster  
> Council, if you want the Paddington Basin to be an extension  
> of the West End, then offer rehousing to the Residents so  
> these complaints stop. Then you can pass the weekly planning  
> applications for nightlife providers, without residents'  
> ongoing objections and anger at being ignored and having  
> their quality of life affected. Either an area is commercial  
> or residential. Mixed developments don't work for either  
> party. So Westminster Council decide which it's going to  
> be in Paddington Central and do something about it.  
> 😊  
> Regards,  
> Tanya  
>  
> Sent from my  
> iPhone  
> On 19 Dec 2017, at 3:02  
> pm, Tanya Dias [REDACTED]  
> wrote:  
>  
> Hello,  
> I haven't heard back whether there  
> is a planned Smiths New Years Eve party this  
> year?  
> And if so, what  
> precautions are being put in place to protect residents from  
> antisocial nuisance?  
> Regards,  
> Tanya  
>  
> Sent  
> from my iPhone  
> On 17 Dec 2017, at  
> 11:58 am, Tanya Dias [REDACTED]  
> wrote:  
>  
> It  
> finished after I sent that email.  
>  
> Sent  
> from my iPhone  
> On 17 Dec 2017, at  
> 11:19 am, Cox, Antonia (Cllr) CODE03: WCC [REDACTED]  
> wrote:  
>  
>  
>  
>  
> Dear Tanya  
>  
>  
>  
> I suggest you call the noise team on 02076412000 if the  
> noise is continuing.  
>  
>  
>  
> Best wishes  
>  
>  
>  
> Antonia  
>  
>  
>  
>  
> Antonia Cox  
>

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrALj...) 4/7



15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

>  
>  
> [REDACTED]  
>  
>  
>  
>  
>  
>  
> From: tanya dias [REDACTED]  
>  
> Sent: Sunday, December 17, 2017 9:58:38 AM  
>  
> To: licensing licensing  
>  
> Cc: Cox, Antonia (Cllr) CODE03: WCC [REDACTED]  
> Fahmy, Joe: WCC  
>  
> Subject: Re: Smiths Bar and Grill New Years Eve party  
> 2017-2018  
>  
>  
>  
> It's not  
> yet 10am this Sunday and Smiths are drilling. There's  
> meant to be no work on public holidays. They've been told  
> by Westminster Council before, yet they ignore and carry on.  
> Video attached.  
>  
>  
>  
>  
>  
>  
>  
>  
>  
> I'm sick and tired of almost a decade of Smiths antisocial  
> behaviour. 😞  
>  
>  
> Tanya  
>  
>  
>  
> Sent from my iPhone  
>  
>  
>  
>> On 15 Dec 2017, at 3:51 pm, Tanya Dias [REDACTED]  
> wrote:  
>  
>>  
>  
>> Yes, Mr Fahmy and I corresponded this year.  
>  
>>  
>  
>> Sent from my iPhone  
>  
>>  
>  
>>> On 15 Dec 2017, at 3:28 pm, licensing licensing  
> [REDACTED]  
> wrote:  
>  
>>>  
>  
>>> Dear Ms Dias,  
>  
>>>  
>  
>>> Thank you for your email. Apologies for taking a  
> few days to acknowledge it. I see that you have also sent it

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...) 5/7

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

> to Mr Fahmy, who is a City Inspector at the City Council.  
> Have you been corresponding with Mr Fahmy regarding this  
> premises, and is he aware of  
> the problems that past New Year's Eve events have  
> caused?

>

>>>

>

>>> Yours sincerely,

>

>>>

>

>>>

>

>>> Richard Brown

>

>>> Licensing Advice Project

>



>>> This e-mail originates from Westminster Citizens  
> Advice Bureau Service, Charity Registration Number: 1050419;  
> Company limited by guarantee, Registration Number: 03039752.  
> Authorised and regulated by the Financial Conduct Authority:  
> FRN 617795. Citizens  
> Advice Westminster has a complaints handling procedure.  
> Please request a copy of the leaflet to be posted or emailed  
> to you.

>

>>> P Please consider the environment before printing  
> this email

>

>>>

>

>>> From: Tanya Dias

>

>>> Sent: 08 December 2017 09:51:28

>

>>> To: licensing licensing;

> Odil Raupov

>

>>> Co: Sharon Murray; Andy MacMason; Rob Stickland;

> Antonia Cox

>

>>> Subject: Smiths Bar and Grill New Years Eve party  
> 2017-2018

>

>>>

>

>>> Dear Mr Brown and Mr Fahmy,

>

>>>

>

>>> For the last two years in a row, the residents  
> above Smiths were disturbed by the loud Smiths New Year's  
> Eve parties with Europop music and firework displays that  
> went into the early hours of the morning and vibrated our  
> floors, drowned out our TVs and phone  
> calls. In neither year 2015 or 2016, were residents given  
> prior notification of this event and no precautions were put  
> into place to reduce antisocial noise disturbance to  
> residents despite around 9 years of complaints from  
> residents on this commercial premises.  
> Antisocial incidents continue from Smiths. Only last night  
> I witnessed a Smiths patron outside near the block 27  
> entrance where there are 'No Smoking' signs. When he  
> saw me, he quickly finished smoking and ran back into the  
> bar before I could photograph him

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

> in action. So I took instead a photo from the block 27  
> entrance of the cigarette butts that surround the pillars  
> where there are 'No smoking' signs. Smokers visiting  
> Sheldon Square are clearly still illiterate. In this photo I  
> count 3 butts on the ground directly  
> below the sign. Who do smokers think the signs refer  
> to?!

>  
>>>  
>  
>>>  
>  
>  
>  
>  
>  
>  
>  
>  
> .....

> Sign our #DontBeldle pledge and help make a big difference  
> to air quality in Westminster <http://info.westminster.gov.uk/dontbeidle>

>  
>  
>  
>  
> Find out how much sugar is in your food and drink and make a  
> healthy change to improve your family's health by  
> downloading the free Change4Life Be Food Smart app today at  
> <https://t.co/P1KQhwgYTd>

>  
> .....

>  
> Westminster City Council switchboard: +44 20 7641 6000.  
>  
> [www.westminster.gov.uk](http://www.westminster.gov.uk)


>  
> .....

>  
> This E-Mail may contain information which is privileged,  
> confidential and protected from disclosure.  
>  
> If you are not the intended recipient of this E-mail or any  
> part of it, please telephone Westminster City Council  
> immediately on receipt.  
>  
> You should not disclose the contents to any other person or  
> take copies.  
>  
> .....

>  
>  
>  
>  
>  
>

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

 [www.quandoo.co.uk](http://www.quandoo.co.uk) Smiths Bar b/b | [quandoo.co.uk](http://quandoo.co.uk) - Book a Table Now - Quandoo. The Simples... Sponsored

---

**Re: Smiths Bar and Grill New Years Eve party 2017-2018** Tuesday, 2 January, 2018 10:33

**From:** "Tanya Dias" [redacted]  
**To:** "Fahmy Joe: WCC" [redacted] "odli@smithsbarandgrill.co.uk" [redacted]  
**Cc:** "licensing licensing" [redacted] "Cox Antonia (Clt) CODE03: WCC" [redacted]  
[redacted] [more ...](#)

---

I see there's still no response from Smiths Odli or Joe Fahmy Westminster Council licensing. I'm not getting any 'out of office' replies.

Please note that this morning there was more work at 9am on the Smiths and Zizzi duct/ventilation works piped through residential floors. I can hear it loud and clear from my end of the corridor. I don't know what neighbours who are forced to live next to the new duct cupboard-flat 9, 8, 2 are experiencing.

Here is a recap of December through to January video log:

13th - New Smiths Duct cupboard  
[https://youtu.be/llufHsH\\_FaY](https://youtu.be/llufHsH_FaY)

Sunday 17th - Smiths drilling in preparation for their New Years Eve party which they and the Council kept secret from neighbours  
<https://youtu.be/uZBxzS-79Yk>

Sunday 31st - Smiths New Years Eve party  
6.30pm - Smiths screeching female dj  
[https://youtu.be/gL\\_AwKglTcl0](https://youtu.be/gL_AwKglTcl0)  
7.30pm - playing The Snowman theme - twice  
<https://youtu.be/v61kFYCYVks>  
9.15pm - female DJ shouting to include neighbours  
<https://youtu.be/pCyulmzo5uk>  
10.22pm - DJ bellowing followed by We will rock you by Queen and other music  
<https://youtu.be/TUsxHzaJUEQ>  
10.45pm - more music thumping through to neighbours causing bedroom floor to vibrate  
<https://youtu.be/pSFYwyeIQq8>  
11.30pm - I went downstairs and recorded what the Westminster Council noise officer didn't see or hear on his phantom visit  
<https://youtu.be/OIGsgq1XLM>  
<https://youtu.be/nezolmGr9G0>  
<https://youtu.be/9C0HVY14pd4>  
<https://youtu.be/9-zlYSzllC0>

2nd January 2018 - 9am more Smiths duct pipe work pumping their poisonous fumes through into residential block and making residents unwell and stressed  
<https://youtu.be/NlFkPLsvw>  
<https://youtu.be/eeufR8UvK4>

Attached are photos I've managed to capture of Smiths smokers smoking or drinking next to the 'No Smoking' signs during the year. There are obviously far more smoking and obstructing instances when I wasn't around or wasn't quick enough to photograph the incidents. Some Smiths patrons in the photos taken in May were obstructing the block 27 entrance and didn't move when I asked them. They thought it was their right to block the entrance. That isn't the first time I've received bad attitude and harassment from Smiths patrons obstructing our block. There was no sign of the Smiths staff moving on these nuisance patrons.

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrAlj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrAlj...) 1/8

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'



[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJnFEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJnFEwuaBrALj...) 2/8



15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'



[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...) 4/8

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'



This is the what the suggestion of compromising with Smiths by the Council and licensing has brought residents. Another miserable year.

Tanya

Sent from my iPhone

On 1 Jan 2018, at 7:51 am, Tanya Dias [redacted] wrote:

The 10.24pm Noise Team call reference was 17/42473/ENC45.

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...) 5/8



15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

The Smiths noise stopped at 12.30pm. They started at 6.30pm. That's six hours of partying. An average working day for a permanent employee is typically eight hours. That's almost a full working day of Smiths harassing their neighbours. That's unacceptable and an inappropriate violation of the human rights of the residents above them. I assume Westminster licensing gave Smiths permission for this six hour event and both parties failed repeatedly to communicate that to residents when I made a direct request (see the beginning of this email thread 8th December 2017 onwards).

For the last three years in a row, I've typically got one or two hours sleep on New Year's Eve and woken up tired and angry for my early start on New Year's Day.

Westminster CAB and Licensing, do not suggest compromise with Smiths. Both Smiths and Westminster Council has shown contempt towards residents in this matter and the Council approval of weekly planning applications for even more 'vibrancy' in the immediate vicinity (aka resident harassment and privacy and human rights violations).

Did the Noise Officer even turn up last night and how long did he spend inspecting Smiths? On both his calls to me he told me identical spiel he was busy attending an alarm and reeled off a list of priority calls the bottom of which was my call, giving me a clear indication of the low priority Westminster Council and it's Noise Team categorise my calls. The Noise Officer told me he arrived within one hour of my first call at 6.50pm. I told him his voicemail to me was at 9.40pm, almost three hours after my call and I was keeping a video and email log. He knows the videos are up on YouTube and his 'nothing was happening' statement is proven false.

Is Westminster Council in the payroll of these commercial premises? Is it on the pay of Smiths? Smiths tried to bribe me with the installation of an air conditioning unit in my flat in return for silence some years ago. They aren't above bribery and corruption. Westminster Council and the Noise Team have never ever acted as an independent party in this instance...both Smiths and Westminster licensing have acted repeatedly with contempt towards me and other residents for almost a decade.

Tanya

Sent from my iPhone

On 31 Dec 2017, at 11:49 pm, Tanya Dias [redacted] wrote:

I went downstairs and filmed Smiths in action directly below residents bedrooms.

This is what the deaf and blind Westminster Noise Officers dismissed as no noise and nothing happening tonight. The noise team is untrustworthy.

This New Year's Eve parties are an annual violation of residents privacy by Smiths. I asked on 8th December 2017 from Joe Fahmy from Westminster licensing and Odil Raupov Smiths Manager whether there was a planned event. Neither deigned to reply despite several follow ups. Both see residents as beneath their notice and unworthy to respond to. Both can't be in holiday the entire month of December. That would be too much of a coincidence.

11.30pm  
<https://youtu.be/OIGsgq1XLM>

<https://youtu.be/hext0mGr9G0>

<https://youtu.be/RC0HVy14pd4>

<https://youtu.be/d-zlYSzIC0>

I will be submitting a licence review application with video evidence. I expect smiths licence to be revoked. You can't hoodwink us anymore Westminster licensing.

Tanya

Sent from my iPhone

On 31 Dec 2017, at 11:01 pm, Tanya Dias [redacted] wrote:

I phoned the Noise Team again because the Smiths female DJ is shouting at a shrill pitch and their base beat is vibrating my bedroom floor.

Each time the stupid The Noise Team log my call as a new call and never cross-reference with the previous calls. They asked me to give my name, address, Smiths address etc EVERY SINGLE time. They never bring up the old call records. They wouldn't even take the old reference number. They actually refused! I must have made 50 calls over the last decade to the Noise team, mostly about Smiths. Why don't the Noise Team have my details to hand and why are they so bureaucratic?! The Noise Team is just an administrative burden who are pointless for residents. They are the least customer focused organisation around.

I have an early start tomorrow and I'm not getting sleep. 😞 😞

10.22pm  
<https://youtu.be/TU5xHzaUuEQ>

10.45pm  
<https://youtu.be/pSEYwyeQg8>

I got a call from the Westminster Noise Team Officer and they have only 2 Noise Officers in duty tonight (New Years Eve!) for the whole of Westminster borough (which includes the west end, trafalgar sq etc), so they have no time. This is grossly understaffed and unprepared by the Council. The Noise Officer had an appalling attitude to go with being overstretched and unable to attend promptly. This service is CRAP! He had the nerve to tell me off for being in the bathroom when he called almost 3 hours later and he said I should wait by the phone at all times during the night and let them into my flat. I happened to be in the bathroom when he called. When exactly am I to go to the toilet, or to sleep? He acted as if he were some kind of king doing a massive service when in reality the noise team is ineffectual and a useless waste of taxpayer money.

😞

Tanya

Sent from my iPhone

On 31 Dec 2017, at 10:08 pm, Tanya Dias [redacted] wrote:

I phoned the Noise Team before 7pm. They arrived almost 3 hours later and left a voicemail for me at 9.40pm saying there's no noise. Smiths went silent just in time for the Noise Officer visit. At 10pm they restarted the noise when they were certain the Noise Officer left. This is why I take continuous video recordings. The Noise Team never pickup any noise and they make out as if residents are making it up. What's the point if that team?! We have proof irrespective of the Noise Team.

6.54pm  
<https://youtu.be/gJAwKglTcl0>

7.32pm

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNEwuaBrAlj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2lWo4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNEwuaBrAlj...) 6/8

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

<https://youtu.be/o61kEYCYVKs>

9.16pm

<https://youtu.be/pCyulmzo6uk>

Tanya

Sent from my iPhone

On 31 Dec 2017, at 7:18 pm, Tanya Dias [REDACTED] wrote:

No one from Smiths or Westminster Licensing got back to me at all from the beginning of December about any planned New Years Eve party. The nightclub disco has started this year at 6.30pm! 😡 The noise is coming through my floor with a female DJ talking away.

Attached is a recording. It is now 6.50pm. I'll be taking recordings and they will go up on our YouTube channel to demonstrate the levels of resident harassment we experience.

<Video.MOV>

I phoned the Noise Team the reference is 17/42469ENC45. I have no doubt I'll be adding to this complaint during the evening.

For the last two years I've been forced to start the new year with lack of sleep and anger because of Smiths inconsideration and Westminster licensing continued lax dealing with the premises and complete disregard towards residents. You will be getting emails from me. This is a written record.

Westminster Council, if you want the Paddington Basin to be an extension of the West End, then offer rehousing to the Residents so these complaints stop. Then you can pass the weekly planning applications for nightlife providers, without residents' ongoing objections and anger at being ignored and having their quality of life affected. Either an area is commercial or residential. Mixed developments don't work for either party. So Westminster Council decide which it's going to be in Paddington Central and do something about it. 😡

Regards,

Tanya

Sent from my iPhone

On 19 Dec 2017, at 3:02 pm, Tanya Dias [REDACTED] wrote:

Hello,

I haven't heard back whether there is a planned Smiths New Years Eve party this year?

And if so, what precautions are being put in place to protect residents from antisocial nuisance?

Regards,

Tanya

Sent from my iPhone

On 17 Dec 2017, at 11:58 am, Tanya Dias [REDACTED] wrote:

It finished after I sent that email.

Sent from my iPhone

On 17 Dec 2017, at 11:19 am, Cox, Antonia (Cllr) CODE03: WCC [REDACTED] wrote:

Dear Tanya

I suggest you call the noise team on 02076412000 if the noise is continuing.

Best wishes

Antonia

Antonia Cox  
[REDACTED]

---

From: tanya dias [REDACTED]

Sent: Sunday, December 17, 2017 9:58:38 AM

To: licensing licensing

Cc: Cox, Antonia (Cllr) CODE03: WCC; [REDACTED] Fahmy, Joe: WCC

Subject: Re: Smiths Bar and Grill New Years Eve party 2017-2018

It's not yet 10am this Sunday and Smiths are drilling. There's meant to be no work on public holidays. They've been told by Westminster Council before, yet they ignore and carry on. Video attached.

I'm sick and tired of almost a decade of Smiths antisocial behaviour. 😡

Tanya

Sent from my iPhone

> On 15 Dec 2017, at 3:51 pm, Tanya Dias [REDACTED] wrote:

>

> Yes, Mr Fahmy and I corresponded this year.

>

> Sent from my iPhone

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrAlj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG76fwyGX1W0okxgJNfEwuaBrAlj...) 7/8

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

>  
>> On 15 Dec 2017, at 3:38 pm, Licensing licensing [REDACTED] wrote:  
>>  
>> Dear Ms Dias,  
>>  
>> Thank you for your email. Apologies for taking a few days to acknowledge it. I see that you have also sent it to Mr Fahmy, who is a City Inspector at the City Council. Have you been corresponding with Mr Fahmy regarding this premises, and is he aware of the problems that past New Year's Eve events have caused?  
>>  
>> Yours sincerely,  
>>  
>>  
>> Richard Brown  
>> Licensing Advice Project



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>>  
>> From: Tanya Dias [REDACTED]  
>> Sent: 08 December 2017  
>> To: Licensing licensing [REDACTED] Jdli Raupov  
>> Cc: Sharon Murray; Andy MacMason; Rob Stickland; Antonia Cox  
>> Subject: Smiths Bar and Grill New Years Eve party 2017-2018

>> Dear Mr Brown and Mr Fahmy,  
>>  
>> For the last two years in a row, the residents above Smiths were disturbed by the loud Smiths New Year's Eve parties with Europop music and firework displays that went into the early hours of the morning and vibrated our floors, drowned out our TVs and phone calls. In neither year 2015 or 2016, were residents given prior notification of this event and no precautions were put into place to reduce antisocial noise disturbance to residents despite around 9 years of complaints from residents on this commercial premises. Antisocial incidents continue from Smiths. Only last night I witnessed a Smiths patron outside near the block 27 entrance where there are 'No Smoking' signs. When he saw me, he quickly finished smoking and ran back into the bar before I could photograph him in action. So I took instead a photo from the block 27 entrance of the cigarette butts that surround the pillars where there are 'No smoking' signs. Smokers visiting Sheldon Square are clearly still illiterate. In this photo I count 3 butts on the ground directly below the sign. Who do smokers think the signs refer to?!

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<http://info.westminster.gov.uk/dontbeidle>

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**Underfloor music from Smiths 2 January 2018** Tuesday, 2 January, 2018 15:23

From: "Tanya Dias" [REDACTED]

To: "Joe: WCCFahmy" [REDACTED]; "Tanya Dias" [REDACTED]

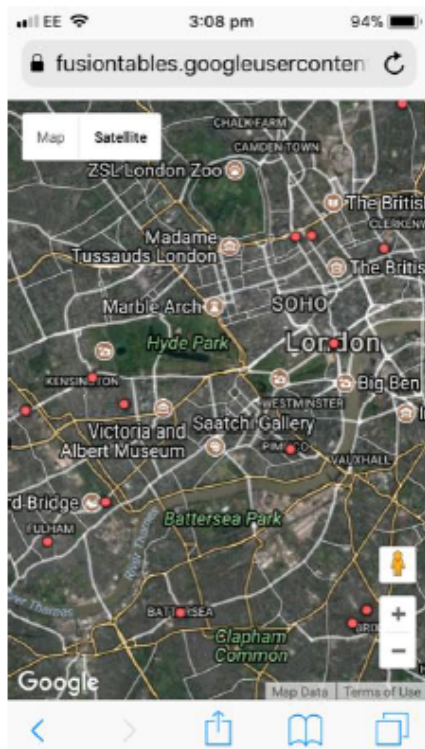
Cc: "licensing licensing" [REDACTED]; "Antonia (Clr) CODE03: WCC0x" [REDACTED]; [REDACTED] [more ...](#)

There's no let-up. It's the first working day of the year and Smiths is pumping underfloor music into my flat. Christmas and New Year are over. I'm trying to work.

My iPhone doesn't pick up low frequency in recordings through my floor at the frequency I hear it very well. It's much louder than the recordings I made even on new year's eve night. So I'm going outside (again) to record what I'm actually hearing inside my flat.

<https://youtu.be/m3RQ-gLzyFA>

Here is the global Hum Map (the project was in the news today) I have reported Sheldon Square and you will see a red dot there to represent it. Photo of Westminster Hum map.



Odil is going ahead with his residential harassment despite all these emails he is getting.

Kind Regards,

Tanya Dias

On Tue, 2/1/18, Tanya Dias [REDACTED] wrote:

Subject: Re: Smiths Bar and Grill New Year Eve party 2017-2018

To: "Fahmy, Joe: WCC"

Cc: "licensing licensing"

Date: Tuesday, 2 January, 2018, 15:30

I see there's still no response from Smiths Odil or Joe Fahmy Westminster Council licensing. I'm not getting any 'out

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn\\_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IW04YaMbQn_ZnuWM03WGUpwa352v78aVXCnrG78fwyGX1W0okxgJNfEwuaBrALj...) 1/8

15/01/2018

Underfloor music from Smiths 2 January 2018 - 'Yahoo Mail'

of office' replies.

Please note that this morning there was more work at 9am on the Smiths and Zizzi duct/ventilation works piped through residential floors. I can hear it loud and clear from my end of the corridor. I don't know what neighbours who are forced to live next to the new duct cupboard-flat 9, 8, 2 are experiencing.


Here is a recap of December through to January video log:

13th - New Smiths  
Duct cupboard [https://youtu.be/llufHsh\\_FaY](https://youtu.be/llufHsh_FaY)  
Sunday 17th - Smiths drilling in preparation for their New Years Eve party which they and the Council kept secret from neighbours <https://youtu.be/uZBxzR-79Yk>  
Sunday 31st - Smiths New Years Eve party 6.30pm - Smiths screeching female DJ <https://youtu.be/gLAWKgLtcl07.30pm>  
- playing The Snowman theme - twice <https://youtu.be/061kEYCYVks9.15pm>  
- female DJ shouting to include neighbours <https://youtu.be/pCyulmzo6uk10.22pm>  
- DJ bellowing followed by We will rock you by Queen and other music <https://youtu.be/TU5xHzaUuEQ10.45pm>  
- more music thumping through to neighbours causing bedroom floor to vibrate <https://youtu.be/pSEYwyeIQa811.30pm>  
- I went downstairs and recorded what the Westminster Council noise officer didn't see or hear on his phantom visit <https://youtu.be/-OjGsgq1XLM> <https://youtu.be/hexblmGr9G0> <https://youtu.be/8CQHWy14pd4> <https://youtu.be/d-zY5ZlICQ>  
2nd January 2018 - 9am more Smiths duct pipe work pumping their poisonous fumes through into residential block and making residents unwell and stressed <https://youtu.be/NIFtkPLsvwh> <https://youtu.be/eeufr8UvK4>  
Attached are photos I've managed to capture of Smiths smokers smoking or drinking next to the 'No Smoking' signs during the year. There are obviously far more smoking and obstructing instances when I wasn't around or wasn't quick enough to photograph the incidents. Some Smiths patrons in the photos taken in May were obstructing the block 27 entrance and didn't move when I asked them. They thought it was their right to block the entrance. That isn't the first time I've received bad attitude and harassment from Smiths patrons obstructing our block. There was no sign of the Smiths staff moving on these nuisance patrons.

This is the what the suggestion of compromising with Smiths by the Council and licensing has brought residents. Another miserable year.  
Tanya

Sent from my iPhone

On 1 Jan

2018, at 7:51 am, Tanya Dias 

wrote:

The 10.24pm Noise Team call reference was 17/42473/ENC45.  
The Smiths noise stopped at 12.30pm.  
They started at 6.30pm. That's six hours of partying. An average working day for a permanent employee is typically eight hours. That's almost a full working day of Smiths harassing their neighbours. That's unacceptable and an inappropriate violation of the human rights of the residents above them. I assume Westminster licensing gave Smiths permission for this six hour event and both parties failed repeatedly to communicate that to residents when I made a direct request (see the beginning of this email thread 8th December 2017 onwards).  
For the last three years in a row, I've typically got one or two hours sleep on New Year's Eve and woken up tired and angry for my early start on New Year's Day.  
Westminster CAB and Licensing, do not suggest compromise with Smiths. Both Smiths and Westminster Council has shown contempt towards residents in this matter and the Council approval of weekly planning applications for even more 'vibrancy' in the immediate vicinity (aka resident harassment and privacy and human rights violations).

15/01/2018

Underfloor music from Smiths 2 January 2018 - 'Yahoo Mail'

Did the Noise Officer even turn up last night and how long did he spend inspecting Smiths? On both his calls to me he told me identical sole he was busy attending an alarm and reeled off a list of priority calls the bottom of which was my call, giving me a clear indication of the low priority Westminster Council and its Noise Team categorise my calls. The Noise Officer told me he arrived within one hour of my first call at 6.50pm. I told him his voicemail to me was at 9.40pm, almost three hours after my call and I was keeping a video and email log. He knows the videos are up on YouTube and his 'nothing was happening' statement is proven false.

Is Westminster Council in the payroll of these commercial premises? Is it on the pay of Smiths? Smiths tried to bribe me with the installation of an air conditioning unit in my flat in return for silence some years ago. They aren't above bribery and corruption. Westminster Council and the Noise Team have never ever acted as an independent party in this instance...both Smiths and Westminster licensing have acted repeatedly with contempt towards me and other residents for almost a decade.

Tanya

Sent

from my iPhone

On 31 Dec 2017, at

11:49 pm, Tanya Dias

wrote:

I went downstairs and filmed Smiths in action directly below residents bedrooms.

This is what the deaf and blind Westminster Noise Officers dismissed as no noise and nothing happening tonight. The noise team is untrustworthy.

This New Year's Eve parties are an annual violation of residents privacy by Smiths. I asked on 8th December 2017 from Joe Fahmy from Westminster licensing and Odli Raupov Smiths Manager whether there was a planned event. Neither deigned to reply despite several follow ups. Both see residents as beneath their notice and unworthy to respond to. Both can't be in holiday the entire month of December. That would be too much of a coincidence.

11.30pm <https://youtu.be/-OIGsgq1XLM>

<https://youtu.be/hex0ImGr9G0>

<https://youtu.be/R07HVy14pd4>

<https://youtu.be/d-zY5zIC0>

I will be submitting a licence review application with video evidence. I expect Smiths licence to be revoked. You can't hoodwink us anymore Westminster licensing.

Tanya

Sent from my

iPhone

On 31 Dec 2017, at 11:01

pm, Tanya Dias

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I have an early start tomorrow and I'm not getting sleep. 😞

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<Video.MOV>

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For the  
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15/01/2018

Underfloor music from Smiths 2 January 2018 - 'Yahoo Mail'

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Best wishes

Antonia

Antonia Cox

[REDACTED]

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Sent: Sunday, December 17, 2017 9:58:38 AM

To: licensing licensing

Cc: Cox, Antonia (Cllr) CODE03: WCC; [REDACTED]  
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On 15 Dec 2017, at 3:38 pm, Iloensing Iloensing



Dear Ms Dias,

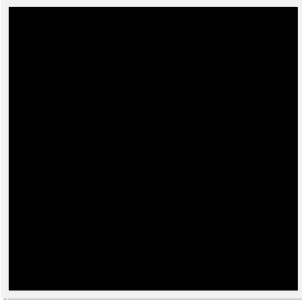
Thank you for your email. Apologies for taking a few days to acknowledge it. I see that you have also sent it to Mr Fahmy, who is a City Inspector at the City Council. Have you been corresponding with Mr Fahmy regarding this premises, and is he aware of the problems that past New Year's Eve events have caused?

Yours sincerely,

Richard Brown

Licensing Advice Project

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From: Tanya Dias 

Sent: 08 December 2017 09:51:28

15/01/2018

Underfloor music from Smiths 2 January 2018 - 'Yahoo Mail'

To: Iloensing Iloensing [REDACTED]

Odli Raupov

Cc: Sharon Murray; Andy MacMason; Rob Stickland;

Antonia Cox

Subject: Smiths Bar and Grill New Years Eve party

2017-2018

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**Fwd: Smiths New Years Eve noise 2017** Wednesday, 4 January, 2017 10:10

**From:** "Tanya Dias" [redacted]  
**To:** "licensing licensing" [redacted]  
**Cc:** "Andrew MacConnal-Mason" [redacted]

1 Files | 4 MB  
 MOV 4 MB  
 Video.MOV  
 Save

Dear Mr Brown,

It seems that it was Smiths who again this New Year's Eve had an all night party, exactly the same as last year with the same issues for residents living above them.

This year I called the noise team twice and you see their rather aggressive response. The noise teams regular denial, ineffectiveness, defensiveness and lack of responsibility over the last decade was why I didn't call the previous year (it wasn't worth the aggravation on top of the noise nuisance to deal with) and why my two neighbours called them instead and went forward with their 2016 licence review of Smiths with yourself. Since your joint license action last year hasn't improved the situation and Smiths flouts what was agreed under the terms of their license. I would like to go ahead with a license review this year.

For the record when I got a call from the noise team after my first call I said the noise had stopped temporarily at the precise moment of the call and that it would likely start again. The person at the end of the call (who didn't name themselves) said he would visit. It turns out he didn't visit till after my second call two hours later, as per his email below. I didn't get a confirmation call of the visit on New Year's Eve. The visit (if it had happened) was ineffective as the party continued till 1am. The noise was as loud as last year's party and was followed by a fireworks display right between the building and canal on my neighbours side of the building. I took a video from my flat of it.

Regards,

Tanya

Sent from my iPhone

Begin forwarded message:

**From:** "Richardson, Steve: WCC" [redacted]  
**Date:** 4 January 2017 at 09:00  
**To:** Tanya Dias [redacted]  
**Subject:** Re: Smiths New Years Eve noise 2017

Good Morning Mrs Dias,

I don't understand. If you telephone the service and I carry out a visit, I don't see how your call was ignored.

You will remember that the facts relating to your call at 21:31 are as follows: I telephoned you back at 21:57 and you told me that the noise had stopped. You will understand that we don't visit if noise has stopped, but I offered to try to attend, bearing in mind that this was New Years Eve.

As events transpired, I had to prioritise calls where noise was continuing until you made your follow up call. I got to Sheldon Square and walked the Square, I did not hear any music or other noise in the square but went to Smiths with Sheldon Square security. I went round to the canal entrance to Smiths and spoke to the DPS at 01:15. At that time, music from Smiths was just audible outside and I did not consider that a statutory nuisance was likely. No formal action is planned by the noise team as a result but as I say, the licensing team will also be following up and will respond separately.

Regards

Steve Richardson  
 24 Hour Noise Team

**From:** Tanya Dias [redacted]  
**Sent:** 03 January 2017 13:03:06  
**To:** Richardson, Steve: WCC  
**Subject:** Re: Smiths New Years Eve noise 2017

Mr Richardson, thank you for emailing me. The noise had continued as you can see from my second email to Mr Bannister after my follow up call at 11.30pm on the same noise issue. As the noise issue continued till 1am (from around 8.30pm) my original call from 9.30pm had been ignored. Your visit did not make any difference to the noise continuation or volume. Why was that?

Sent from my iPhone

> On 3 Jan 2017, at 12:20 pm, Richardson, Steve: WCC [redacted] wrote:

>

> Hello Mrs Dias,

> Thanks, Mr Bannister has explained his position in this and so I will respond to you directly.

> Note your call was not ignored. I informed you that I would visit and I did so.

> All visits to licensed premises are followed up by the licensing team, and this is one of the addresses from New Years Eve that I have referred to them. I'm waiting for them to come back to me once this is done. Either myself or the licensing team will come back to you again shortly.

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

> Regards  
> Steve Richardson  
>  
> -----Original Message-----  
> From: Tanya Dias [redacted]  
> Sent: 03 January 2017 11:08  
> To: Richardson, Steve: WCC  
> Cc: Bannister, Ian: WCC  
> Subject: Re: Smiths New Years Eve noise 2017  
>  
> Permission given. My emails to Mr Bannister were straight after my calls to the council noise team.  
>  
> Regards,  
>  
> Tanya  
>  
> Sent from my iPhone  
>  
>> On 3 Jan 2017, at 11:25 am, Richardson, Steve: WCC [redacted] wrote:  
>>  
>> Hello Ian,  
>> I've had no direct request from Mrs Dias since our dealings on New Years Eve so before I email can I ask in what capacity are you enquiring on behalf of Mrs Dias? Does she give permission for me to pass on information to you? Perhaps you could clarify.  
>> Thanks  
>> Steve Richardson  
>> 24 Hour Noise Team  
>>  
>> -----Original Message-----  
>> From: Bannister, Ian: WCC  
>> Sent: 03 January 2017 11:08  
>> To: Noise Team: WCC  
>> Cc: Tanya Dias  
>> Subject: Smiths New Years Eve noise 2017  
>>  
>> Hi There,  
>>  
>> I trust that you are well and Happy New Year to you.  
>>  
>> I have just come back from annual leave to see that I have received a couple of emails from a resident complaining about the noise and indeed raising the issue that when they contacted the noise unit, unfortunately no action was taken.  
>>  
>> Could you kindly look into the issue and copy me in to your response to Tanya please as whilst it is entirely understandable that revellers want to celebrate the New Year, it must surely not be at the expense of other members of our community of course.  
>>  
>> Thanking you in anticipation  
>>  
>> Very Kind Regards  
>>  
>> Ian Bannister  
>> Sports Development Officer - Progression Sport, Leisure and Wellbeing  
>> The Pavillion Paddington Recreation Ground Randolph Avenue Malda Vale  
>> London  
>> W9 1PD  
>> Westminster Sports Unit  
>> Sport & Leisure Delivery Unit  
>> City of Westminster  
>> Using the Power of Sport to Inspire, empower and provoke change.  
>>  
>> [redacted]  
>>  
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>> Visit <http://www.westminster.gov.uk/sport>  
>>  
>>  
>> \*\*\*\*\* Look out for your electoral registration form in the  
>> post. It's important you respond to ensure you remain on the electoral  
>> register even if you're  
>>  
>> -----Original Message-----  
>> From: Tanya Dias [redacted]  
>> Sent: 31 December 2016 23:35  
>> To: Bannister, Ian: WCC  
>> Subject: Re: Smiths New Years Eve noise 2017  
>>  
>> The party noise and DJ on loudspeaker is still going on and it's been  
>> 3 hours. The Council noise team have simply ignored the issue. I found  
>> out when I just called again ☹️  
>>  
>> Sent from my iPhone  
>>  
>>> On 31 Dec 2016, at 9:41 pm, Tanya Dias [redacted] wrote:  
>>>  
>>> Unfortunately this year's New Year's Eve is also noisy and I don't know if it's Smiths again. I have called Westminster noise team. I started 2016 badly because of Smiths loud music and party and I don't intend to have 2017 spoiled at the start exactly in the same way as 2016. This is a residential area, not Piccadilly Circus.  
>>>  
>>> Sent from my iPhone  
>>>  
>>>> On 30 Nov 2016, at 3:45 pm, Bannister, Ian: WCC [redacted] wrote:

[https://mail.yahoo.com/neo/bl/message?search=1&s=P337jYc4YaMLfBYCTd\\_pqSdhP4ULzbNCQ689P8Rx4wJQOny8KughIBDRNCuy%7EA&enc...](https://mail.yahoo.com/neo/bl/message?search=1&s=P337jYc4YaMLfBYCTd_pqSdhP4ULzbNCQ689P8Rx4wJQOny8KughIBDRNCuy%7EA&enc...) 2/5

>>>>  
 >>>> Hi Tanya,  
 >>>>  
 >>>> I trust that you are well and thanks for your email.  
 >>>>  
 >>>> It's good to hear that there are some positive outcomes and I've passed your comments onto the Licencing team.  
 >>>> I've also asked them for an update in respect of your previous  
 >>>> feedback and as soon as they come back to me, I'll let you know!  
 >>>>  
 >>>> Very Kind Regards  
 >>>>  
 >>>> Ian Bannister  
 >>>> Sports Development Officer - Progression Sport, Leisure and  
 >>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph Avenue  
 >>>> Malda Vale London  
 >>>> W9 1PD  
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 >>>> \*  
 >>>> \*\*\*\*\* Look out for your electoral registration form in the  
 >>>> post. It's important you respond to ensure you remain on the  
 >>>> electoral register even if you're  
 >>>>

>>>> -----Original Message-----  
 >>>> From: Tanya Dias [Redacted]  
 >>>> Sent: 29 November 2016 15:09  
 >>>> To: Bannister, Ian: WCC  
 >>>> Subject: Re: Smokers outside Smiths Bar and Grill

>>>> Hi Mr Bannister,  
 >>>>  
 >>>> October to New Years Eve tends to be when there are smokers outside our block entrance. Since 1st January 2016 when Smiths  
 >>>> had a New Years party till 4am and a licence review took place, Smiths I think have been trying to behave, with occasional lapses.  
 >>>> I've been in the middle of taking smokers photos on occasions  
 >>>> recently when a Smiths staff member came out to move people away,  
 >>>> pointing out that my photos will be all over social media in a few  
 >>>> minutes. The smokers ran away quickly. That was a pleasant  
 >>>> experience, like Christmas coming early. Long may it continue! 😊  
 >>>>

>>>> Tanya  
 >>>>  
 >>>> Sent from my iPhone  
 >>>>  
 >>>> On 24 Oct 2016, at 9:13 am, Bannister, Ian: WCC [Redacted] wrote:

>>>> Hi Tanya,  
 >>>>  
 >>>> I trust that you are well and thank you for your email.  
 >>>>  
 >>>> I've identified the Council Licencing strategy team who I believe would be best placed department to act and have forwarded on  
 >>>> your email to them.  
 >>>>  
 >>>> I trust that this is in order,  
 >>>>  
 >>>> Very Kind Regards

>>>> Ian Bannister  
 >>>> Sports Development Officer - Progression Sport, Leisure and  
 >>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph  
 >>>> Avenue Malda Vale London  
 >>>> W9 1PD  
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15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>>>> post. It's important you respond to ensure you remain on the  
>>>> electoral register even if you're  
>>>>  
>>>> -----Original Message-----  
>>>> From: Tanya Dias [redacted]  
>>>> Sent: 21 October 2017 10:00:00  
>>>> To: [redacted] Bannister, Ian: WCC  
>>>> Subject: smokers outside Smiths Bar and Grill  
>>>>  
>>>> Here is a photo I took just now of smokers outside Smiths Bar and Grill. Terms of their license includes no smoking zones. The  
>>>> smokers are ignoring the no smoking signs and there is no bouncer from Smiths to move the smokers on.  
>>>>  
>>>> Please do a License Review.  
>>>>  
>>>>  
>>>> \_\_\_\_\_  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*  
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>>>> to  
>>>> 15 hours of free childcare a week? Apply now at  
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>>>> Keep making a Real Change to the lives of rough sleepers in  
>>>> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
>>>> REALCHANGE plus the amount you wish to give to 70500, or visit  
>>>> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
>>>>  
>>>> How will you quit smoking this Stoptober? Join Stoptober and find that support that's right for you.  
>>>>  
>>>> Join the conversation on childhood obesity by completing the Great  
>>>> Weight Debate survey and tell us what can be done to tackle this  
>>>> growing problem <https://www.westminster.gov.uk/great-weight-debate>  
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**Smiths' Bar and Grill, 25 Sheldon Square, London W2 6EY** Tuesday, 28 June, 2011 13:13

From: "Tania Dias Gunasinghe" [REDACTED]  
 To: "KayCummings" [REDACTED]  
 Cc: "Paul (Cllr) CODE03Dimoldenberg" [REDACTED] "Richard Brown" [REDACTED]  
 "Noise Team" [REDACTED] "KevinMason" [REDACTED]  
 "BarbaraTerres" [REDACTED] more ...

3 Files | 148KB | Download All  
 DOC 84KB DOC 30KB DOC 35KB

Email trail on Smiths.do Save  
 Smiths licensing opposition Save  
 SMITHS v RESIDENTS Save

Good Afternoon Ms Cummings,

Thank you for your email. I appreciate the sentiment of wanting to help but what I'm looking for is not sentiment but full and final resolution of my complaints.

No part of my original complaint was ever resolved, so I'm not sure why it was thought to have been resolved given that the complaints range over a span of two years and never stopped. When you phoned me last year it was to request to install noise monitoring equipment in my flat to register Smiths' music which was more a complaint that my neighbour Andy was having with Smiths as their speakers were underneath his flat. The noise I was complaining about was more about the loud clients and smokers outside my windows as my flat is above Smiths bar. My part of the complaint wasn't addressed; it was left open and unresolved.

My original complaint was lodged on 4 September 2009 when Smiths Bar and Grill sought licencing permission from the council. I spoke to the owner Angus Steel, their solicitor Robert Sutherland and Dave Nevitt when they came to my flat on 17 September 2009. I forwarded you the relevant emails from 2009 onwards last year, when you contacted me, so I'm not sure why you say my original complaint about the noise, smoking and litter was in 2010. I'll attach the emails again in case they were lost or didn't get delivered to you.

Many times over the last year, I have come back from work or a party and have found our block door obstructed by Smiths loud, smoking and drinking clients. I've entered the bar and complained to the manager, Odli when he was there or one of his staff and they have come out and asked their clients to move.

On at least two separate occasions when I complained to bar staff, they refused to move their clients and said they could do nothing. On both occasions Odli was nowhere to be seen and their clients continued to obstruct the block door and smoke outside my windows. There were several times when I have witnessed Smiths staff smoking outside their own entrance and ours (a disciplinary action according to their licencing conditions and agreement with us). These are incidents that didn't involve the council and as such you don't have a record of them. Neither do you have a record of phone call and texts. This doesn't mean there were no complaints in the times you note as being 'silent'. I suggest the council look through two years worth of Smiths' CCTV outside our block entrance to see the evidence for themselves.

Smiths do not proactively manage where their clients congregate. They are reactive and don't respect their neighbours and residents above, but pay lip service and go through the motions of pretending to have their neighbours in mind. Please let me be clear I have only three objectives I want to achieve:

- (1) I am free of noise, air and litter pollution caused by Smiths and their clients
- (2) I can get in and out of our block door without having to push their clients aside and having to complain to their staff/the noise team/ the council
- (3) I don't want to complain about Smiths or hear about them again

Outside of achieving these objectives, I am long beyond caring what Smiths does and what kind of parties they have.

I'm not going to spend everyday for the next couple of years walking around with a phone, filming equipment or a camera crew to 'gather evidence against Smiths' that would satisfy the council. That in itself is a nuisance to me, as is repeating the same complaint every time to the noise team and the council to no avail. It is unfair to keep asking to me to provide even more years worth of evidence when you have enough.

Whenever I've called the noise team, they've called back an hour or more later. If they turn up at Smiths at all, it is usually two hours after an 11pm call, when ofcourse the noise would have stopped. That's why the noise team never seem to see evidence and don't resolve anything. To get the noise team to come when the noise is actually happening, I have to anticipate the noise happening and either phone before the event or around 9pm, when Smiths is legally allowed to play music. This defeats the purpose of phoning the noise team. The noise team have never resolved any noise complaints that I've made so far. They are more a record keeping function rather than a proactive noise pollution team in my experience and can not be used as the sole basis of evidence of Smiths' violation of their terms and conditions.

The day after I put this latest complaint in, I noticed the ash bin has moved from outside Smiths' front door. As soon as the council look away, the bin will be back as usual unless this time the council actually solves the issues raised.

I have given more than enough evidence and complained for two years and I do not want to continue doing that any further as it's a nuisance and further complaint to me. The council have more than enough evidence already to deal with Smiths. From the attached email trail and licence conditions you can see that they have breached the conditions and promises that they agreed with the residents, the council and their solicitor at the time of their licence approval in September 2009.

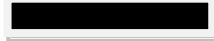
I don't want to hear any more sympathy or excuses or reasons to justify that Smiths continue as they are or make feeble attempts to negotiate an unhappy truce that doesn't last; it doesn't resolve the matters at hand and never will. The time for that type of goodwill arrangement is past. There have just been too many incidents for too long that the trust with them is broken.

Two years is ample time for Smiths to have resolved the issues raised by residents and they have not, because they mean not to. They breached the conditions of their own agreements with us and highlight that they can be fined, sentenced or have their licence revoked. I certainly think there's enough evidence and justification to have them fined.

As the issues raised have not been resolved, I withdraw my approval in 2009 of the Smiths.

Kind Regards,

Tania Dias



--- On Tue, 28/6/11, Cummings, Kay <kcumings@westminster.gov.uk> wrote:

From: Cummings, Kay [redacted]  
Subject: Smiths' Bar, Sheldon Square



Date: Tuesday, 28 June 2011, 9:00

Good Morning Ms. Dias

I refer to your recent complaint in respect to Smiths' Bar and Grill at Sheldon Square. You may recall we had some contact last year when issues relating to noise and smoking originally started.

I am sorry to learn that you are still experiencing problems with the premises as I thought that the issues had all been resolved. I was only aware of one recent noise complaint from a resident and that was 'after the fact'. On the evening when the noise was taking place the noise team were not called as he spoke to the manager and the music was reduced. I have checked our records and note that you did contact the Noise Team on the 12 March this year but unfortunately by the time the Noise Team were able to visit, the nuisance had ceased so they were unable to confirm whether or not there was a statutory noise nuisance which was the subject of your complaint. Apart from these two calls this year there was only one other and that was actually found to be noise nuisance from another resident in the flats who was playing loud music so was incorrectly thought to relate to Smiths.

In respect to the current situation at the premises you advise in your email that the issues previously discussed seem to have arisen again this year i.e.

- Smokers blocking the door to your flat making access difficult
- Air pollution from smoke rising up to your flat. This is a matter for the Noise Team under the Environmental Protection Act 1990 – if it constitutes a nuisance. They would be able to advise you more clearly on this matter.
- Noise from music played at the premises and from customers outside the premises smoking and drinking. Where noise in the form of music (in particular) represents a Statutory Noise Nuisance the Noise Team can issue an abatement notice however they need to witness it taking place. I would therefore urge you to continue to phone the Noise Team with a view to them being able to assess the noise from your residence.
- Debris in the form of cigarette ends and glasses being left outside the premises.

All of the above issues may constitute public nuisance and be a breach of the licensing objectives which premises are supposed to promote. I will ensure that I make some 'random' visits to the premises to view the situation at different times of the day and different days to see what is taking place and I will then speak to the venue directly.

In the event that there is sufficient evidence from yourself and other residents in relation to the conduct of the venue then a 'Review' of the Premises Licence may be sought either by you as residents or by a Responsible Authority such as our Environmental Health Team. Should you as a resident wish to pursue this aspect then I would recommend that you contact Mr. Richard Brown who is a solicitor working for the Citizens Advice Bureau. Mr. Brown has a specific responsibility to assist residents in dealing with such issues including applying for 'Reviews' and he can be contacted via [licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk). It may well be however that you would prefer me to see if I can have any significant effect on the situation before pursuing such a course.

In relation to your concerns about the forms of entertainment taking place at the premises in the form of 'private parties'. These events have been visited by both the Police and Licensing Inspectors who have not found any breaches of the Licensing Act or other legislation taking place. The venue is licensed for the provision of regulated entertainment as follows:-

Performance of dance and provision of facilities for dancing  
Exhibition of a film  
Provision of facilities for making music and performance of live music  
Playing of recorded music  
Provision of facilities for entertainment of a similar description to making music or dancing and anything of a similar description to live music, recorded music or performance of dance.

I will conduct some visits to the premises to see how the venue is operating and will address any issues with the management. In the interim I would advise you to continue to phone the Noise Team about the pollution and the escape of music.

Please do not hesitate to contact me with any further concerns you have in relation to this venue.

Regards,

**Kay Cummings (Ms)**  
Licensing Inspector  
Premises Management  
Westminster City Council  
City Hall  
Fourth Floor  
64 Victoria Street  
London SW1E 6QP

15/01/2018

Smiths&#39; Bar and Grill, 25 Sheldon Square, London W2 6EY - 'Yahoo Mail'



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Re: Noise nuisance: Smith's Bar and Grill, Sheldon Square, W2

Friday, 1 January, 2016 18:05

From: "Tanya Dias" [redacted]

To: "Cummings Kay" [redacted]

Cc: "Andy M Mason" [redacted]

Dear Ms Cummings,

I can confirm that I was also disturbed in the early hours of this morning, 12am -2am, by Smiths very loud pop music and fireworks that sounded like bombs, because they were set off so close to the building and could have caused structural damage. I heard the music loudly, though I am at the front of the building above the block entrance. I couldn't sleep. I can't imagine the volumes that my two neighbours above the music, canal side heard. It was at nightclub levels in my flat as it was. This stressful beginning the minute the year 2016 began wasn't my choice of a new year start. The situation was forced upon us by Smiths with no warning or notice.

Smiths is above a residential block in a residential area, not a nightclub or commercial premises in the west end. Smiths displayed zero consideration this morning even after another resident went downstairs and asked them to reduce the noise.

In fact after years of complaints and the extra licence T&Cs that you put in place some years ago, Smiths had backtracked in 2015, allowing their staff and patrons to smoke outside the block 27 door and retort back to residents who point out Smiths own 'No Smoking' signage and ask them to keep the doorway clear so residents can enter or leave their block.

All the smokers caught red handed have pointed out that they never saw the signs (and the English language is a challenge for them to read). The signs are at the height of a 5 year old, or just thigh height for a typical adult. Smokers rarely take the trouble to bend over double to read a 'No Smoking' sign. Further, the defensive and unrepentant behaviour of Smiths staff, patrons and members of the public is stressful and upsetting for residents. Twice I have asked Smiths 18 year old staff member not to smoke and block our entrance and twice he argued back at me. The second time I reported him.

One Russian woman violently demanded her right to smoke where she wanted and refused to move away from our block door, though all her smoke was going into my flat and damaging my health. Her boyfriend tried to appease me and move her somewhere else, but she refused and looked like she is was going to punch me.

This situation is intolerable and anti social in the extreme. Residents have a right to live in peace and clean air and Smiths continued operations as it is, is a direct breach of our right to privacy and minimum and basic quality of life. The Paddington area air pollution is well above minimum health requirements. Smiths tips that over to severe levels.

The bouncer who Smiths had employed the last few years to manage the situation, disappeared in 2015 and the number of smokers and drunkards increased significantly.

Ms Cummings, the situation with Smiths has never worked and is still not working 7 years down the line. They are always in breach of their licence every year. Are we going to go through this charade for a full decade? If so, it will end in a legal case which the residents will win with all our evidence. I should also point out that the residents were here first and when we moved in, there was a quiet Japanese restaurant called Ayumu.

I don't want to keep dealing with Smiths anti-social behaviour and cigarette smoke in my flat, which I am allergic to and has caused me asthma. Smiths are undoubtedly frustrated by the 'moaning residents upstairs' who spoil their fun and business opportunities. Its clearly a lose-lose scenario. This area isn't suited for the 'private party hire' business, or 'cocktail bar' business or the 'sports bar' business as those operations are antisocial to the residents living above them. That licence should never have been approved by Westminster. If Smiths were just a restaurant it could potentially work. However the business as it is now, doesn't work and needs to change.

Regards,

Tanya Dias  
[redacted]

Sent from my Ultrafast Samsung Galaxy S4 Mini on Three  
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15/01/2018

Re: Noise nuisance: Smith's Bar and Grill, Sheldon Square, W2 - 'Yahoo Mail'

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Regards,

Tanya Ditas

[Redacted]

Sent from my Ultrafast Samsung Galaxy S4 Mini on Three<br><br></div>----- Original message -----</div></div>From: Francois Gitzels

[Redacted]

Subject: Noise nuisance: Smith's Bar and Grill, Sheldon Square, W2<br><br></div>

Dear Ms Cummings,

I hope you had a nice New Year.

I am writing to make a formal complaint against Smith's Bar and Grill (Premises License Number 09/05721/LIPN) for excessive noise nuisance this past month.

We live on the 1st Floor on the canal side of 27 Sheldon Square, directly above Smith's. On the weekend of 19 December a considerable level of music originating from their premises could be heard in our flat. This lasted until approximately 1:30am. When I looked up the westminster.gov.uk website I noticed that there was no Temporary Events Notice listed for that night. The following Monday I contacted Odli Raupov, the manager, to ask for an explanation, as it is our understanding that there is a condition to their license that all music must be channelled through a limiter that was set by the Noise Team.

Mr. Raupov responded that it was an end-of-year staff party and apologised for the noise. He also assured me that their music system was in fact going through the limiter.

Then at midnight last night they had an enormous and noisy fireworks display outside the restaurant. This was followed by extremely loud music that made the floor and walls of our flat vibrate until just after 2:00am. Based on the fact that we could barely hear music from Smith's after the limiter was set last year, it is clear in my opinion that they have been bypassing the limiter. Again, there was no TEN listed on westminster.gov.uk for the night of December 31.

I did place a call to the Noise Team around 1:30am (reference 16/00051/ENRE45), but by the time of their 2nd call back to me the noise had subsided.

An additional point I would like to make is that Smith's had been employing a security guard to help control rowdy customers, to stop customers from smoking near the entrance to our block and to make sure customers and tables were cleared from outside the restaurant by 11:00pm. They no longer appear to have such a person in their employ.

I'm afraid something needs to be done to get back to where music levels were when the limiter was first introduced, and steps must be taken to better control rowdy behaviour of their customers. Residents should not have to suffer and be deprived of sleep as a result of Smith's unreasonable and anti-social behaviour.

I am hereby copying two of my neighbours who I understand experienced the same problems last night.

Thank you for your attention to this matter. I look forward to you hearing from you.

Kind regards,

Francois Gitzels and Kat Clark

[Redacted]

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Thank you for your attention to this matter. I look forward to you hearing from you.

Kind regards,

Francois Gitzels and Kat Clark

[Redacted]

Re: Smith's, 25 Sheldon Square, W9

Monday, 2 July, 2012 13:38

From: "Tania Dias Gunasinghe" [redacted]  
 To: "richard brown" [redacted], "Cumplings, Kay" [redacted]

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 DOC 84KB DOC 30KB DOC 35KB JPG 6KB  
 Email trail on Smiths.do Save  
 Smiths licensing opposition Save  
 SMITHS v RESIDENTS Save  
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Dear Richard and Kay,

Many thanks for your respective emails. I complained about Noise nuisance last night (final football match) due to crowd cheering and singing, reference: 12/21907/ENARES (and reference 12/21444/ENAC on 27th June).

The singing and cheering came towards the end of the match around 9.30pm, so that was the time I called the Noise Team.

I think I would seek a Review of Smiths Licence under a 'Private Nuisance' category as the football/smoke/litter/crowd related noises are wholly under my flat (the bar portion of Smiths premises is under my flat). The other residents involved are on the canal side of the building (i.e. opposite to my end of the building) where Smiths have their quieter restaurant area and those resident's issues with Smiths appear to be more minimal and tolerable for them. They are not in a position to comment on football related noise or smoke etc as they don't encounter those issues from their flats. In short I'm not expecting support from them to review Smiths Licence. They speak up as and when they have a loud music complaint at their end of the building and those complaints are ones I can't usually relate to as I don't get the same noise from my flat. I understand my case would be stronger with the support of other residents but I hope you are seeing that the issues faced by the residents are not a universal 'one-size-fits-all' set of problems from Smiths and neighbours are more likely to bury their heads in the sand when asked for support till an issue directly affects them.

I didn't see the form you mentioned attached to the previous email Richard. Could you re-send it please?

I attach an email trail on Smiths from 2009 at the time I originally opposed Smiths Licence, the Smiths Licence opposition email and the set of conditions originally agreed with Smiths and their barrister.  
 Kind Regards,

Tania Dias  
 [redacted]

From: richard brown [redacted]  
 To: "Tania Dias Gunasinghe" [redacted]  
 Cc: "Cumplings, Kay" [redacted]  
 Sent: Friday, 29 June 2012, 16:56  
 Subject: RE: Smith's, 25 Sheldon Square, W9

Dear Tania,

Thank you for your email. I run a service called the Licensing Advice Project at Westminster Citizens Advice. The Project provides confidential and impartial information, advice and representation to residents of Westminster on a range of licensing issues, including those which you raise. The service is funded by the Council, and is free.

I have had a look in to the history of this, and see that you made a representation in respect of the application for a new licence, back in 2009. I am aware that there has been a fair amount of correspondence about this matter in the past. In particular, do you have a copy of the steps they said they were going to take in Sept 2009? Perhaps it is best if we meet shortly to discuss the best way forward. I see that you have asked your neighbours if they would support a review; feel free to ask them to attend the meeting too. It would be important to have support of other residents.

I include some information about reviews below. We can discuss in more detail when we meet.

#### Resolving problems with licensed premises

As I understand it, there have been a number of issues arising from the operation of the premises, including noise from music in the premises, noise and other nuisance from customers gathered outside the premises drinking and/or smoking, and smoke polluting your flat. Residents and businesses (or a body representing either) have the right under s51 Licensing Act 2003 to apply to the Council for a 'review' of a premises licence. I usually advise residents to attempt (through me if you wish) to resolve issues informally, before applying for a review if this does not resolve the problems. The Government Guidance recommends this as good practice. I know that you have already engaged with both the Council and the operator.

A review application needs to be evidence-based. Reviews must clearly relate to the specific premises in question and must set out how the operation of the premises is failing to promote the 'licensing objectives', which are: prevention of public nuisance, prevention of crime and disorder, public safety, protection of children from harm. Prevention of public nuisance is the one most commonly referred to, and includes issues such as noise, anti-social behaviour, litter etc. It is important to have the support of other residents on a review because of the need to demonstrate the existence of a 'public' nuisance, distinct from a 'private' nuisance.

15/01/2018

Re: Smith's, 25 Sheldon Square, W9 - Yahoo Mail

In terms of evidence required, it can take the form of written record (dates, times, nature of problems), photos, correspondence with the premises management notifying them of complaints, calls to the City Council's Noise Team (020 7641 2000). I know that you already have some of this. Although I know you have done this in the past, I would recommend you phone the noise Team if and when you are disturbed. The Noise Team may offer to visit and although it is very useful if problems are witnessed, residents may understandably not wish to take up this offer late at night. I would nevertheless recommend calling if you are disturbed, if only so that a complaint is logged. These records can be obtained at a later date. You can also complete an online form at this link: <http://transact.westminster.gov.uk/smc/SMCPage2.cfm?categoryId=53>. I attach a useful format for keeping a record of disturbances.

**Procedure**

After the application is issued, there is a 28 day consultation period where other residents and 'responsible authorities' (eg police, Environmental Health) can make representations in support of or against the review. A hearing will usually then be held within 20 working days of the end of the consultation period. You would be expected to attend a hearing. The hearing is before the City Council's Licensing Sub-Committee.

The Sub-Committee has a variety of powers open to them: they can remove a licensable activity, amend the hours, add/remove/ vary conditions and in extreme cases, suspend or revoke the licence (although this would usually be for serious crime incidents). You would probably be asking them to add conditions to the licence to address the problems you experience. I can let you have examples of suggested conditions in due course.

I also attach a client consent form and ask that you sign and return it to me if you wish to proceed.

Kind regards

Richard

Richard Brown  
Solidor  
Licensing Advice Project  
Westminster Citizens Advice



Westminster Citizens Advice is the trading name of Westminster Citizens Advice Bureau Service  
Charity Registration Number: 1059419  
Company Limited by Guarantee: Registered Number: 3039752 England  
VAT Number: 756 2356 18  
Registered Office: 21a Conduit Place, London W2 1HS

**PLEASE NOTE: WE HAVE MOVED OFFICES AND SO CONTACT DETAILS FOR THE PROJECT HAVE CHANGED. THE NEW TELEPHONE NUMBER IS 020 7706 6029. THE POSTAL ADDRESS IS 21A CONDUIT PLACE, LONDON W2 1HS .**

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**From:** Tania Dias Gunasinghe [REDACTED]  
**Sent:** 28 June 2012 16:58  
**To:** Cummings, Kay; Richard Brown  
**Subject:** Re: Smith's, 25 Sheldon Square, W9

Dear Kay and Richard,

As mentioned to the Noise Team last night, I came home around 10pm and called as soon as I heard the football noise. Smiths have air conditioning, but they keep both their doors open, so of-course there will be a noise nuisance to neighbours. I feel sometimes they are egging me on. They wanted to offer me air conditioning and force me to shut my windows and they open their doors. It's hypocritical of them. Smiths should keep their doors shut and contain their noise, especially after 9pm.

The giant football screen is placed directly below my bedroom and I get the noise from both my floor and the windows. As for the smokers, it's not as much as it used to be, but is still there. Smiths staff don't regularly direct their patrons to the designated smoking area as witnessed yesterday.

When I bought my flat and moved in, 25 Sheldon Square was a quiet Japanese restaurant that caused no trouble to its neighbours. Since Smiths bought the premises in 2009, I must have made around 30-50 Noise Team calls as well as an equal number of emails to you and everyone else with a string of on-going complaints that never got resolved. They are a nightmare neighbour.

I opposed their licence and met their barrister, Odil and the owner Angus on 17th September 2009 in my flat where they agreed with me and the neighbours a list of steps they were going to take. They did not keep to their own set of steps.

I was keen to have Smiths Licence reviewed for the last three years, but was cautioned by you to give Smiths a chance. I didn't see that they would improve and they haven't in three years, during which time it's been me who has suffered because of them.

I've asked the neighbours whether they want to join in the request to have the Licence reviewed. Even if they don't join, I wish to have Smiths Licence reviewed.

Kind Regards,

Tania Dias

15/01/2018

Re: Smith's, 25 Sheldon Square, W9 - 'Yahoo Mail'



From: "Cummings, Kay" [Redacted]  
To: Tania Dias Gunasingne [Redacted]  
Sent: Thursday, 28 June 2012, 15:33  
Subject: Smith's, 25 Sheldon Square , W9

Good Afternoon Tania

I refer to your email and your call to the Noise Team with regard to the above venue and the showing of the European Football. Unfortunately they were not able to attend Smith's before the game ended. I would advise you to phone them as soon as you start to notice a nuisance both tonight and/or on Sunday – if applicable.

Unfortunately due to Court commitments there is no late turn working tonight so we will not be able to visit the venue to check on its operation and this week we do not have a Sunday team working although we will from next week to cover the Olympic period.

If you consider that the public nuisance is so severe then you could consider applying for a 'Review' of the Premises Licence with the support of your neighbours and Richard Brown at the Citizens' Advice Bureau who can be contacted at [licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk)

Regards

**Kay Cummings (Ms)**  
Licensing Inspector  
Premises Management  
Westminster City Council  
City Hall  
Fourth Floor  
64 Victoria Street  
London SW1E 6QP



You can now apply online for the majority of licensing applications that the authority is responsible for. Please visit [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing)



\*\*\*\*\*  
Visit [www.GetAheadoftheGames.com](http://www.GetAheadoftheGames.com) to help you plan around travel hotspots in London during the Olympic and Paralympic Games. \*\*\*\*\*  
Westminster City Council switchboard: +44 20 7641 6000.  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
\*\*\*\*\*

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Smith's Smokers, 6.30pm, 4th December 2009, 9.30pm 11th December

Monday, 14 December, 2009 17:04

From: 'Tanla Dias Gunasinghe' [redacted]

To: [redacted]

Cc: [redacted]

Dear Angus,

Further to the voicemail I left for you at 9.35pm last Friday, I am putting down in writing further cigarette smoking incidents.

At around 6.30pm on Friday 4th December, I was talking to one of my neighbours, at the entrance to my block. I noticed a lone cigarette smoker from Smiths was standing next to our block door with his back to the notice, smoking and talking on his mobile. I had to once again point out the notice to the Smiths' client and he moved away. Smiths wasn't busy at the time and the bar staff were hanging around behind the bar.

At 9.30pm on Friday 11th December, I came home to find around 6 Smiths clients, drinking and smoking outside the bar entrance and cafe entrance. Once again the bar wasn't busy and the bar staff were hanging around behind the bar and ignoring the smokers outside.

I'm not seeing an improvement in the smoking issue Angus? The staff are clearly not making any effort to move the smokers elsewhere and our entranceway is covered in cigarette butts.

In the City they are now fining £1000 for each cigarette butt litterer they catch. Councillor McKie, could you advise whether the fines will extend to Westminster?

Kind Regards,

Tanla Dias  
[redacted]

— On Thu, 19/11/09, Tanla Dias Gunasinghe <[tanladias100@yahoo.co.uk](mailto:tanladias100@yahoo.co.uk)> wrote:

From: Tanla Dias Gunasinghe [redacted]  
Subject: Smith's Smokers. Blocking entrance to 27 Sheldon Square, 6.50pm, 19th November 2009  
To: Robert Sutherland [redacted]

Date: Thursday, 19 November, 2009, 21:51

Dear Robert,

This evening when I came home at 6.50pm, I couldn't get near our entrance as the area was full of around fifteen of Smith's patrons smoking and drinking outside. Five of them were blocking the entrance to my block, 27 Sheldon Square. When I pointed out the notices that Angus had put up, they said they hadn't bothered to read them. I had to ask them to move away from the entrance as Angus' people weren't doing so. I sent Angus a text on the matter at 9pm. As promised to him, I am also putting it on email.

This on-going smoking and cigarette butt issue needs to be contained and is not acceptable. Further, blocking the entrance and drinking outside it is unacceptable as is the noise. I hope there will be no glasses or butts left behind. There are children living in this building. There is in fact a toddler living in Flat 1, directly above Smith's bar entrance.

This is a situation definitely within Smith's control as they are Smith's patrons, not the general public or residents. Please look at your CCTV footage. If it pointed to our block entrance you will see me pointing out Smith's own notices to the five Smith's patrons.

Kind Regards,

Tanla Dias  
[redacted]

— On Mon, 5/10/09, Robert Sutherland [redacted] wrote:

From: Robert Sutherland [redacted]  
Subject: RE: Re: FW: Smith's (4410101)-27 Sheldon Square W2.  
To: 'Tanla Dias Gunasinghe' [redacted]

Date: Monday, 5 October, 2009, 20:54

Dear Tanla the premises were not open at 10.20 and staff would not start on duty until 11. We cannot deal with everybody who may use this area to smoke. There are a large number of premises in this area and this is a covered walkway in which people including residents or visitors are generally using to smoke. With all of those people we cannot be held responsible.

We can and have offered to take up the smoking ash bin with the landlord. We have instructed staff not to smoke in this area. We have placed signs up inside the premises and we have instructed staff to ask patrons not to smoke immediately outside the premises but use the designated area. We will take up your idea and place signs up outside of the doors as mentioned in your email.

Our staff are keeping observations to ensure patrons are not smoking immediately outside the premises but they cannot request the general public to move on or desist smoking as they have no authority so to do. The licence if granted will require us to take reasonable steps to ensure patrons are not smoking immediately outside the premises and if we do not then the licence may be reviewed and

[https://mail.yahoo.com/neo/b/message?search=1&s=FHQIYM44YaPF\\_G48WrxUvLIDw--%7EA&encryptQ=1&startMid=100&blockimages=0&sort...](https://mail.yahoo.com/neo/b/message?search=1&s=FHQIYM44YaPF_G48WrxUvLIDw--%7EA&encryptQ=1&startMid=100&blockimages=0&sort...) 1/6

15/01/2018

Smiths Smokers, 6.30pm, 4th December 2009, 9.30pm 11th December - 'Yahoo Mail'

ultimately we could also face a criminal prosecution. I cannot say that these measures on their own will remove smokers from this area as this is a popular area which is frequented by many more persons than the patrons of Smiths. What I can say is that surely our efforts will reduce the number of persons who would have in the past smoked in this area as we were not aware of this problem.

Is there anything else we can do to assist with the smoking issue?

Kind Regards,

Robert Sutherland  
Barrister  
Jeffrey Green Russell

---

**From:** Tania Dias Gunasinghe [redacted]  
**Sent:** 05 October 2009 12:11  
**To:** Robert Sutherland  
**Subject:** RE: Re: FW: Smiths (Ayumu); 25 Sheldon Square, W2.

Dear Robert,

Today I saw the 10.20am smoker outside our block entrance (under my kitchen window) surrounded by a thick swirling cloud of smoke. She had clearly been there for some time enjoying her coffee and cigarette. I saw nobody from Smith's come out and ask her to smoke elsewhere. The ash bin was gone, so she tossed her cigarette butt outside our entrance. She wasn't a resident.

The cigarette smoking has increased again - almost to an hourly basis. Please find below the 'Smokers Log' for last week:

28 September - I was out most of the day  
29 September 2009 - 5.30pm  
30 September 2009 - 10.30am, 7pm  
1 October - I was out all day  
2 October - 12.25pm, 4.45pm, 7.23pm, 8.12pm  
3 October - It was windy and cold and I had my windows shut  
4 October - 1.55pm, 3pm, 5.30pm, 6.15pm

As the CCTV doesn't rotate because of Data Protection issues to capture the spot outside our entrance and Smith's staff are under disciplinary caution not to smoke (and therefore unlikely to loiter) outside my windows, how do you prove that the smoking isn't caused by Smith's customers?

I bought my flat in good faith that I would be able to live comfortably without being smoked-out of my apartment. It isn't good for my health and piece of mind.

I would like Smiths to put 'No Smoking' signs to the right of the Bar entrance and left of the Cafe entrance so that customers are discouraged from using the 27 Sheldon Square block entrance as Smokers Corner.

Kind Regards,

Tania Dias  
[redacted]

— On Fri, 2/10/09, Robert Sutherland <RDS@jgrlaw.co.uk> wrote:

**From:** Robert Sutherland [redacted]  
**Subject:** RE: Re: FW: Smiths (Ayumu); 25 Sheldon Square, W2.  
**To:** "Tania Dias Gunasinghe" [redacted]

**Date:** Friday, 2 October, 2009, 1:21 PM

Dear Tania the ash bin has been placed in its current location by the landlord and we are looking to agree an alternative location. The bin has been positioned by ourselves in the area agreed with the landlord and it is then replaced by the security to the location by the door. We will remove the bin from the door location for the time being which should help whilst we look to agree with the landlord a better position.

We have placed up a notice at the main entrance canal side and the bar entrance asking patrons not to smoke outside Smiths bar entrances. Waiting staff also direct patrons to the area agreed. We will continue to work on this but I trust that this will assist you at this stage.

Kind Regards,

Robert Sutherland  
Barrister  
Jeffrey Green Russell

---

**From:** Tania Dias Gunasinghe [redacted]  
**Sent:** 01 October 2009 16:49  
**To:** Robert Sutherland

**Subject:** RE: Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

I can withdraw my opposition on condition that the cigarette smoke issue is resolved. I see the ash bin still in front of the bar entrance.

You will need to seek Usha + Dunstan's (flat 9) and Sue's (2nd floor) withdrawals separately as I haven't seen or heard from them as yet.

Kind Regards,

Tania Dias  
[REDACTED]

— On Wed, 30/9/09, Robert Sutherland [REDACTED] wrote:

**From:** Robert Sutherland [REDACTED]  
**Subject:** RE: Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
**To:** "Tania Dias Gunasinghe" [REDACTED]  
[REDACTED]

**Date:** Wednesday, 30 September, 2009, 1:20 PM

Tania  
thank you. A formal arrangement with the landlords may take time but in the meantime we will position the cigarette bin as we have indicated to you. We may need to keep replacing it each day. There is a condition on the licence addressing the location of smoking and whilst I would say we will do our best to ensure we will comply, if we do not then you would be able to speak with us and telling that the eh and get them to put pressure on the operator to comply.

As soon as the licence is granted the condition will be effective and the breach of condition when imposed could result in a conviction leading to a fine £20000 and or 6 months imprisonment. Not to mention putting the licence that we will have just obtained under threat. I say this not to say we will breach it or that we will completely disregard the residents but to emphasize the strength of the position the residents are in with the conditions proposed. It is important for us to succeed and to do that requires us to work with you. Given that things have moved forward positively, discussions may continue and any concerns addressed as they arise, we need to move forward as good neighbours with you with a good line of communication and therefore I wonder in the meantime whether you are able to withdraw at this stage. Once again thank you for your time.

Kind Regards,

Robert Sutherland  
Barrister  
Jeffrey Green Russell  
[REDACTED]

**From:** Tania Dias Gunasinghe [REDACTED]  
**Sent:** 30 September 2009 12:25  
**To:** Robert Sutherland  
[REDACTED]

**Subject:** RE: Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

Dear Robert,

Thank you for the hardcopy of this email which was hand delivered last night. Apologies, as my computer is broken, I am only able to respond now at an Internet Cafe.

I note your points.

Regarding the cigarette issue, this has only occurred since Smith's moved into the commercial unit downstairs. In the last year when the owners were Yakitoria and Ayumu, I did not have smoke coming through the windows. The residents and those who live, work and socialise in the area would still have been around, but the smoking problem wasn't there last year.

Please note that my complaint isn't about smoke that comes along as someone walks by my flat, as that type of smoking dissipates along the air as the person walks and doesn't reach my flat. The smoking I am complaining about is the type where a person is standing directly below my windows for sometime, so that the smoke is concentrated enough to float upwards through my windows and pollute my flat.

I don't see people sitting under the trees in the designated smoking spot still?

I understood from the manager who delivered your email last night, that Paddington Security moved the Ash bin back from under the trees to outside the bar entrance? Could Angus or you come to an arrangement with Paddington Security to move the Ash bin to the designated spot or somewhere away from my windows please?

If this can be done, then I can withdraw my opposition to the licence.

Kind Regards,

Tania Dias  
[REDACTED]

— On Tue, 29/9/09, Robert Sutherland [REDACTED] wrote:

**From:** Robert Sutherland [REDACTED]

Subject: RE: Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
 To: "Tania Dias Gunesinghe" [redacted]

Date: Tuesday, 29 September, 2009, 6:14 PM

Dear Tania

Thank you for your email, I appreciate the time you are spending on this. I understand that your email may be restricted at the moment and I will arrange for a hard copy to be delivered to you to assist.

The cctv condition is the model wording required by the police. With regards to it covering the doorway of the flats I am concerned that this will give rise to data protection issues as it would cover public areas and means of entrance and exit from the private flats. The maintenance of the smoking policy is best achieved through staff education and discipline and in relation to patrons signage and personal direction. Should you experience people smoking beneath your window please do not hesitate to contact Angus and he will arrange for a manager to ask patrons to move to the designated smoking area.

The regulated entertainment will cease at the same time as it has in the past namely generally 23:00 Monday to Thursday and Midnight on Friday and Saturday and 22.30 on Sunday. The purpose of the condition is to prevent regulated entertainment taking place on the ground floor which it was able to under the previous licence - so it will now only be in the basement.

In relation to the cleaning condition. I think it is difficult to be prescriptive on this as the precise time is probably not as important as the area being cleaned. The landlord also cleans the outside area in the morning. To assist Angus is suggesting that he arranges the cleaning at around 23:00 when the external area has stopped being used by patrons (22.30 on general Sundays when open). I would prefer not to have a specific time because that would require a formal application to be made in order to change the time to one which may better suit the residents and ourselves in the future even if that was by 15 minutes. I would hope that we would be able to work with each other on this point

Staff are instructed not to smoke outside and that is now a disciplinary matter. Patrons are asked to use the areas set aside and from your comments this appears to be having some success. I am making enquiries into the incidents on Monday. Angus and I understand your frustration and at this stage I do not know if the persons were patrons of Smith's he will look to ensure his patrons use the areas set aside. There are other people who live, work or socialise in the area and obviously we have no control over them. Once the designated area is in proper operation and over time as people get used to it then this may also assist.

The issue of the vermin is covered by current legislation - particularly the Food Safety Act and the environmental health team have wide powers to ensure compliance. I expect Dave may agree that this is better covered under that legislation rather than trying to fit it under the licence.

I am available if you wish to talk things through or have any questions. Once again many thanks  
 Kind Regards,

Robert Sutherland  
 Barrister  
 Jeffrey Green Russell

From: Tania Dias Gunesinghe [redacted]  
 Sent: 29 September 2009 12:25  
 To: Robert Sutherland

Subject: Fw: Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

Dear Dave,

Please find a list of our comments on the conditions:

Your point 8 - There is a CCTV outside our block entrance but it points only to the Smith's entrance and does not rotate to capture movements of customers/staff e.g. who loiter outside our block door smoking/drinking and leaving cigarette butts. I'd like to suggest that the CCTV does rotate and that this point is mentioned in the conditions.

- Your point 26 - There is no indication of time when the music should stop?

- Your point 36 - There is no indication on how many times and when the area areas shall be swept and or washed of rubbish and cigarette litter?

- Your point 41 - as the designated smoking spot is not part of the Smith's licensed area, you mentioned that you can not put it down in the conditions. This is simply a goodwill arrangement between the residents and the owner, Angus Steel.

The smoke coming through my windows has reduced significantly and I thank you for this. I do still however, get the odd cigarette smoking session under my windows, for example, there were ones at 10.56am, 2.42pm, 10-10.24pm on Monday 28th September. It is a nuisance and pollutes the air in my apartment.

- At our meeting with you, one of the resident's mentioned that there have been complaints of vermin in our building. As we are above commercial units, it would be a good point to bring up in the conditions about regular cleaning of the Smith's kitchen and eating areas.

Kind Regards,

Tania Dias

— On Thu, 24/9/09, Robert Sutherland <RDS@jgrlaw.co.uk> wrote:

From: Robert Sutherland  
Subject: FW: Smith's (Ayumun: 20-09-09) square, W2.

Date: Thursday, 24 September, 2009, 6:53 PM

Dear Tania sorry it took longer for me to agree matters with police and eho than I had hoped but as Dave Nevitt mentioned this morning the conditions attached have been agreed. I have copied to the other residents I am aware of and I should be grateful if you would pass on to any others who may have concerns. I am at the premises tomorrow afternoon so if there are any further questions please let me know and I will be happy to meet and discuss.

Kind Regards,

Robert Sutherland  
Barrister  
Jeffrey Green Russell

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RE: Smith's (Ayumu), 25 Sheldon Square, W2.

Friday, 2 October, 2009 12:48

From: "Robert Sutherland"   
 To: "Slimzy2"   
 Cc: "Tanla Dias Gunasinghe"  "Dave'Nevitt"   
 "Dunstan Cooke" 

Dear Sue thank you for your email. Where we can help we will. I know that some residents smoke on their balconies and that of course is their right as it is their home. The notice at the front door and staff requests top patrons should be of some help to you if the smoke is from the smokers on the canal side.

On the noise issue there are a number of conditions which should assist. If the licence is granted there is a requirement for the restaurant's tables and chairs to be brought in to prevent them being used after 23:00. There will be no regulated entertainment on the ground floor which again should prevent any music escape from the premises. Any music will be channelled through a sound limiter which again will ensure that music generated in the basement does not escape to the residential areas. There is also a condition to the effect that any noise generated in the premises should not cause a nuisance in any of the residential flats.

We are required to place notices up at the entrances asking people to leave quietly, staff will also ask people to respect local residents and leave the premises quietly at the end of the evening

At the end of the day if the conditions are breached they carry criminal penalties even imprisonment. Breaches would also leave the premises open to a review which could result in the licence being taken away. The proprietor Angus Steele has provided his mobile number to a number of the residents and if you wish I can forward this to you so that if there is a noise issue on any occasion from the premises you would have direct contact with him to get it resolved quickly. What I would encourage you to do is if there is a problem from Smiths then call Angus and explain the situation and he can look to address it for you at the first instance. If we do not then you still have the formal routes of reporting to and involving the council.

Sue I appreciate you are away and will not be around for the hearing but I should be very much obliged if you would email indicating that with all the safeguards you would be prepared to withdraw your representation at this stage. This does not prevent you from raising issues when or if they arise in the future. If you do not withdraw your representation then the matter will proceed to the hearing on the 8th even if you are out of the country and do not intend to be present.

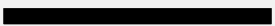
I hope that this has been helpful but if you still have questions then let me know what time would be good for you and I will call

Many thanks for your time

Kind Regards,

Robert Sutherland  
 Barrister  
 Jeffrey Green Russell



From: Slimzy2   
 Sent: 02 October 2009 12:51  
 To: Robert Sutherland  
 Cc: Tanla Dias Gunasinghe; Dave'Nevitt; Dunstan Cooke  
 Subject: Re: Smith's (Ayumu), 25 Sheldon Square, W2.

Hello Robert,

I have been reading your correspondence with Tanla with interest. The smoke issue was interesting as I had not thought of that. And I do get smoke stiffs in my apartment. I thought it came through some ducting system from other flats!! Of course, it is from below. My apartment looks out over the canal, so people do smoke out there.

Basically, I am MOST concerned about the noise level.

If live music is all going to be in the basement, then that will probably be OK, but I will not hesitate to complain if noise gets out of control.

Its people leaving the premises having had a fun time that are usually the most noisy!! This is most noticeable at closing time.

As mentioned before, I am a shift worker and late night Friday and Saturday noise does not mean a sleep in for me! I still have to care for, and deliver someone's baby the next morning 'feeling well rested' from my previous 12.5 hr shift. I WILL complain if I am continually disturbed in the evenings.

If the managers and staff at Smiths bear this in mind, then noise should not be a problem.

The late night happy drunks from the canal boat trips probably cause more noise, though usually only briefly!

However, I do have to wear earplugs for general noise anyway.

Traffic police, Ambulances, Fire engines, all appear to have a sign up somewhere approaching Bishops Bridge which says "put sirens on at full blast on bridge" whether there is a car in sight or not.

I am presently in Brussels (enjoying peace and quiet!) so calling me is probably not applicable, however, if you wish to, the number is +3223057457.

I will be back in London on 19th Oct.

[https://mail.yahoo.com/neo/b/message?search=1&s=FHQIYM44YaPF\\_G48WrxUvLIDw--%7EA&encryptQ=1&startMid=100&blockimages=0&sort...](https://mail.yahoo.com/neo/b/message?search=1&s=FHQIYM44YaPF_G48WrxUvLIDw--%7EA&encryptQ=1&startMid=100&blockimages=0&sort...) 1/2

15/01/2018

RE: Smith&#39;s (Ayumu), 25 Sheldon Square, W2. - 'Yahoo Mail'

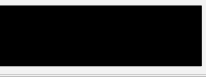
Thankyou,  
Regards,  
Sue Fesche

On 2 Oct 2009, at 11:10, Robert Sutherland wrote:

Sue, Usha and Dunstan please forgive me are there any particular questions you have for me or particular issues that I can assist you with in relation to the application.  
I would prefer to resolve this between ourselves by agreement rather than us all have to attend a hearing next Thursday. Please call me or let me know when would be convenient for me to call you.  
Many thanks for your time

Kind Regards,

Robert Sutherland  
Barrister  
Jeffrey Green Russell



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**RE: Smiths installation of Air Conditioning in flat 14, 27 Sheldon Square** Wednesday, 13 June, 2012 9:08

**From:** "Cummings, Kay" [REDACTED]

**To:** "Tanla Dias Gunasinghe" [REDACTED]

Good Morning Tania

Sorry for the delay in responding but our computer system has been 'up the creek' due to an upgrade so I could not see what happened.

I understand the Noise Team did attend following your call but they did not apparently find a Statutory Noise Nuisance so did not issue a notice. They did speak to the owner at the time about the matter.

The premises were not operating under their Premises Licence but under a Temporary Event Notice so the licence conditions were not relevant and the TEN did not have any conditions attached. Clearly if they apply for any further TENS we will have to consider seeking to add some conditions with regard to escape of music and using a sound limiter etc for any future applications, which is now possible since amendments to the Licensing Act.

Regards

Kay

---

**From:** Tanla Dias Gunasinghe [REDACTED]  
**Sent:** 08 June 2012 16:04  
**To:** Odil Raupov; Cummings, Kay  
**Subject:** Re: Smiths installation of Air Conditioning in [REDACTED]

Hi Odil,

I made a couple of Noise team calls over the Jubilee weekend (including the Friday of last week) as the music was so loud it was coming through all parts of my flat floor. Andy had put up his TV volume too to hear what was going on.

Kind Regards,

Tanla Dias

[REDACTED]

---

**From:** Odil Raupov [REDACTED]  
**To:** Tanla Dias Gunasinghe [REDACTED]; Cummings, Kay [REDACTED]  
**Cc:** Shuhrat Djurakulov [REDACTED]; ZAFAR PULATOV [REDACTED]  
**Sent:** Thursday, 24 May 2012, 16:19  
**Subject:** Re: Smiths installation of Air Conditioning in flat 14, 27 Sheldon Square

Hi Tania,

Hope you are well.

I can assure you that it was not Shuks, because he was not in the premises at all.

On the other matter, Smith's has been showing football matches since November last year and I believe you might have been disturbed last Saturday because of champions league final which carried on till around 10 because of extra time and penalty shoot outs which usually is not the case. Having said that we also had a quite few very emotional supporters because the winners won this cup after 107 years for the first time. We had our security on last Saturday just to make sure everybody behaved and left quietly while leaving the premises. If you have been disturbed on any other occasions in the past because of the football please let me know and we will take necessary steps to manage it better.

Tania I hope you are aware that our offer with the air con still stands and I believe that it's a solution to stop the smokes coming through your flat from outsiders smoking in that area.

Regards

Odil Raupov  
 Smith's Bar & Grill

[REDACTED]

**From:** [Tanla Dias Gunasinghe](#)  
**Sent:** Thursday, May 24, 2012 10:27 AM  
**To:** [Cummings, Kay](#); [Odil Raupov](#)  
**Subject:** Re: Smiths installation of Air Conditioning in [REDACTED]

15/01/2018

RE: Smiths installation of Air Conditioning in [REDACTED] Yahoo Mail

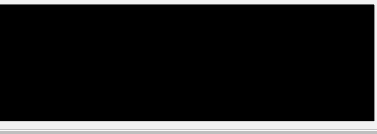
Dear Kay,

The man who was under the trees that day looked like Smuks, the owner, that is why I emailed Odil.

On another matter, Smiths have started to show football matches under my bedroom and living room. While the matches are early, I'm not usually bothered, when they are late matches (and the ambient noise is reduced after 10pm) then I hear all the whoops and cheers which is not so good.

Kind Regards,

Tania Dias



---

From: "Cummings, Kay" [REDACTED]  
To: Tania Dias Gunasinghe [REDACTED], Odil Raupov [REDACTED]  
Sent: Thursday, 17 May 2012, 14:24  
Subject: RE: Smiths installation of Air Conditioning in [REDACTED]

Good Afternoon Tania

Thank you for copying me into the email conversation with regard to the person smoking near to Smith's. I do understand that you are especially sensitive to this issue however I do not see anything within this email that would specifically identify the male as being a customer of Smith's.

Whilst the management of Smith's are responsible for the actions of their customers and in getting them to use the agreed smoking area, they cannot be expected to approach passing members of the public or residents from the block of flats who may stop and smoke beneath the trees.

I am aware that Odil has responded to your email and I think that his advice that you approach the Management Company for the area may be a good course of action as they may be willing to put up signage asking persons not to smoke in this location. Additionally they may be willing to get their security to check the area and if appropriate request persons to move away from the trees to a more suitable area.

Clearly if you have any specific evidence that smokers are no longer being directed by Smith's to the agreed smoking area then that would be a different matter which I would naturally take up with Odil.

Kind regards

Kay Cummings  
Licensing Inspector

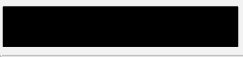
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From: Tania Dias Gunasinghe [REDACTED]  
Sent: 11 May 2012 17:35  
To: Odil Raupov  
Cc: Cummings, Kay  
Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

There is a man right now under the trees, opposite my open kitchen window, smoking. There is no ash bin nearby, so I assume the cigarette butt will end up on the ground where he is standing?

Kind Regards,

Tania Dias



---

From: Odil Raupov [REDACTED]  
To: Tania Dias Gunasinghe [REDACTED]  
Cc: Cummings Kay [REDACTED], Shubrat Djurakulov [REDACTED], Kazuila Sinha [REDACTED]  
Sent: Wednesday, 4 April 2012, 17:23  
Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

Hi Tania,

Please see attached additional signs we put out today



Sent from my iPhone

On 3 Apr 2012, at 18:38, Tania Dias Gunasinghe [REDACTED] wrote:

Odil,

I'm allergic to cigarette smoke. If I come across harsh about it that is why. It really bothers my eyes, throat and lungs.

If I could stop every person who walks under my windows from smoking I would do so. Unfortunately that is not possible, so I can only work with limiting smoking from Smiths patrons.

Kind Regards,

Tania Dias

[https://mail.yahoo.com/neo/b/message?search=1&s=qDjT.8Q4YaMAL\\_qRAJqm\\_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...](https://mail.yahoo.com/neo/b/message?search=1&s=qDjT.8Q4YaMAL_qRAJqm_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...) 3/7

15/01/2018

RE: Smiths installation of Air Conditioning in [REDACTED] Yahoo Mail



From: Odil Raupov [REDACTED]  
To: Tania Dias Gunasinghe [REDACTED]  
Cc: Cummings Kay [REDACTED], Shukurat Djurakulov [REDACTED], Kamila Shuba [REDACTED]  
Sent: Monday, 2 April 2012, 13:47  
Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

Hi Tania,

Sorry for a late respond I've been taking instructions.

I regret to say that perhaps it must have happened in just a period of few seconds. As matter of urgency I'm putting out some red circled non smoking signs on the windows to a lower level so it's visible to our patrons.

Tania we are doing everything possible to keep your block entrance clear of our patrons and we will continue to do so. We will take further steps if required to have the security to work Wednesdays just to make sure the area is monitored. Regardless of who smokes at the entrance of your block we clean it every night so that when residents coming out they don't feel that smiths causing all the mess even though it can simply be the residents smoking. But sometime I feel that you are a bit too harsh and unfair. During any day if you spend a little bit of time to see what happens under those trees and at the entrance of your block, then maybe you would understand my point. Please see attached images from just Friday last week and 1 from last year. There is a resident, construction worker, lady just passing by puffs her cigarettes and few other people who just decided to smoke there.

Our financial position is effected dramatically, so it's not that we looking to boost the profit, we just trying to get ourselves back into a break even point. In the event of continuation of the trade at this stage can cause the company going under which you can appreciate is the last thing we would want.

We would love to have meetings from time to time and please let me know if the residents committee feels that we should have a meeting I will arrange the owners to be available too.

It is unfortunate that you have decided to withdraw our offer, however if you do re-consider your position we will be more than happy to proceed. Engineer was booked for the 3rd Tuesday which I have cancelled now.

Regards

Odil Raupov  
Smith's Bar & Grill



On 28 Mar 2012, at 21:21, Tania Dias Gunasinghe [REDACTED] wrote:

Hi Odil,

I got home today at 8.45pm and saw two Smiths patrons come out of the corner bar door, casually walk around (as if they were following their usual route) to our block door, perch their wine glasses on the window ledge and pull out their cigarette packets. I was standing 30cm away from them, watching their movements closely and pointed out the Smiths 'No smoking' notices. I explained to them that there are residents in flats above them. They said they hadn't seen the notice. This is because the notices are placed above head level where your patrons can't see, unless they look up. The window ledge where they had perched their wine glasses is covered in glass/bottle/mug stains.

There were also three people sitting under the trees with wine glasses. I saw no Smiths staff around.

After careful thought, I withdraw my agreement to Smiths offer of installing a permanent air conditioning solution in my flat. I've lived years without it and can continue to do so, like the rest of my neighbours. I've emailed too long and hard to have our block entrance and the area under the trees clear of Smiths patrons, their cigarette smoke and butts. I think it is a good thing that the smoking area was moved to the current location. It may not optimise Smiths revenues, but it is in everyones best interests that the solution currently in place remains.

I kindly ask that you cancel the engineer visit on Monday to my flat, not resurrect this 'air conditioning offer' again and that I get no further individual meeting requests by text (or email). I am happy to meet Smiths in a group with the other residents.

Kind Regards,

Tania Dias

[https://mail.yahoo.com/neo/b/message?search=1&s=qDJT.8Q4YaMAL\\_qRAJqm\\_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...](https://mail.yahoo.com/neo/b/message?search=1&s=qDJT.8Q4YaMAL_qRAJqm_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...) 4/7

15/01/2018

RE: Smiths installation of Air Conditioning in [REDACTED] Yahoo Mail

[REDACTED]

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From: Odil Raupov [REDACTED]  
To: [REDACTED]  
Sent: Tuesday, 20 March 2012, 11:02  
Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

Morning Tania,

As per form attached on previous email besides just filling the form we have to make a proposal to housing association and yourself for consideration. We can only do that when we assess the property with engineers on the 3rd.

Please correct if I'm mistaken.

With regards to smoking area we are not asking for permission until job is done. And it's not quite straight forward as it seems, because we have to go through landlords and EHO once you are happy with the system.

Sent from my iPhone

On 20 Mar 2012, at 10:26 [REDACTED] wrote:

> Hi Odil, The permanent combination heating and air conditioning installation is on condition that its a unit of my approval, small but effective, aesthetically pleasing and that Smiths do any redecorating that arises from installing it and Smiths dispose of the removed heaters. The installation should increase the value of my flat, not mess up my flat. I'm getting my flat valued before and after. Before anything Smiths need the approval of Nottingham Housing Association, Consort and St Georges. The form I sent needs filling. I'm also not closing my windows and approving the smoking area under the trees till the air conditioning is installed and fully functioning. Kind Regards Tania

> -- I sent this from my 3 mobile --

> -original message-

> Subject: Re: Smiths installation of Air Conditioning in [REDACTED]  
> From: 353791047832859  
> Date: 19/03/2012 5:01 pm

> Okay.

> -- I sent this from my 3 mobile --

> -original message-

> Subject: Re: Smiths installation of Air Conditioning in [REDACTED]  
> From: "Odil Raupov" [REDACTED]  
> Date: 19/03/2012 4:32 pm

> 10am?

> Sent from my iPhone

> On 19 Mar 2012, at 15:38, Tania Dias Gunasinghe [REDACTED] wrote:

>> Morning on the 3rd is good for me.

>> Kind Regards,

>> Tania Dias  
[REDACTED]

>> From: Odil Raupov [REDACTED]  
>> To: Tania Dias Gunasinghe [REDACTED]  
>> Sent: Monday, 19 March 2012, 14:22  
>> Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

>> Tania

>> As mentioned in the meeting every bodies circumstances are different and we want to make sure we deal with each problem separately and efficiently.

>> What time on the 3rd?

>> Sent from my iPhone

[https://mail.yahoo.com/neo/b/message?search=1&s=qDJT.8Q4YaMAL\\_qRAJqm\\_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...](https://mail.yahoo.com/neo/b/message?search=1&s=qDJT.8Q4YaMAL_qRAJqm_WhQFg--%7EA&encryptQ=1&startMid=0&blockimages=0&sort=...) 5/7



15/01/2018

RE: Smiths installation of Air Conditioning in [REDACTED] Yahoo Mail

modification, maintenance, energy costs it involves.

>>>>

>>>> Regards,

>>>>

>>>> Tania Dias

[REDACTED]

>>>>

>>>> <Information for Lessees - alterations improvements.docx>

>>>

>>>

>>

>>

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\*\*\*\*\*  
Visit [www.GetAheadoftheGames.com](http://www.GetAheadoftheGames.com) to help you plan around travel hotspots in London during the Olympic and Paralympic Games.  
\*\*\*\*\*

Westminster City Council switchboard: +44 20 7641 6000.

[www.westminster.gov.uk](http://www.westminster.gov.uk)

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Existing premises licence

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: Hyde Park  
UPRN: 010033569548

Premises licence

Regulation 33, 34

Premises licence number:

16/01994/LIPVM

Original Reference:

13/01955/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Smiths Bar And Grill  
25 Sheldon Square  
London  
W2 6EY

Telephone Number: Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Performance of Live Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Late Night Refreshment**

Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	10:00 to 00:30

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

London Restaurants Limited  
26 Seagrave Close  
Wellesley Close  
E1 0QL  
*Electronic Mail : odil@smithsbarandgrill.co.uk*

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

06728486

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Mr Odiljon Raupov

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

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

**Licence Number:** 14017  
**Licensing Authority:** London Borough Of Tower Hamlets

**Date:** 30<sup>th</sup> March 2016

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
  2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
  3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
  4.
    - (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 a disability).
  5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  6.
    - (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 the sale or supply of alcohol.
    - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
-

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be 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.

- 7. The responsible person must ensure that -
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8. (i) 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.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 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.
  - (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this 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.
  - (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as 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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Annex 2 – Conditions consistent with the operating Schedule**

None



**Annex 3 – Conditions attached after a hearing by the licensing authority**

10. The sale or supply of alcohol for consumption off the premises shall only take place before 23:00 hours and shall be so supplied;
    - (i) By waiter/waitress service to persons seated at tables in the areas marked on the plans and the consumption of alcohol in these areas shall cease at 23:00 hours; or
    - (ii) In sealed containers ancillary to a meal.
  11. The licence holder shall ensure staff do not smoke immediately outside the premises.
  12. Customers or staff wishing to smoke shall only use the designated area as approved by the Environmental Health Service of the Council.
  13. Children under 16 will only be permitted on the premises if accompanied by a responsible adult.
  14. In the restaurant areas on the ground floor as hatched on the plan (Smiths Bar and Grill A7 dated 22 January 2016) Alcohol and late night refreshment shall only be sold to persons seated at a table or counter by waiter or waitress service.
  15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
  16. After 22:00 hours the ground floor entrance doors to the restaurant and the lounge area shall only be used for emergency exit purposes. Notices to this effect shall be affixed to the doors to advise customers and to exit the premises only by the main entrance doors.
  17. The maximum number of persons (excluding staff) permitted in the basement area at any one time shall not exceed 80 persons.
  18. Regulated Entertainment shall only be provided in the basement of the premises.
  19. Unless the premises are operating under the benefit of a Sexual Entertainment Venue Licence there shall be no striptease or nudity, and all persons shall be decently attired at all times.
  20. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
  21. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
  22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
-

23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification if every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period.
  24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
  25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
  26. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
  27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
  28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
  29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
  30. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
  31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
    - o Dry ice and cryogenic fog.
    - o Smoke machines and fog generators.
    - o Pyrotechnics including fireworks.
    - o Firearms.
    - o Lasers.
    - o Explosives and highly flammable substances.
    - o Real flame.
    - o Strobe lighting.
  32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
  33. The certificates listed below shall be submitted to the Council upon written request.
    - o Any emergency lighting battery or system.
    - o Any electrical installation.
    - o Any fire alarm system.
-

34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. All tables and chairs shall be removed from the outside area by 23:00 hours each day.
37. The following areas shall be swept and or washed, and any cigarette litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangements namely:
  - o The area immediately outside the bar entrance to the premises.
  - o Any outside area where tables and chairs are placed and
  - o Any area designated for smoking by patrons.
38. The premises licence holder shall provide details of a hackney carriage and/or private hire firm to provide transport for customers with contact numbers made readily available to customers.
39. Rubbish shall not be placed outside the premises on the canal side at anytime.
40. Rubbish must be cleared through the chutes and not be visible to the residents.

**Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: Hyde Park  
UPRN: 010033569548

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/01994/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Smiths Bar And Grill  
25 Sheldon Square  
London  
W2 6EY

Telephone Number: Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Performance of Live Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Late Night Refreshment**

Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00

Seasonal Details: On New Years Eve, these hours will not apply and shall be substituted by the hours from the end of the permitted hours contained in the application until 02:00 on the following day.

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	10:00 to 00:30

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

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

London Restaurants Limited  
26 Seagrave Close  
Wellesley Close  
E1 0QL

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

06728486

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

**Name:** Mr Odiljon Raupov

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 30<sup>th</sup> March 2016

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

Environmental Health Consultation Team representation

CITY OF WESTMINSTER

MEMORANDUM

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**TO** Licensing Officer**REFERENCE** 18/00606/LIREVP

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**FROM** EH Consultation Team**REFERENCE****BEING DEALT WITH BY**

Ian Watson

**TELEPHONE**

020 7641 3183

**DATE**

8th February 2018

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**The Licensing Act 2003****Smiths Bar and Grill, 25 Sheldon Square, W2**

I refer to the application for review of the Premises Licence for the above premises.

The review has been submitted by a resident on the grounds of prevention of public nuisance and is seeking the revocation of the premises licence.

Environmental Health has looked at the information presented by the applicant and the history of complaints against the premises since the licence was issued in May 2013.

Based on this information Environmental Health will be attending the hearing to allow discussion of the licensing objective of Prevention of Public Nuisance and for the committee to make any adjustments to the licence or conditions if necessary.

A full list of the recorded complaints made to the council and responses will be provided along with the recorded monitoring visits by the city inspectors since the licence was issued.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson  
Senior Practitioner Environmental Health (Licensing)



Environmental Health Consultation Team further submissions

CITY OF WESTMINSTER

MEMORANDUM

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**TO** Licensing Officer

**REFERENCE** 18/00606/LIREVP
 

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**FROM** EH Consultation Team

**REFERENCE**
**BEING DEALT WITH BY**

 Ian Watson [REDACTED]
**TELEPHONE**

020 7641 3183

**DATE**

 10th April 2018
 

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The Licensing Act 2003Smiths Bar and Grill, 25 Sheldon Square, W2

I refer to the application for review of the Premises Licence.

The following complaints are recorded on our system since the grant of the premises licence on 30<sup>th</sup> May 2013.

**Noise Team Complaints**

Friday 1<sup>st</sup> January 2016 @ 01.30 hours. Very loud music coming from the bar below smiths bar and grill the bar is on the ground floor of no 27. Customer contacted @ 02.05 who advised all calmed down, he warned them we were on our way. Advised loud music audible and he believes they bypassed the sound limiter, advised would drive by and forward his details to the licensing inspectors. Premises visited @ 02.45 and noise had stopped.

Friday 1<sup>st</sup> January 2016 @ 01.27 hours. Anon. Loud music coming from bar nearby.

Friday 1<sup>st</sup> January 2016 @ 01.56 hours. Party going on at bar nearby. Very loud music.

Sunday 27<sup>th</sup> March 2016 @ 11.04 hours. Construction noise. Visited @ 11.50 hours and full on renovation at Smiths Bar and Grill. Works very noisy, power tools, grinders, banging and hammering audible from outside. Spoke to Mykhaylo Vyshnevskyy 07883-xxxxxx manager Time to Refurbish Ltd, 12 Bishops Green, Bromley, BR1 3HS, main contractor, advised his wife owns the company. Advised of permitted hours served s60 notice by hand and advised to stick to permitted hours, terms of the notice and potential penalties for breach. Advised action taken against contractor and not client (Smiths Bar and Grill)

Sunday 27<sup>th</sup> March 2016 @ 11.06 hours. Works have been ongoing since yesterday and most of last night as well as first thing this morning. Works is being done in the bar below.

Saturday 2<sup>nd</sup> April 2016 @ 11.50 hours. Anon. Noise from Smith and grill. Renovations happening underneath the caller. Noise has been ongoing since Easter weekend. Noise described permitted at time of logging.

Sunday 3<sup>rd</sup> April 2016 @ 17.22 hours. Visited @ 17.53 hours and approx dozen contractors working inside Smiths Bar and Grill.

Renovation being carried out. Contractors all individuals from various firms doing work as favour to owner of bar. Owner and DPS on site, Odyi Raupon, Use of jigsaw power tools causing noise transmission to first floor directly above. Advice given on working hours. S60 notice served. Can conduct quiet works, painting etc, only.

Saturday 28<sup>th</sup> May 2016 @ 03.38 hours. Work (redecorating) and hammering being carried out at Smiths Bar below. Caller went down and they said that they would keep noise down, but have not. Return call requested. Premises visited @ 05.00 hours and saw workmen inside the bar. One was painting and about 4 others were sitting. Saw a handheld drill but it wasn't in use at time of visit. Advice given.

Saturday 31<sup>st</sup> December 2016 @ 21.33 hours. Caller reporting a loud speaker with someone speaking in to it. Caller does not know where it's coming from. Complainant contacted @ 21.57 and customer says announcements were being made via loudspeaker either at a party or at Smiths wine bar. It has since stopped but advised will try to drive by to check. Premises visited @ 01.15 and walked Sheldon square but did not see/hear any disturbance. Walked round again, and round corner leading to canal there were about 8 persons outside Smiths talking/smoking with very slight music break out from entrance door. One security person on door. Spoke with DPS Odil Ranpor 07711955xxx he says they are using recorded music in accordance with their license and they have extended hours tonight, usually 0200 but tonight 0400. Not arranged via a TEN. Tonight is a private new year's party. No further action as music not loud but asked for tighter control of persons outside after usual terminal hour.

Tuesday 4<sup>th</sup> April 2017 @ 00.52 hours. Caller reported renovation work going with the use of industrial machines- sanding sound coming through the floorboard. Noise officer wandered around the building @ 01.00 hours trying to source the noise but unable to establish where it is coming from.

Tuesday 4<sup>th</sup> April 2017 @ 02.01 hours. Follow up to 17/09712/ENC45: Complainant reports that there is excessive noise coming from the bar below. This is a recurring issue. The bar have been carrying out works overnight and keep doing this, which is preventing complainant from sleeping as well as his wife and other members of the household. He advised they have had a number of issues with this premises in the past. Lights are off on the ground floor, but noise is clearly coming from basement, which is also part of the bar. Complainant contacted and advised we had been trying to source the nature of the noise with his neighbour.

Sunday 31<sup>st</sup> December 2017 @ 19:01 hours. Smiths Bar and Grill - located on the ground floor of callers block, lots of noise and music. Visited @ 22.40 hours late due to exercising of warrant at Little Chester Street and NYE traffic. No music audible outside restaurant at time of visit nor music from a houseboat. Rang customer but only her voicemail. She rang back at 22:45 hours and we spoke for 6mins 13 seconds. She was not happy with the service.

Sunday 31<sup>st</sup> December 2017 @ 22:31 hours. Caller states there is loud music being played from the commercial premises below her, she said that she has already reported it tonight and when the officer came it stopped but then started when he left. Premises visited by noise team @ 22:40 hours and no music audible from the restaurant full of diners and no noise from nearby houseboats. Customer said she was in the bath and could not answer phone so we could not visit at time of my call when I was on site.

Tuesday 20<sup>th</sup> March 2018 @ 11.40 hours. Resident explained the noise is coming from the property underneath but explained she had meeting with them last Friday and it is not them. Constant drilling starts from 8.30 hours and goes up to 17.00 hours. Started in January and its daily and is giving her headaches. Contacted by noise officer and no visit required.

Friday 30<sup>th</sup> March 2018 @ 08.55 hours. Reporting drilling from Smith Bar and Grill. Drilling started at 8.42am. Complainant contacted @ 09.20 hours and noise ongoing. Premises visited @ 12.28 hours and no noise witnessed. Complainant contacted but no response.

### **City Inspector Visits**

Wednesday 12<sup>th</sup> June 2013 Kay Cummings email received from Mr. Raupov with plans showing area for locating tables and chairs outside premises following decision by Licensing Sub-Committee.

Sunday 6<sup>th</sup> October 2013 @ 01.07 hours. Visit to premises operating under a TEN. Kay Cummings and Gareth Cleary - attended premises as original request for a TEN was served with a Counter Notice however 'Late TEN' submitted and granted. The premises have historically come to notice due to noise complaints from music and customers outside smoking. Some complaints have occurred when venue operating under a Temporary Event Notice. Visit undertaken to check for any breaches of the TEN or undermining of the licensing objectives. SIA Door Supervisor on duty at entrance and 6 smokers outside in the designated smoking area. About 30 customers in the basement. No noise audible outside of the premises and persons seen leaving the party left quietly.

Outcome: No noise issues identified or anti-social behaviour that would undermine the licensing objectives.

Saturday 18<sup>th</sup> January 2014 Nighttime self-generated ward sweep. Premises monitored re public nuisance issues arising from outside smokers.

Outcome: No issues noted

Saturday 19<sup>th</sup> July 2014 @ 00.05 hours. Visit as a result of concerns by a local resident in relation to noise created from people leaving the venue and from people seated outside. At the time of visit staff clearing the outside area. No customers outside and 3 customers seated inside spoke to duty manager about recent complaint which happened during world cup.

Visit in response to a Councillor complaint related to a TEN on 4<sup>th</sup> October 2015. Visit made on Thursday 29<sup>th</sup> October 2015 and spoke to General Manager Jennie Cox. She has reviewed CCTV footage from the 4<sup>th</sup> October and concedes that some of the issues relating to drinkers causing nuisance were from Smith's.

She has spoken to Paddington Central Security and asked for their assistance to prevent this during the forthcoming TEN on 1<sup>st</sup> November 2015. I informed her that a team from licensing enforcement had been allocated to monitor this event and that she should take all reasonable steps to ensure that the objectives of the Licensing Act 2003 were upheld.

Visit at request of Tasking Meeting to check for noise issues from dispersal from venue operating under a TEN. Sunday 1<sup>st</sup> November 2015 @ 00.13 hours. Meeting between KCU and TB - DPS Odil Raupov and another Duty Manager present

The premises have recently been subject to public complaint due to noise issues. Initial visit undertaken to check how the premises operating under a Temporary Event Notice and promoting the licensing objectives. At time of arrival no SIA Door Supervisor on the entrance door as he had just arrived at work. There was however an SIA Door Supervisor within the premises monitoring the basement area where the event was taking place. The venue had between 50 and 60 in the basement with an overall total of 90 persons expected. There was no noise escaping from the premises and due to fencing surrounding the canal side of the premises no smokers were present. The venue had agreed with Paddington Central to use a car park area for the smokers whilst the external works being undertaken. Advice given about using the car park area for smoking as only parts of it compliant with the Health Act due to having some open roof space. However using this area does restrict the possibility of noise nuisance to residents and is only a temporary measure.

Second visit made @ 03.47 hours to venue to monitor dispersal of customers from venue. At time of arrival a couple of people left. On checking inside the SIA Door supervisor was busy trying to phone for taxi's for customers rather than monitoring the exit door. Whilst one of the City Inspectors was inside the premises the other remained outside and this officer witnessed three men leave the venue with glasses in their hands. They placed these glasses on a canal boat outside the venue and then saw one of the male kick-in one of the windows on the boat. These males appeared intoxicated and when challenged made off from the area. The SIA Door Supervisor and manager for the premises were made aware of the incident and carried out a brief search of the area but failed to locate the suspect. A check of the venue's CCTV showed that the camera covering the door did not give a clear picture but they were instructed to retain the footage. Incident reported to Paddington Central security but their camera covering the area apparently facing wrong angle although they said they would check further. Incident reported to police - CAD reference CHS 28136 Attempts made to contact the canal boat owner and message left on his answer machine and email sent to his company.

Series of noise complaints received reference New Year's Eve 2015.

Complaints received via 3 residents of Sheldon Square. Noise team visited but because a resident told them the noise team had been called the noise team were unable to make a formal assessment.

Thursday 1<sup>st</sup> November 2016 @ 15.00 hours. Visit with DPS in response to complaint forwarded from resident, reminded of licence conditions. Whilst conducting visit witnessed smoking of cannabis at complainants entrance location by two youths in no way related to Smiths Bar and Grill.

Friday 16<sup>th</sup> December 2016 @ 22.00 hours. Visit following recent email and complaint from local resident surrounding noise and outside smoking. A meeting was previously held with management to discuss how they are going to manage issues surrounding noise and smokers/smoking area.

At the time of visit there were no staff or patrons smoking outside. It was noted that four new "No Smoking" signs had been prominently placed in the windows at the rear of the property. The area was clear of any issues at the time of visit.

Friday 20<sup>th</sup> January 2017 @ 22.30 hours. Visit following recent email and complaint from local resident surrounding noise and outside smoking. A meeting was previously held with

management to discuss how they are going to manage issues surrounding noise and smokers/smoking area.

At the time of visit there were no staff or patrons smoking outside.

A patrol and observations of Sheldon Square were conducted on Thursday 13<sup>th</sup> July 2017 @ 22.30 hours and Saturday 15<sup>th</sup> July 2017 @ 22.00 hours following concerns from a local resident over noise coming from customers as well as alleging that Smiths were regularly breaching their licence by allowing customers to smoke outside the back entrance.

The following premises were visited with no issues of concern or noise escape.

Smith's Bar & Grill

Pergola

Massis

Grand Union

However, there is a high concentration of licensed premises within Sheldon Square which is also close to Paddington Station and the Canal and is a major thoroughfare especially at licensed premises closing time. This does tend to lead to a high concentration of people at certain times which can (and has) resulted in raised voices or people congregating in certain areas who are either leaving the Square, going to the Station or waiting for cabs. This was not associated with any particular venue.

There was also a number of high-vis security staff from Paddington Central on the Square.

Thursday 8<sup>th</sup> February 2018 @ 22.24 hours. Monitoring of premises. 5 customers within smoking area (canal side) no noise. Approx 12 customers inside premise. No breaches witnessed.

Friday 9<sup>th</sup> February 2018 @ 22.45 hours. Monitoring of premise following complaints from nearby resident of breaches of premise licence conditions triggering a review of the Premise licence before the Licensing committee. 3 people (unsure if customers or not) near premise, talking quietly. Approx 25-30 customers inside premise. No breaches witnessed.

Thursday 15<sup>th</sup> March 2018 @ 23:00 hours. Monitoring carried out following an application by local resident to review the Premise licence after receiving complaints for breaches of their Premise Licence conditions.

Business appeared to be quiet with approx 15 customers inside. No breaches to licence conditions witnessed.

Friday 16<sup>th</sup> March 2018 @ 23:00 hours. Further monitoring, venue and surrounding area relatively quiet. Another quiet evening approx 20 customers. No issues or breaches witnessed.

Ian Watson

Senior Practitioner Environmental Health (Licensing)

Resident representations in support of the Review Application

<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	1 February 2018	
<p>I am a resident and part owner of a flat in 27 sheldon square, and would like to support my neighbour tania Dias of apartment 14 in stating that many times I have experienced noisy drinking and smoking crowds overspilling around the entrance to 27 sheldon square with people often making it difficult to gain entry to the block, over the time Smith's Grill and Bar has been in residence below us. Smith's also has regularly events that have been noisy and sometimes quite unsettling. I am referring to an annual New Year party which sees an overspill of groups of partying people in front of the block adjacent to the canal watching as loud rockets are set off in a firework display very close to the windows of the apartments. It is noisy and hazardous. I also have noted the fireworks are placed close to the barges on the canal which is unsafe and thoughtless towards those lodgers in the barges.</p>		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	10 February 2018	
<p>I am a resident at 27 Sheldon Square and am particularly concerned about the health risks posed to residents living above Smiths Bar and Grill as a result of the heavy smoking activity (especially in the summer months) that takes place in the outdoor section of Smiths directly below the apartment building on the canalside. There are hoards of people drinking and smoking in the outdoor section of the Bar in the summer. The second hand smoke rises and enters our apartments through our open windows which is our <b>only source of ventilation</b>. This is almost intoxicating and the smoke stays in our apartments. Not all apartments in this block have air-conditioning and we rely on our open windows for fresh air. Ever since Smiths moved their bar area to face the canal, the smoking and drinking activity on the canalside of the building has worsened.</p> <p><b>I strongly object to diners at Smiths being allowed to smoke directly below residents windows in the interest of health and safety for the residents living above.</b> Please therefore consider <b>at least enforcing a smoke-free zone</b> in the outdoor areas of the F&amp;B outlets on the canalside of the building.</p>		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	11 February 2018	
<p>I am writing to comment on the Notice of Review of a premises Licence regarding Smiths Bar and Grill located in 25 Sheldon Square, London W2 6EP.</p> <p>[REDACTED], I have been lucky enough to not having to deal with the noise nuisance that other residents have been subjected to.</p> <p>Nevertheless, I had an extremely unpleasant experience with Smiths back in the Easter bank holidays in 2016. Smiths were right in the middle of refurbishing their premises during that time, and they decided to carry out some noisy renovating work that could be heard right inside my flat! It started early in the morning and carried out for at least another 4 hours at least. I would not be able to recall the exact date but I remember that it happened either on a Sunday or the Monday bank holiday, days where it is forbidden to do such work unless an authorisation from the council is granted.</p>		

Back in Easter 2016, I was extremely tired because of my work commitments and I really was in need of peace and quiet! If I had known about this, I would have decided to go away somewhere else since it spoiled my whole weekend. I therefore sent an email to Smiths directly on their website at the time but I NEVER received any answer from them. Having not heard from them, I told their security staff (twice!) a few weeks later, who promised me they would informed their boss. Needless to say that no one from Smiths ever contacted me to apologise.

I find it hypocritical that Smiths is trying to contact residents in Block 27 when it suits them. They do not seem to care much about us in other circumstances.

I often have friends visiting me, who wants to go for a meal in the Sheldon Square area. They sometimes suggest just to do down to Smiths, which I strongly opposed to. I would not want to spend a single penny after what they put me through at that time.

**Name:**

**Address:**

**Received:**

11 February 2018

I am a resident at 27 Sheldon Square. My flat [REDACTED] facing the canal. For you to fully understand my objections it is important that you understand that I live in a studio flat which (i) has no air conditioning or any other form of ventilation (which is true for 1st and 2nd floor flats in the building) and I get all of my fresh air by keeping my windows open which is particularly important in the warmer months, and (ii) since it is a studio flat there are no additional walls or barriers separating my sleeping space from interference from the outside world. I have no choice but to keep my windows open to keep reasonable ventilation in the flat which means that I am easily exposed to outside interference. The fact that I live in a second floor flat right above the restaurant only exacerbates the problem.

As far as the application is concerned, I have two main issues:

1. Noise pollution. Noise levels can sometimes be unbearable, considering the location of my flat, which usually increases with the consumption of alcohol and the passage of time. I also have a 32 months year old son who does not like to wait until the restaurant closes at 11pm to go to sleep. My only option is to shut the windows to keep the noise down which can (and often does) make the flat unbearably hot. Temperatures often reach above 30C in the summer months and keeping the windows shut is not an option.

2. Smoke pollution. The location of my flat means that I constantly smell cigarette smoke in my flat. Considering publicly available information on the dangers on second hand smoke this is completely unacceptable. There is absolutely no reason why my health or that of my son needs to be endangered just to ensure that the restaurant makes a few extra pounds in profit.

I strongly object to the application on these grounds. But where noise levels can be dealt with by limiting the number of outside tables and placing a curfew on how late alcohol can be served, I request that an outright ban be imposed on smoking in the outside areas on the canal side of building or at least that a specific smoker's area is created away from residents' blocks and the canal side. include no smoking signs as part of the public realm.

**Resident representations in support of the premises**

<b>Name:</b>		
<b>Address:</b>		
<b>Received:</b>	1 February 2018	
<p>I received a Notice Of Review Of A Premises License for Smiths Bar And Grill, 25 Sheldon Square, London W2 6EP (Reference 18/00606/LIREVP).</p> <p>I live [REDACTED] the licensed premises and would like to make a representation as it relates to the Prevention of Public Nuisance. I have lived at this address since 2004 and have personally witnessed the changes that have been implemented by management of Smiths Bar And Grill over the years.</p> <p>Initial problems with noise and vibration of music being heard and felt in my flat were addressed by the installation of a sound limiter in the licensed premises, which has negated the noise nuisance that was being caused. Obviously it is imperative that at all times the use of a sound limiter remains in place to prevent noise and vibration of music to transfer into the flats above.</p> <p>Smiths Bar And Grill sees a noticeable increase in business during summer months, with outside seating being occupied by customers well into the evening. It would be remiss of me not to mention that there is a substantial level of noise associated with that many people talking, dining and drinking directly below my windows. However, I do accept that this is part and parcel of living in Central London, and I find that management has been proactive in closing down the outside seating area and clearing customers from that area promptly by 11:00pm, as stipulated in their license.</p> <p>Improvements made by Smiths Bar And Grill that I have noticed since they started trading includes:</p> <ul style="list-style-type: none"> <li>• Permanent closure of one of their entrances/exits to mitigate customers spilling out on to the public footpath to smoke and/or drink.</li> <li>• Installation of No Smoking signs near the residential entrance.</li> <li>• Use of a Door Host during busy times to ensure customers only smoke in the designated area and to control crowd flow.</li> <li>• Revision of the use of their entrances/exits at closing time, with customers only allowed to exit via a newly installed door that leads them away from the residential block and in the direction of Paddington Station and the Underground.</li> <li>• Keeping area around the premises clean and clear of debris after closing.</li> </ul> <p>Although there is always room for more improvements I have no objection to Smiths Bar And Grill keeping their license.</p> <p>Please do not hesitate to contact me should you require any further information.</p>		
<b>Name:</b>		
<b>Address:</b>		
<b>Received:</b>	6 February 2018	
<p>I have been a regular customer of Smith's since 2012. It is a key part of my weekly life working at Kindom Street, entertainment staff and customers alike. It is well run, quiet and never has any trouble so I feel comfortable bringing my most important customers there.</p>		



<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	6 February 2018	
I was unaware of the application made by my neighbour. I do not share my neighbour's view and I do not support the application.		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	
Smiths bar/restaurant is an important venue for me personal and my company Visa Europe. We are happy with their service.		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	
Sheldon Square has evolved over the years and has now turned into more than just an office-block area which is deserted at night. Premises such as Smiths increase the quality of the area, so that residents and people who work here can enjoy it.		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	
This has been our main meeting place for Huawei and clients supporting a massive business including Vodafone. It would be damaging to creating jobs and new businesses.		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	
I would like to see this licence renewed as Smiths is both a good restaurant and a smart place where to have a drink after work. We often take our clients there for lunch after a work meeting.		
In Sheldon Square this is the only place where I would go for a drink as I like the atmosphere, good customer service and decent prices. This is the place where I meet most of my colleagues and it would be a pity to lose it.		
<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	
I live [REDACTED] Sheldon Square. I have no issues with Smiths Bar and Grill regarding music, antisocial behaviour or people blocking the main entrance to our residential block.		
Miss Dias the applicant does not speak for me as a resident.		

I have always found Smiths Bar and Grill open to communication and I have no objection to the renewal of their licence.

<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	7 February 2018	

I have lived in Sheldon Square for 12 years now and have had no problems, personally, with any Anti-social behaviour coming from Smiths Bar and Grill in this time. I have always had open communication with Smiths Bar and Grill who are located underneath the residential block 27.

I would like to mention that the applicant (Ms Dias) contacted me to support her application, but they do not align with my personal feelings on the matter. When I told her, I do not have a problem or have any issues with Smiths myself she stated that, "I am ruining her life and bringing down the price of her property." I can provide you with email evidence to this if so required of me.

I personally haven't witnessed customers of Smith's blocking the entrance to our block, as Smith's employ a security guard to prevent people from doing so and there are multiple no smoking signs. However, I've seen office workers and the general public doing so. It seems to be a good place for people to huddle from the cold and wind, or to have general phone conversations.

I have no objection to the renewal of Smith's Bar and Grill licence. If you require further information, please do not hesitate to contact me.

I would like to state that I'm objecting the application.

<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	5 February 2018	

I live [REDACTED] Sheldon Square. I have no issues regarding antisocial behaviour, smoking outside the residential entrance or with events and music from Smith's Bar and Grill.

<b>Name:</b>	[REDACTED]	
<b>Address:</b>	[REDACTED]	
<b>Received:</b>	12 February 2018	

Smith's is a Bar & Grill. Not sure what the neighbour was expecting buying a property near a Bar & Grill, which for City workers is essential part of Friday evening!

Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/05261/LIPN	New premises licence application	02.09.2005	Granted by Licensing Sub-Committee
06/01941/LIPDPS	Variation of the Designated Premises Supervisor	16.03.2006	Granted under Delegated Authority
06/12414/WCCMAP	Master copy of the licence		Granted under Delegated Authority
07/12144/LIPV	Variation application to vary the layout of the licensed area on Level 1	24.04.2008	Granted under Delegated Authority
08/01823/LIPDPS	Variation of the Designated Premises Supervisor	01.07.2008	Granted under Delegated Authority
08/10082/LIPT	Application to transfer the licence from Yakitoria Japanese Cuisine to Ayumu Limited	25.02.2009	Granted under Delegated Authority
08/10413/LIPDPS	Variation of the Designated Premises Supervisor	25.02.2009	Granted under Delegated Authority. This licence lapsed on 3 July 2009 following insolvency.
09/05721/LIPN	New premises licence application	08.10.2009	Granted by Licensing Sub-Committee
09/10248/LIPDPS	Variation of Designated Premises Supervisor	26.02.2010	Granted under Delegated Authority
10/03599/LIPT	Application to transfer the licence from Leraton Ltd to Mormal Ltd	10.08.2010	Granted under Delegated Authority
11/03920/LIPT	Application to transfer the licence from Mormal Ltd to Adridge LTD	07.06.2011	Granted under Delegated Authority. This licence lapsed on 2 May 2012 following insolvency.

13/01955/LIPN	New premises licence application	30.05.2013	Granted by Licensing Sub-Committee
15/03111/LIMN	New marriage licence application	17.08.2015	Granted under Delegated Authority
16/01994/LIPVM	This was an application for a minor variation. This sought a layout variation and to modify conditions reflecting the proposed trading areas and updated plans.	08.03.2016	Granted under Delegated Authority

There is no appeal history for this premises.

**TENS history for premises:**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
08/11260/LITENP	Temporary Event Notice application	11.12.2008	Event allowed to proceed
09/04851/LITENP	Temporary Event Notice application	02.07.2009	Event allowed to proceed
09/04970/LITENP	Temporary Event Notice application	07.07.2009	Event allowed to proceed
09/05137/LITENP	Temporary Event Notice application	10.07.2009	Event allowed to proceed
09/05258/LITENP	Temporary Event Notice application	15.07.2009	Event allowed to proceed
09/05262/LITENP	Temporary Event Notice application	15.07.2009	Event allowed to proceed
09/05369/LITENP	Temporary Event Notice application	20.07.2009	Event allowed to proceed

09/05566/LITENP	Temporary Event Notice application	24.07.2009	Event allowed to proceed
09/05568/LITENP	Temporary Event Notice application	24.07.2009	Event allowed to proceed
09/05574/LITENP	Temporary Event Notice application	24.07.2009	Event allowed to proceed
09/05870/LITENP	Temporary Event Notice application	04.08.2009	Event allowed to proceed
09/05971/LITENP	Temporary Event Notice application	07.08.2009	Event allowed to proceed
09/06093/LITENP	Temporary Event Notice application	12.08.2009	Event allowed to proceed
09/06229/LITENP	Temporary Event Notice application	18.08.2009	Event allowed to proceed
09/06230/LITENP	Temporary Event Notice application	18.08.2009	Event allowed to proceed
09/06323/LITENP	Temporary Event Notice application	24.08.2009	Event allowed to proceed
09/06488/LITENP	Temporary Event Notice application	28.08.2009	Event allowed to proceed
09/06671/LITENP	Temporary Event Notice application	04.09.2009	Event allowed to proceed
10/07328/LITENP	Temporary Event Notice application	11.10.2010	Event allowed to proceed
10/08359/LITENP	Temporary Event Notice application	22.10.2010	Event allowed to proceed
10/08809/LITENP	Temporary Event Notice application	04.11.2010	Event allowed to proceed
10/08813/LITENP	Temporary Event Notice application	04.11.2010	Event allowed to proceed

10/09990/LITENP	Temporary Event Notice application	03.12.2010	Event allowed to proceed
10/10206/LITENP	Temporary Event Notice application	10.12.2010	Event allowed to proceed
10/10348/LITENP	Temporary Event Notice application	15.12.2010	Event allowed to proceed
11/01039/LITENP	Temporary Event Notice application	04.02.2010	Event allowed to proceed
11/01042/LITENP	Temporary Event Notice application	04.02.2010	Event allowed to proceed
11/01784/LITENP	Temporary Event Notice application	01.03.2011	Event allowed to proceed
11/02234/LITENP	Temporary Event Notice application	14.03.2011	Event allowed to proceed
11/02461/LITENP	Temporary Event Notice application	22.03.2011	Event allowed to proceed
11/06184/LITENP	Temporary Event Notice application	17.06.2011	Event allowed to proceed
11/09872/LITENP	Temporary Event Notice application	05.10.2011	Event allowed to proceed
11/12066/LITENP	Temporary Event Notice application	07.12.2011	Event allowed to proceed
12/01968/LITENP	Temporary Event Notice application	16.03.2012	Event allowed to proceed
12/04223/LITENN	Temporary Event Notice application	23.05.2012	Event allowed to proceed
12/08378/LITENP	Temporary Event Notice application	28.09.2012	Event allowed to proceed
12/09518/LITENP	Temporary Event Notice application	02.11.2012	Event allowed to proceed

12/10891/LITENP	Temporary Event Notice application	13.12.2012	Event allowed to proceed
13/01835/LITENP	Temporary Event Notice application	19.03.2013	Event allowed to proceed
13/01853/LITENP	Temporary Event Notice application	26.03.2013	Event allowed to proceed
13/01904/LITENP	Temporary Event Notice application	26.03.2013	Event allowed to proceed
13/01907/LITENP	Temporary Event Notice application	26.03.2013	Event allowed to proceed
13/01908/LITENP	Temporary Event Notice application	26.03.2013	Event allowed to proceed
13/01960/LITENP	Temporary Event Notice application	02.04.2013	Event allowed to proceed
13/01961/LITENP	Temporary Event Notice application	26.03.2013	Event allowed to proceed
13/02293/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02294/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02295/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02296/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02299/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02300/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02301/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed

13/02302/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02343/LITENP	Temporary Event Notice application	17.04.2013	Event allowed to proceed
13/02500/LITENP	Temporary Event Notice application	24.04.2013	Event allowed to proceed
13/03249/LITENP	Temporary Event Notice application	28.05.2013	Event allowed to proceed
13/03251/LITENP	Temporary Event Notice application	28.05.2013	Event allowed to proceed
13/03252/LITENP	Temporary Event Notice application	28.05.2013	Event allowed to proceed
13/03253/LITENP	Temporary Event Notice application	28.05.2013	Event allowed to proceed
13/03477/LITENP	Temporary Event Notice application	03.06.2013	Event allowed to proceed
13/03671/LITENP	Temporary Event Notice application	05.06.2013	Event allowed to proceed
13/07249/LITENP	Temporary Event Notice application	30.09.2013	Licence refused. The reasoning was that a chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.
13/07368/LITENP	Temporary Event Notice application	01.10.2013	Event allowed to proceed
13/07852/LITENP	Temporary Event Notice application	19.12.2013	Event allowed to proceed



13/08914/LITENP	Temporary Event Notice application	19.12.2013	Event allowed to proceed
13/09955/LITENP	Temporary Event Notice application	09.01.2014	Event allowed to proceed
14/02462/LITENP	Temporary Event Notice application	02.07.2014	Event allowed to proceed
14/08669/LITENP	Temporary Event Notice application	29.12.2014	Event allowed to proceed
14/10764/LITENP	Temporary Event Notice application	30.01.2015	Event allowed to proceed
14/11010/LITENP	Temporary Event Notice application	01.01.2015	Event allowed to proceed
15/00917/LITENP	Temporary Event Notice application	07.07.2015	Event allowed to proceed
15/02592/LITENP	Temporary Event Notice application	08.07.2015	Event allowed to proceed
15/03707/LITENP	Temporary Event Notice application	20.05.2015	Event allowed to proceed
15/05111/LITENP	Temporary Event Notice application	14.07.2015	Event allowed to proceed
15/07754/LITENP	Temporary Event Notice application	30.09.2015	Event allowed to proceed
15/08766/LITENP	Temporary Event Notice application	15.10.2015	Event allowed to proceed
15/11811/LITENP	Temporary Event Notice application	23.12.2015	Event allowed to proceed
16/09914/LITENP	Temporary Event Notice application	02.11.2016	Event allowed to proceed
16/13553/LITENP	Temporary Event Notice application	19.12.2016	Event allowed to proceed

16/13556/LITENP	Temporary Event Notice application	19.12.2016	Event allowed to proceed
17/06607/LITENP	Temporary Event Notice application	09.07.2017	Event allowed to proceed
17/14421/LITENP	Temporary Event Notice application	06.12.2017	Event allowed to proceed
17/14422/LITENP	Temporary Event Notice application	15.12.2017	Event allowed to proceed
17/14705/LITENP	Temporary Event Notice application	02.01.2018	Event allowed to proceed
17/15047/LITENP	Temporary Event Notice application	29.12.2017	Event allowed to proceed
18/00328/LITENP	Temporary Event Notice application	17.01.2018	Event allowed to proceed

## CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining a review application the authority must have regard to the application and the representations under the provisions of the Licensing Act 2003 and take such steps (if any) it considers appropriate for the promotion of the licensing objectives.

At a hearing the licensing authority may, in accordance with section 52(6) of the 2003 Act, modify the licence conditions or exclude licensable activities, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

This schedule lists those conditions (if any) which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated.

### Current conditions on the existing licence: 16/01994/LIPVM

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (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 a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (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 the sale or supply of alcohol.

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be 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.

7. The responsible person must ensure that—

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) 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.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 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.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this 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.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as 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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

10. The sale or supply of alcohol for consumption off the premises shall only take place before 23:00 hours and shall be so supplied;
- (i) By waiter/waitress service to persons seated at tables in the areas marked on the plans and the consumption of alcohol in these areas shall cease at 23:00 hours; or
  - (ii) In sealed containers ancillary to a meal.
11. The licence holder shall ensure staff do not smoke immediately outside the premises.
12. Customers or staff wishing to smoke shall only use the designated area as approved by the Environmental Health Service of the Council.

13. Children under 16 will only be permitted on the premises if accompanied by a responsible adult.
14. In the restaurant areas on the ground floor as hatched on the plan (Smiths Bar and Grill A7 dated 22 January 2016) Alcohol and late night refreshment shall only be sold to persons seated at a table or counter by waiter or waitress service.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. After 22:00 hours the ground floor entrance doors to the restaurant and the lounge area shall only be used for emergency exit purposes. Notices to this effect shall be affixed to the doors to advise customers and to exit the premises only by the main entrance doors.
17. The maximum number of persons (excluding staff) permitted in the basement area at any one time shall not exceed 80 persons.
18. Regulated Entertainment shall only be provided in the basement of the premises.
19. Unless the premises are operating under the benefit of a Sexual Entertainment Venue Licence there shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
21. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification if every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
26. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.

27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - o Dry ice and cryogenic fog.
  - o Smoke machines and fog generators.
  - o Pyrotechnics including fireworks.
  - o Firearms.
  - o Lasers.
  - o Explosives and highly flammable substances.
  - o Real flame.
  - o Strobe lighting.
32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
33. The certificates listed below shall be submitted to the Council upon written request.
  - o Any emergency lighting battery or system.
  - o Any electrical installation.
  - o Any fire alarm system.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. All tables and chairs shall be removed from the outside area by 23:00 hours each day.
37. The following areas shall be swept and or washed, and any cigarette litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangements namely:
  - o The area immediately outside the bar entrance to the premises.
  - o Any outside area where tables and chairs are placed and
  - o Any area designated for smoking by patrons.
38. The premises licence holder shall provide details of a hackney carriage and/or private hire firm to provide transport for customers with contact numbers made readily available to customers.
39. Rubbish shall not be placed outside the premises on the canal side at anytime.

40. Rubbish must be cleared through the chutes and not be visible to the residents.

**Conditions proposed by applicant**

None



## Additional submissions from the applicant

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**Subject:** Fw: Smiths  
**From:** Andrew MacConnal-Mason [REDACTED]  
**To:** [REDACTED]  
**Date:** Thursday, 1 February 2018, 12:40

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On Monday, 29 January 2018, 14:44, Odil Raupov [REDACTED] wrote:

He has been like this since 2011.

---

**From:** Odil Raupov [REDACTED]  
**Sent:** 21 October 2011 00:34  
**To:** Andrew MacConnal-Mason [REDACTED]  
**Cc:** Shuhrat Djurakulov [REDACTED]  
**Subject:** Re: Smiths

Thank you for your reply.  
 Regards

Odil Raupov  
 Smith's Bar & Grill

[REDACTED]

Sent from my BlackBerry® wireless device

---

**From:** Andrew MacConnal-Mason [REDACTED]  
**Date:** Fri, 21 Oct 2011 00:16:18 +0100 (BST)  
**To:** Odil Raupov [REDACTED]  
**ReplyTo:** Andrew MacConnal-Mason [REDACTED]  
**Cc:** Shuhrat Djurakulov [REDACTED]  
**Subject:** Re: Smiths

Nope Odil, I will not be there, make myself available, or waste any more of my valuable time. Far too many promises have been broken. I have bent over backwards to act in good faith and be reasonable with you. After our 'meeting' earlier tonight I ran into a string of people who attested that they had been similarly disturbed by music from your bar. From now on this is between you and Westminster Council. It's a pity - because in many ways Smiths is a terrific bar. Your greed for money gleaned from corporate events and parties has sullied everything.  
 Andyt

---

**From:** Odil Raupov [REDACTED]  
**To:** Andrew MacConnal-Mason [REDACTED]  
**Cc:** Shuhrat Djurakulov [REDACTED]

Sent: Thursday, 20 October 2011, 23:17

Subject: Smiths

Dear Andrew,

Following today's conversation when you raised your concerns on music level at smiths, I would like to inform you that engineers will be in on Friday the 28th at 8am to set the limiters on the ground floor and basement.

Please let me know if this is suitable for you, if not we can certainly arrange an alternative day. Ideally we would like it to be on the 28th because we have an extended license for the Halloween party for sheldon square corporate and residents.

I hope to hear from you soon.

Regards

Odil Raupov  
Smith's Bar & Grill



-- On Thu, 1/2/18, Tanya Dias [REDACTED] wrote:

> From: Tanya Dias [REDACTED]  
> Subject: Re: Smiths Bar and Grill, Licence Review application,  
> 18/00606/LIREVP  
> To: "Robert Botkai" [REDACTED]  
> Cc: "Antonia Cox" [REDACTED] "Andy MacMason"  
> [REDACTED] "Gerald Frackowiak"  
> [REDACTED] "Yvette" [REDACTED]  
> "Monette" [REDACTED]  
> [REDACTED] "Sharon Murray"  
> [REDACTED] John Little" [REDACTED]  
> "Alice Danna" [REDACTED]  
> [REDACTED]  
> [REDACTED]  
> [REDACTED]  
> [REDACTED]  
> [REDACTED]

> Date: Thursday, 1 February, 2018, 15:25 Dear Mr Botkai,  
>  
>  
> The residents (Smiths neighbours) have had many meetings with Smiths  
> and their representatives over last nine years. I reached the final  
> straw with Smiths around 4-5 years ago and wanted to do a licence  
> review application then and again many times afterwards. There was no  
> further point in discussion at that time from my perspective, or now.  
> For other residents it's taken longer to reach similar conclusions.  
>  
> There's no respectful discussion to

- > be had with an antisocial and selfish neighbour such as Smiths. The
- > attached email sent just this week shows Odil's attitude towards us
- > and the impact Smiths have had on a neighbour. Odil is derogatory
- > stating in response to the neighbour 'he has been like this since
- > 2011' and sending that to the neighbour concerned. Why would that
- > neighbour want to meet with Smiths after Odil sent him an email
- > complaining about him? Odil's concern is always profit first and to
- > hell with the neighbours. In Odil's own words he acknowledges Smiths
- > bad relationship with that neighbour from seven years ago!
- >
- > It's futile for everyone concerned to
- > have meetings with Smiths when there never was a good relationship
- > with the venue to start with and meetings don't result in a winning
- > solution for residents, just more unhealthy compromises for
- > sub-optimal solutions that continue to harm our health and peace of
- > mind, especially during the last three consecutive New Year's Eve
- > parties.
- > No permanent totally happy solution has ever happened following a
- > meeting with Smiths.
- >
- > Why on earth did Smiths move underneath a residential block given the
- > type of venue they want to run with a bar, showing sports and hosting
- > corporate events, weddings, parties with crowds spilling out, creating
- > noise, trash and blocking our entrance? There was no common sense in
- > the Council approving such a licence to such a business in this area
- > in the first place. It's unsurprising that there were resident
- > objections from the beginning.
- >
- > I have always regretted withdrawing my first objections for the Smiths
- > initial planning application based on their fake promises and
- > misinformation. Smiths and its representatives applied considerable
- > pressure in 2009 with Odil ringing my doorbell pleading for me to
- > withdraw my objections so they could run their business. Those
- > objections were quickly realised and continue to do so to the present.
- > I tried to withdraw my approval for the licence several times
- > afterwards, but was ignored.
- >
- > This license review application has
- > been coming for a long time because we've been on this path for nine
- > years. There can't be any surprise with the application. It raises my
- > initial planning application objections of 2009. The Licencing
- > sub-committee will see that residents have had many meetings with
- > Smiths over nine years thrashing out compromises to death, giving many
- > chances and are unhappy with Smiths. Why should Smiths be allowed to
- > operate at the detriment of most of the residents above it. A break of
- > this toxic association is the healthiest way forward at this stage.
- >
- > Whether the licence can be transferred to another location or the
- > place is closed down is up to the Council to decide. They may have
- > more sympathy for the Smiths cause. Sympathy and communications are
- > exhausted with the residents. Smiths shows no goodwill to its
- > neighbours, acknowledged by Odil himself in his attached email. They
- > are in the business of making money, which can be done at a more
- > suitable location than Sheldon Square.
- >
- > From my perspective, I don't want

> Smiths downstairs harassing me anymore. For nine out of the ten years  
> I've lived at Sheldon Square, Smiths has dominated and impacted on my  
> quality of life, health and enjoyment of my home, not to mention  
> devaluing my property and making it un-rentable and un-sellable.  
> Buying property is the largest purchase most people make in their  
> lives. So it was for me. Only to find a year after I moved in, Smiths  
> arrived and caused continued distress. Prospective buyers and estate  
> agents to my flat always comment about the suitability of Smiths as a  
> neighbour downstairs and its impact on this flat. From my perspective  
> if Smiths goes from downstairs it's a good thing.  
>  
> Regards,  
>  
> Tanya  
>  
>  
> Sent from my iPhone  
> On 30 Jan 2018, at 5:30 pm, Robert  
> Botkai [REDACTED]  
> wrote:  
>  
>  
> #yiv1220584908 #yiv1220584908 --  
>  
> \_filtered #yiv1220584908  
> {font-family:Calibri;panose-1:2 15 5 2 2 2 4 3 2 4;} \_filtered  
> #yiv1220584908  
> {font-family:Tahoma;panose-1:2 11 6 4 3 5 4 4 2 4;}  
> #yiv1220584908  
> #yiv1220584908  
> p.yiv1220584908MsoNormal, #yiv1220584908 li.yiv1220584908MsoNormal,  
> #yiv1220584908 div.yiv1220584908MsoNormal  
>  
> {margin:0cm;margin-bottom:.0001pt;font-size:12.0pt;}  
> #yiv1220584908 a:link, #yiv1220584908  
> span.yiv1220584908MsoHyperlink  
>  
> {color:blue;text-decoration:underline;}  
> #yiv1220584908 a:visited,  
> #yiv1220584908 span.yiv1220584908MsoHyperlinkFollowed  
>  
> {color:purple;text-decoration:underline;}  
> #yiv1220584908  
> span.yiv1220584908EmailStyle17  
> {color:#1F497D;}  
> #yiv1220584908  
> .yiv1220584908MsoChpDefault  
> {font-size:10.0pt;}  
> \_filtered #yiv1220584908  
> {margin:72.0pt 72.0pt 72.0pt 72.0pt;}  
> #yiv1220584908  
> div.yiv1220584908WordSection1  
> {}  
> #yiv1220584908  
>  
>

>  
> Dear Tanya  
>  
> Thank you for your email.  
>  
> You have submitted an application to  
> review the premises licence for Smiths Bar and Grill. In your  
> application you state:  
>  
> "The outcome I would like to see from  
> this review is a revocation of the Smiths Bar and Grill Licence".  
>  
> If your application is successful,  
> Smiths Bar and Grill will close down as it will have no authority to  
> provide any form of licensable activity. The owners cannot, in law,  
> apply to the Council for their licence to transfer to another location  
> as you suggest.  
> There is no provision in the Licensing Act for this to happen. A  
> premises licence cannot be transferred from one premise to another.  
>  
> Our client is perfectly entitled to  
> make contact with its neighbours.  
>  
> A TEN was issued for each of the New  
> Year parties that have taken place at the venue.  
>  
> I am not aware of any application to  
> extend the hours of the existing licence.  
>  
> I am copying this email to those you  
> copied into your email simply so that there is no misinformation.  
>  
> You are within your rights to seek a  
> review of the licence and the outcome will be determined by the  
> Licensing Sub Committee. In the meantime, my offer to meet with you  
> remains open. I very much hope that the review process can be used to  
> find a way for Smiths Bar and Grill to operate in such a way that you  
> will find more acceptable. I believe that the Licensing Sub Committee  
> will prefer that we have both explored all options.  
>  
> Kind regards  
>  
> Robert  
>  
>  
>  
>  
> From: Tanya Dias [redacted]  
>  
>  
> Sent: 29 January 2018 16:16  
>  
> To: Robert Botkai  
>  
> Cc: Antonia Cox; Andy MacMason; Gerald Frackowiak; Paul; Yvette;  
> Monette; [redacted] Sharon

> Murray: John Little: Alice Danna [REDACTED]

[REDACTED]

> Subject: Re: Smiths Bar and Grill,  
> Licence Review application, 18/00606/LIREVP

> Dear Mr Botkai,

> It's come to my attention that you have been contacting residents for  
> individual meetings, in a 'divide and conquer' strategy, with pleas  
> that Smiths Bar and Grill will close down and to save them?

> (i) This tactic to individually contact residents to seek a weak link  
> among us with individual meetings is underhanded and is likely to  
> further antagonise residents. We talk to each other. Sheldon Square  
> Residents Association is a registered entity. We speak as one with  
> regards to the years of harassment and nuisance by Smiths to their  
> neighbours upstairs and we do see Smiths as an antisocial ground floor  
> neighbour, especially at New Year's Eve when our floors vibrate and we  
> can't hear our TVs or phones, let alone sleep. Then of course there  
> are the fireworks too.

> (ii) It is untrue to state that Smiths will close down. They can apply  
> to the council for their current license to be transferred to another  
> location, such as the West End, where this venue would be better  
> suited and where Smiths are likely to be more profitable.  
> Smiths moving elsewhere is to  
> everyone's benefit and is supported by residents.  
> Paddington Central can get another venue paying them rent here.


> (iii) I can't see a Temporary Event  
> Notice (TEN) application for the last New Year's Eve party. Was there  
> one?

> (iv) Was there an application made by  
> Smiths Bar and Grill to the Council to extend licensing hours to 1am,  
> and prolong harassment to their neighbours upstairs?





> the event in January despite several  
> chase up emails to him,  
>  
> but Odil chose to reach out to my  
> neighbour Andy instead.  
>  
> I'm obviously not worthy enough for  
> him to talk  
>  
> to.  
>  
> Now you are  
>  
> forcing Odil to talk to me, when he's  
> clearly shown he  
>  
> doesn't want to since December 8th?  
> In fact he hasn't  
>  
> voluntarily gone out of his way to set up a meeting to talk  
>  
> to me in the last four years 2014-2018 on my  
>  
> complaints.  
>  
> It's too  
>  
> late for talking, not to mention that I want a license  
>  
> revocation, not further fake promises  
> and license tweaks  
>  
> which we've had for almost a decade.  
> I'd  
>  
> rather have a lovely neighbour  
> downstairs who respects his  
>  
> neighbours. That's obviously not  
> Smiths. They've  
>  
> proven as much, repeatedly and given me asthma, headaches  
>  
> and a vibrating/thumping floor. Smiths has ruined my quality  
>  
> of life and health. It seems other  
> residents are equally  
>  
> affected too. You could try reaching  
> out to  
>  
> them.  
>  
> Odil hates his  
>  
> neighbouring residents and the feelings are reciprocated,

>  
> especially as since you are hard at  
> work sending me this  
>  
> email, your client is playing low  
> frequency base beats under  
>  
> my flat. You have an uphill struggle  
> with your chosen  
>  
> client!  
>  
> If the  
>  
> only time Smiths takes notice and puts bigger 'no  
>  
> smoking' signs outside their  
> premises, or is willing to  
>  
> speak to me, is after I have submitted a Licence Review  
>  
> application, they are not the right  
> neighbour here.  
>  
>  
>  
>  
> Regards,  
>  
> Tanya  
>  
> Sent  
>  
> from my iPhone  
>  
> On 26 Jan  
>  
> 2018, at 5:54 pm, Robert Botka   
>  
> wrote:  
>  
>  
>  
>  
> #yiv4334389834  
>  
> #yiv4334389834 --  
>  
>  
>  
> \_filtered #yiv4334389834  
> {font-family:Calibri;panose-1:2 15  
>  
> 5 2 2 2 4 3 2 4;}

>  
> Dear Tanya  
>  
>  
>  
> You may remember we met in  
>  
> 2013 at the above venue when I acted in connection with the  
>  
> application for a new premises licence.  
>  
>  
>  
>  
> I have received details of  
>  
> your application seeking a review and  
> revocation of the  
>  
> premises licence.  
>  
>  
>  
> I would welcome the  
>  
> opportunity to meet with you, together with the owners of  
>  
> the venue, to discuss the concerns you have raised. I  
>  
> would like to explore if there are any steps that our client  
>  
> could take to alleviate your concerns.  
>  
>  
>  
>  
> Please do let me know if  
>  
> you would be prepared to meet and if so perhaps let me have  
>  
> some dates and times that would be  
> convenient to you.  
>  
>  
>  
> Kind regards  
>  
>  
>  
> Robert  
>  
>  
>  
>  
>  
>

**Gadd, Daisy: WCC**

---

**From:** Tanya Dias [REDACTED]  
**Sent:** 10 February 2018 02:13  
**To:** Robert Botkai; Gadd, Daisy: WCC; Licensing: WCC  
**Cc:** [REDACTED]  
**Subject:** Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Botkai,

From midnight to 2am your client has been drilling (it's still going on). It's illegal to drill on public holidays. Saturday is a public holiday, not to mention a time when residents, such as myself are sleeping and being woken up by Smiths drilling.

Tell me, is your client AWARE they are under a licence review application? Because they are behaving as if they aren't.

Here is a recording:

<https://youtu.be/mKSB5m1CpEU>

Dear Ms Daisy Gadd, I'd like this email to be added to my license review application bundle. Thank you.

Regards,

Tanya

Sent from my iPhone

On 9 Feb 2018, at 10:21 pm, Tanya Dias [REDACTED] wrote:

Dear Mr Botkai,

From 5-6pm today I could hear loud crowd noise directly under my flat. Specifically a cackling woman could be heard above everyone's voices. I noticed Smiths have been seating people at the table nearest to the block 27 entrance, therefore directly under my flat since I submitted the license review application. That particular table is frequently chosen even when sometimes the restaurant is empty and there are plenty of tables to choose from. This seems deliberate on Smiths part.

At 10pm today I was receiving low frequency underfloor music from Smiths.

Regards,

Tanya

Sent from my iPhone

**From:** Tania Dias Gunasinghe [REDACTED]  
**Date:** 14 November 2010 at 4:35:24 pm GMT  
**To:** Andy MacMason [REDACTED]  
**Subject:** Fw: RE: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

FYI

Kind Regards,

Tania Dias  
[REDACTED]

--- On Tue, 29/9/09, angus.steel [REDACTED] wrote:

**From:** angus.steel [REDACTED]  
**Subject:** RE: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
**To:** "Tania Dias Gunasinghe" [REDACTED]  
**Cc:** "Robert Sutherland" [REDACTED]  
**Date:** Tuesday, 29 September, 2009, 8:56

Tania,

I am told that you have now received everything you need from Robert for you to be able to, I hope, judge that we will look after your interests to the best of our abilities. If there is anything else you need, please do not hesitate to contact me.

From my point if you are comfortable all I ask is that you tell Westminster as quickly as possible because I cannot deny the lack of a license is hurting us at Smith's.

Kindest regards

Angus

**From:** Tania Dias Gunasinghe [REDACTED]  
**Sent:** 24 September 2009 11:22  
**To:** Robert Sutherland  
**Cc:** Dave Nevitt; Robert Sutherland; whynot dumplings; Usha; [REDACTED]  
**Subject:** Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

Dear Robert,

Thank you for meeting with the residents at last Thursday's discussion regarding the Smith's license application.

I believe you were going to come back to me with a list of conditions agreed between Dave Nevitt, Angus Steel and yourself?

We would need to see this list before we can consider your request that we withdraw our respective oppositions to the license application.

Kind Regards,

Tania Dias

  
Apartment 14, 27 Sheldon Square, London, W2 6DW

--- On Tue, 15/9/09, Robert Sutherland  wrote:

From: Robert Sutherland 

Subject: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

To: 

Cc: "'Nevitt, Dave'"  "Robert Sutherland" 

Date: Tuesday, 15 September, 2009, 1:20 PM

Dear Ms Dias I attach a copy of the Ayumu licence which covered these premises and a set of conditions proposed as part of the application. Mr Nevitt and myself will be at your premises on Thursday at 3 pm . Any difficulties please call me

I have cc d Dave Nevitt , environmental health officer as he is dealing with the matter for WCC

Kind Regards,

Robert Sutherland

Barrister

**Jeffrey Green Russell**



---

This email has been scanned for all viruses by the MessageLabs SkyScan service.

---

## Gadd, Daisy: WCC

---

**From:** Tanya Dias [REDACTED]  
**Sent:** 12 February 2018 09:09  
**To:** Licensing: WCC  
**Subject:** Reference 18/00606/LIREVP - Comments on Licence Review of Smiths Bar and Grill  
**Attachments:** Smiths drilling 31st March 2016.pdf; Smiths drilling Sunday 17th December 2017.pdf; Smiths drilling Saturday 10th February 2018.pdf

I support the Licence Review application against Smiths Bar and Grill.

Smiths Bar and Grill frequently drills during the night, weekends and public holidays despite the Council Licencing team having ordered Smiths not to do so as it disturbs the residents above. Smiths however ignores the Council and continues to drill during the night and on weekends.

Attached are times when Smiths repeatedly drilled during the night, weekend, Easter holidays etc.

The Licence Review applications was submitted on 15th January 2018. Yet on 10th February 2018 Smiths drilled from midnight to 9am. I was woken up by the drilling and kept awake all night. I recorded the drilling and in the morning I was so ill and in pain I went to the hospital.

<https://www.youtube.com/watch?v=mKSB5m1CpEU>

<https://www.youtube.com/watch?v=CoPsteSmkGI>

On Sunday 17th December 2017 Smiths was drilling in preparation for their New Years Eve party:

<https://www.youtube.com/watch?v=uZBxzS-79Yk>

On 30th June 2016 Smiths was drilling again <https://www.youtube.com/watch?v=jKUUy5v7syc>

Smiths had workmen drilling their duct pipes through the residential block 27 directly above them on 2nd January 2018

<https://www.youtube.com/watch?v=eeuflr8UvK4>

Smiths noisy duct pipe cupboard in the residential block directly above. This cupboard makes this noise all the time which is very loud for the flats who live next to it.

[https://www.youtube.com/watch?v=llufHsH\\_FaY](https://www.youtube.com/watch?v=llufHsH_FaY)

Regards,

Tanya Dias  
[REDACTED]

**Re: Smiths refurbishment**

Saturday, 2 April, 2016 11:17

**From:** "Tanya Dias" [redacted]  
**To:** [redacted]  
**Cc:** "TobyWebber" [redacted]; "MartinTuchy" [redacted]

I've had to call the Noise team again due to drilling today (Saturday).  
Kind Regards,

Tanya Dias  
[redacted]

On Thu, 31/3/16, Tanya Dias [redacted] wrote:  
Subject: Smiths refurbishment

[redacted]

-----  
Date: Thursday, 31 March 2016, 11:20

Please note that the commercial unit (formerly Smiths) started refurbishment on Saturday at 8am. I phoned the council Noise team as construction works aren't meant to take place during public holidays and weekends. The Noise officer served them notice on Easter Sunday and thereafter there was no noise for the remainder of Easter holidays. The noise resumed on Tuesday at 8am.

Have Smiths gone? Who has taken over the commercial unit? There was no planning permission letter regarding the refurbishment to warn me of any noise and I live directly above this noise and have had to put up with drilling for 4 days now.

Kind Regards,  
Tanya Dias





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---

**Re: Smiths Bar and Grill New Years Eve party 2017-2018** Sunday, 17 December, 2017 11:19

**From:** "Cox, Antonia (Cllr) CODE03: WCC" [redacted]

**To:** "licensing licensing" [redacted], "tanya dias" [redacted]

**Cc:** "odll@smithsbarandgrill.co.uk" [redacted], "Fahmy, Joe: WCC" [redacted]

Dear Tanya  
I suggest you call the noise team on 02076412000 if the noise is continuing.  
Best wishes  
Antonia

Antonia Cox  
[redacted]

---

**From:** tanya dias [redacted]  
**Sent:** Sunday, December 17, 2017 9:58:38 AM  
**To:** licensing licensing  
**Cc:** Cox, Antonia (Cllr) CODE03: WCC [redacted], Fahmy, Joe: WCC  
**Subject:** Re: Smiths Bar and Grill New Years Eve party 2017-2018

It's not yet 10am this Sunday and Smiths are drilling. There's meant to be no work on public holidays. They've been told by Westminster Council before, yet they ignore and carry on. Video attached.

I'm sick and tired of almost a decade of Smiths antisocial behaviour. 😞

Tanya

Sent from my iPhone

> On 15 Dec 2017, at 3:51 pm, Tanya Dias [redacted] wrote:

>> Yes, Mr Fahmy and I corresponded this year.

>> Sent from my iPhone

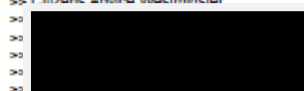
>>> On 15 Dec 2017, at 3:38 pm, licensing licensing <licensing@westminstercab.org.uk> wrote:

>>>> Dear Ms Dias,

>>>>> Thank you for your email. Apologies for taking a few days to acknowledge it. I see that you have also sent it to Mr Fahmy, who is a City Inspector at the City Council. Have you been corresponding with Mr Fahmy regarding this premises, and is he aware of the problems that past New Year's Eve events have caused?

>>>>> Yours sincerely,

>>>>> Richard Brown  
>>>>> Licensing Advice Project  
>>>>> Citizens Advice Westminster



>>>>>> This e-mail originates from Westminster Citizens Advice Bureau Service, Charity Registration Number: 1059419; Company limited by guarantee, Registration Number: 03039752. Authorised and regulated by the Financial Conduct Authority: FRN 617795. Citizens Advice Westminster has a complaints handling procedure. Please request a copy of the leaflet to be posted or emailed to you.

>>>>>> P Please consider the environment before printing this email

>>>>>>> From: Tanya Dias [redacted]

>>>>>>> Sent: 08 December 2017 09:51:28

>>>>>>>> [redacted]  
>>>>>>>> Subject: Smiths Bar and Grill New Years Eve party 2017-2018

>>>>>>>>> Dear Mr Brown and Mr Fahmy,

>>>>>>>>>> For the last two years in a row, the residents above Smiths were disturbed by the loud Smiths New Year's Eve parties with Europop music and firework displays that went into the early hours of the morning and vibrated our floors, drowned out our TVs and phone calls. In neither year 2015 or 2016, were residents given prior notification of this event and no precautions were put into place to reduce antisocial noise disturbance to residents despite around 9 years of complaints from residents on this commercial premises. Antisocial incidents continue from Smiths. Only last night I witnessed a Smiths patron outside near the block 27 entrance where there are 'No Smoking' signs. When he saw me, he quickly finished smoking and ran back into the bar before I could photograph him in action. So I took instead a photo from the block 27 entrance of the cigarette butts that surround the pillars where there are 'No smoking' signs. Smokers visiting Sheldon Square are clearly still illiterate. In this photo I count 3 butts on the ground directly below the sign. Who do smokers think the signs refer to?!

>>>>>>>>>>>>

RE: Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP Sunday, 11 February, 2018 19:11

From: "Robert Botkal" [redacted]  
 To: "Tanya Dias" [redacted]  
 Cc: "Gadd, Daisy: WCC" [redacted]  
 "Charlotte Edwards" [redacted] "Rebecca McLean" [redacted]

Dear Ms Dias

I am very sorry to hear that you were disturbed by drilling noise on Friday night. An electrician was working at minus 1 level but not in the part of the building below your flat. Our client is investigating your complaint and will ensure that if the drilling noise was from Smiths that this does not happen again.

With regards to your complaint sent to me at 22:22 Friday night:

From 5-6pm today I could hear loud crowd noise directly under my flat. Specifically a cackling woman could be heard above everyone's voices. I noticed Smiths have been seating people at the table nearest to the block 27 entrance, therefore directly under my flat since I submitted the license review application. That particular table is frequently chosen even when sometimes the restaurant is empty and there are plenty of tables to choose from. This seems deliberate on Smiths part.

There is no deliberate strategy to seat customers closest to your flat. Restaurant customers cannot be instructed to talk quietly.

Having considered your review application our client is engaging an acoustic consultant to advise. There may be changes that can be made to the noise limiter that would reduce the risk of sound disturbing you. The consultant would ideally like access to your flat to take readings. I know you have previously refused such access but I thought I would ask again in the hope that you will see that it will be helpful for the consultant to be able to prepare a full assessment and advise on appropriate steps. Please let me know if you will now agree to this and I will put the consultant in touch with you.

Kind regards

Robert

From: Tanya Dias [redacted]  
 Sent: 10 February 2018 09:13

Subject: Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Mr Botkal,

From midnight to 2am your client has been drilling (it's still going on). It's illegal to drill on public holidays. Saturday is a public holiday, not to mention a time when residents, such as myself are sleeping and being woken up by Smiths drilling.

Tell me, is your client AWARE they are under a licence review application? Because they are behaving as if they aren't.

Here is a recording:

<https://youtu.be/mKSB5m1CoEU>

Dear Ms Daisy Gadd, I'd like this email to be added to my license review application bundle. Thank you.

Regards,

Tanya

Sent from my iPhone

On 9 Feb 2018, at 10:21 pm, Tanya Dias [redacted] wrote:

Dear Mr Botkal,

From 5-6pm today I could hear loud crowd noise directly under my flat. Specifically a cackling woman could be heard above everyone's voices. I noticed Smiths have been seating people at the table nearest to the block 27 entrance, therefore directly under my flat since I submitted the license review application. That particular table is frequently chosen even when sometimes the restaurant is empty and there are plenty of tables to choose from. This seems deliberate on Smiths part.

At 10pm today I was receiving low frequency underfloor music from Smiths.

Regards,

Tanya

Sent from my iPhone

### Cyber Crime Alert

Emails can be scammed. Please do not rely on email notification of bank account changes without direct verbal confirmation from a trusted source.

**Gadd, Daisy: WCC**

---

**From:** [REDACTED]  
**Sent:** 13 February 2018 16:34  
**To:** Gadd, Daisy: WCC  
**Subject:** Fw: RE: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
**Attachments:** PROPOSED CONDITIONS (FINAL) 25 SHELDON SQ 24.9.2009.doc

Hi Daisy,

Here are the emails with attachments. This is the first email. The next one will follow.

Tanya

--- On Thu, 24/9/09, Nevitt, Dave <dnevitt@westminster.gov.uk> wrote:

> From: Nevitt, Dave <dnevitt@westminster.gov.uk>  
> Subject: RE: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
> To: "Tania Dias Gunasinghe" [REDACTED]  
> Cc: "Robert Sutherland" [REDACTED]  
> Date: Thursday, 24 September, 2009, 11:00

>

>

>

>

>

> Tania,

>

> I attach a list of Conditions that  
> we seem to have reached  
> agreement on.

>

> Dave Nevitt

>

>

>

> From: Tania Dias  
> Gunasinghe

> [REDACTED]

> Sent: 24 September 2009  
> 11:22

> To: Robert Sutherland

> Cc: Nevitt, Dave; Robert

> Sutherland; whynot dumplings; Usha [REDACTED]

> Subject:

> Re: FW: Smith's (Ayumu), 25 Sheldon Square, W2.

>

>

>

>

>

>

> Dear Robert,

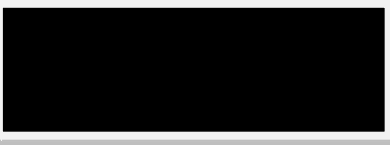
>  
>  
> Thank you for meeting with the  
> residents at last Thursday's discussion regarding the Smith's  
> license  
> application.  
>  
> I believe you were going to come back to me with a  
> list of conditions agreed between Dave Nevitt, Angus Steel and  
> yourself?  
>  
> We would need to see this list before we can consider  
> your request that we withdraw our respective oppositions to the  
> license  
> application.  
>  
>


> Kind Regards,

>

> Tania

> Dias


>   
>  
>  
>  
>

> --- On Tue, 15/9/09, Robert  
> Sutherland  wrote:

>

>

> From:

> Robert Sutherland 

> Subject: FW: Smith's

> (Ayumu) 25 Sheldon Square W2.

> To:

> 

> Cc: "'Nevitt, Dave'"

>  "Robert Sutherland"

>

> Date: Tuesday, 15 September, 2009, 1:20

> PM

>

>

>

> Dear Ms

> Dias I attach a copy of

> the Ayumu licence which covered these premises and a set of  
> conditions

> proposed as part of the

> application. Mr Nevitt

> and myself will be at your

> premises on Thursday

> at 3 pm

> . Any

> difficulties please call

> me

>  
> I have cc d Dave  
> Nevitt ,  
> environmental  
> health officer  
> as he is dealing with the  
> matter for  
> WCC  
>  
> Kind  
> Regards,  
>  
>  
>  
> Robert  
> Sutherland  
> Barrister  
> Jeffrey Green  
> Russell  
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>  
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>  
> Jeffrey  
>  
> Green Russell, Waverley House, 7/12 Noel Street, London W1F  
>8GQ.  
> DX :  
> 44627 Mayfair. Member of the International Alliance of Law  
>Firms  
> www.ialawfirms.co.uk.  
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>  
>  
>  
> Philip Cohen Anthony Coles Robert Draper Steven Fullman Charles  
> Gerada Susan Jarvis Nicholas Nocton John O'Connell Franklin  
>Price  
> Simon Rees-Howell Julian Skeens Justin Stephenson Clive  
> Whitfield-Jones  
>  
> Regulated by the Solicitors Regulation Authority  
> No: 00050149. Our professional rules may be accessed at  
> www.sra.org.uk.  
>  
> VAT registration number GB 239 7797 96. Our address for  
>service is  
> above.  
>  
> This communication is confidential and it may contain  
> legally privileged information and be subject to copyright.  
>If you are

## ANNEX 1

### PROPOSED CONDITIONS

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
5. A taxi call service to be provided for the collection of patrons from the premises.
6. Rubbish is not to be placed outside the premises on the canal side at anytime.
7. Rubbish must be cleared through the chutes and not be visible to the residents.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
9. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
10. The certificates listed below shall be submitted to the Council as requested:
  - a. Any emergency lighting battery or system
  - b. Any electrical installation
  - c. Any fire alarm system
11. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
12. No changes shall be made to the approved layout of the premises without the consent of the Council.

13. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
14. All fire doors shall be maintained effectively self closing and not held open other than by an approved device.
15. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
16. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
17. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
18. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
19. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
20. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.
21. Ventilation ducting and shafts generally shall be maintained in a clean condition
22. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply
23. All interior surfaces of extract ventilation, ducting serving kitchens and serveries shall be thoroughly cleaned at least annually.
24. Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog
  - Smoke machines and fog generators
  - Pyrotechnics including fireworks
  - Firearms
  - Lasers
  - Explosives and highly flammable substances
  - Real flame

- Strobe lighting

26. This licence only authorises Regulated Entertainment in the basement of the premises as cross hatched on the plan.
27. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control and must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
28. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.
29. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
31. Substantial food and non-intoxicating liquor, including drinking water, shall be available until close on any day the premises are open to the public.
32. In the restaurant area on the ground floor as hatched on the plan alcohol and late night refreshment shall only be sold to persons seated at a table or counter by waiter or waitress service.
33. The sale or supply of alcohol for consumption Off the premises shall only take place before 2300hrs and shall only be so supplied :
  - (i) by waiter/waitress service to persons seated at tables in the areas marked on the plans and the consumption of alcohol in these areas shall cease at 23:00hours; or
  - (ii) in sealed containers ancillary to a meal.
34. Children under 16 will only be permitted on the premises if accompanied by a responsible adult.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
36. Last admission to the premises shall be at 2300hrs and any alcohol sold or supplied after 2300hrs shall be ancillary to a table meal.
37. The maximum number of persons excluding staff permitted in the basement area for regulated entertainment at the premises at any one time shall not exceed 80 persons excluding staff in the basement



38. The following areas shall be swept and or washed, and any cigarette litter and sweepings collected and stored in accordance with the approved refuse storage arrangements namely:
- a. The area immediately outside the bar entrance to the premises
  - b. Any outside area where tables and chairs are placed and
  - c. Any area designated for smoking by patrons
39. All tables and chairs shall be removed from the outside area by 23.00 each day.
40. The Licence holder shall ensure staff do not smoke immediately outside the premises.
41. Customers or staff wishing to smoke shall only use the designated area as approved by the Environmental Health Service of the City Council.

22.9.09

**Gadd, Daisy: WCC**

---

**From:** [REDACTED]  
**Sent:** 13 February 2018 16:34  
**To:** Gadd, Daisy: WCC  
**Subject:** FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
**Attachments:** Document.pdf; svc133.doc

Hi Daisy,

Here is the second email.

Tanya

--- On Tue, 15/9/09, Robert Sutherland [REDACTED] wrote:

> From: Robert Sutherland <RDS@jgrlaw.co.uk>  
> Subject: FW: Smith's (Ayumu), 25 Sheldon Square, W2.  
> To: [REDACTED]  
> Cc: [REDACTED]  
> [REDACTED]  
> Date: Tuesday, 15 September, 2009, 12:20  
>  
>  
>  
>  
> Dear Ms  
> Dias I attach a copy of the Ayumu  
> licence which covered these premises and a set of conditions proposed  
> as part of the application. Mr Nevitt and myself will be at your  
> premises on Thursday at 3 pm . Any difficulties please call me  
>  
> I have cc d Dave  
> Nevitt ,  
> environmental  
> health officer  
> as  
> he is dealing with the matter for  
> WCC  
>  
> Kind  
> Regards,  
>  
>  
>  
> Robert  
> Sutherland  
> Barrister  
> Jeffrey Green  
> Russell  
>  
> [REDACTED]  
>



Schedule 12  
Part A

WARD: Hyde Park  
UPRN: 000000008694

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

08/10413/LIPDPS

Original Reference:

05/05261/LIPN

### Part 1 – Premises details

#### Postal address of premises:

Ayumu  
25 Sheldon Square  
London  
W2 6EP

#### Telephone Number:

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Provision of facilities for Dancing  
Exhibition of a Film  
Provision of facilities for making Music  
Performance of Live Music  
Playing of Recorded Music  
Provision of facilities for entertainment of a similar description to making music or dancing  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

#### The times the licence authorises the carrying out of licensable activities:

##### Performance of Dance

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

##### Provision of facilities for Dancing

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

<b>Exhibition of a Film</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Provision of facilities for making Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Performance of Live Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Playing of Recorded Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Provision of facilities for entertainment of a similar description to making music or dancing</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Anything of a similar description to Live Music or Recorded Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Late Night Refreshment</b>	
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
New Year's Eve:	23:00 to 02:00
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:30

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

Alcohol is supplied for consumption both on and off the Premises.

## Part 2

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

Ayumu Limited  
54 Old Street  
London  
WC1V 9AJ  
Electronic Mail : [nwc@jgrlaw.co.uk](mailto:nwc@jgrlaw.co.uk)

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

06730752

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Name: Oliver Thieme

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

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

Licence Number: LBWANDS/01682  
Licensing Authority: London Borough Of Wandsworth

Date: \_\_\_\_\_ 25<sup>th</sup> February 2009 \_\_\_\_\_

Signed: pp

  
Director of Community Protection

#### **Annex 1 – Mandatory conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Annex 2 – Conditions consistent with the operating Schedule**

None

**Annex 3 – Conditions attached after a hearing by the licensing authority**

5. A taxi call service to be provided for the collection of patrons from the premises.
6. Rubbish is not to be placed outside the premises on the canal side at anytime.
7. Rubbish must be cleared through the shoots and not be visible to the residents.
8. (i) A comprehensive CCTV system is to be installed that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.  
(ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing.  
(iii) The recordings for the preceding two days shall be made available immediately on request. Recordings for the previous two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice
9. Patrons will be met by an employee at the entrance and escorted to the relevant part of the premises.
10. The capacity of the premises shall be as determined and agreed by LFEPA. X
11. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
12. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order. X
13. The certificates listed below shall be submitted to the Council <sup>as requested</sup> annually:  
(a) Any emergency lighting battery or system  
(b) Any electrical installation  
(c) Any fire alarm system
14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
15. No changes shall be made to the approved layout of the premises without the consent of the Council.
16. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
17. All fire doors shall be maintained effectively self closing and not held open other than by an approved device.
18. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
19. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.



20. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
21. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
22. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
23. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.
24. Ventilation ducting and shafts generally shall be maintained in a clean condition
25. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply.
26. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned at least annually.
27. Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.
28. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog
  - Smoke machines and fog generators
  - Pyrotechnics including fire works
  - Firearms
  - Lasers
  - Explosives and highly flammable substances.
  - Real flame
  - Strobe lighting.
29. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control and must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
30. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.
31. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
32. Substantial food and non-intoxicating liquor, including drinking water, shall be available until close on any day the premises are open to the public.

33. Liquor for consumption off the premises will only be before 23:00: (i) by waiter/waitress service to persons seated at tables in areas so designated on the plan and as may be agreed in writing with the Metropolitan Police or (ii) in conjunction with and ancillary to a take away meal.
34. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be permitted after 11pm.
35. All licensable activities to cease at 23:00 in the outside areas.
36. No children will be permitted in the bar area.
37. Children under 16 will only be permitted on the premises if accompanied by a responsible adult.
38. Patrons are to be requested to leave the premises quietly.
39. Last admissions are at 11pm and any alcohol served after 11pm is to be ancillary to a table meal.



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: Hyde Park  
UPRN: 00000008694

Premises licence  
summary

Regulation 33, 34

Premises licence number:

08/10413/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Ayumu  
25 Sheldon Square  
London  
W2 8EP

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Provision of facilities for Dancing  
Exhibition of a Film  
Provision of facilities for making Music  
Performance of Live Music  
Playing of Recorded Music  
Provision of facilities for entertainment of a similar description to making music or dancing  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

**Provision of facilities for Dancing**

Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

<b>Exhibition of a Film</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Provision of facilities for making Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Performance of Live Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Playing of Recorded Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Provision of facilities for entertainment of a similar description to making music or dancing</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Anything of a similar description to Live Music or Recorded Music</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00
<b>Late Night Refreshment</b>	
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
New Year's Eve:	23:00 to 02:00
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	10:00 to 00:00
New Year's Eve:	10:00 to 02:30

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

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Ayumu Limited  
54 Old Street  
London  
WC1V 9AJ

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

06730752

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

Name: Oliver Thieme

**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: 25<sup>th</sup> February 2009

Signed: pp   
Director of Community Protection

## ANNEX 1

### PROPOSED CONDITIONS

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
5. A taxi call service to be provided for the collection of patrons from the premises.
6. Rubbish is not to be placed outside the premises on the canal side at anytime.
7. Rubbish must be cleared through the chutes and not be visible to the residents.
8. (i) A comprehensive CCTV system is to be installed that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.  
  
(ii) Tape recordings shall be made available to an authorised officer of a police officer together with facilities for viewing.  
  
(iii) The recordings for the preceding two days shall be made available immediately on request. Recordings for the previous two days shall be made available on 24 hours notice
9. Patrons will be met by an employee at the entrance and escorted to the relevant part of the premises.
10. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
11. The certificates listed below shall be submitted to the Council as requested:
  - a. Any emergency lighting battery or system
  - b. Any electrical installation

c. Any fire alarm system

12. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
13. No changes shall be made to the approved layout of the premises without the consent of the Council.
14. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
15. All fire doors shall be maintained effectively self closing and not held open other than by an approved device.
16. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
17. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
18. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
19. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
20. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
21. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.
22. Ventilation ducting and shafts generally shall be maintained in a clean condition
23. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply
24. All interior surfaces of extract ventilation, ducting serving kitchens and serveries shall be thoroughly cleaned at least annually.
25. Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:

- Dry ice and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Firearms
- Lasers
- Explosives and highly flammable substances
- Real flame
- Strobe lighting

27. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control and must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

28. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.

29. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

30. Substantial food and non-intoxicating liquor, including drinking water, shall be available until close on any day the premises are open to the public.

31. Liquor for consumption off the premises will only be sold before 23:00: (i) by waiter/waitress service to persons seated at tables in areas so designated on the plan and as may be agreed in writing with the Metropolitan Police or (ii) in, sealed container in conjunction with and ancillary to a take away meal.

32. All licensable activities to cease at 23:00 in the outside areas.

33. Children under 16 will only be permitted on the premises if accompanied by a responsible adult.



34. Patrons are to be requested to leave the premises quietly.

35. Last admissions are at 11pm and any alcohol served after 11pm is to be ancillary to a table meal.

Submissions on behalf of the premises

**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

---

**WITNESS STATEMENT OF FRANCOIS GIJZELS**

---

I, **FRANCOIS GIJZELS**, of [REDACTED] say as follows:

1. I live the above address with my wife Kat Clark. We moved into the apartment in 2004 which is when the building was completed.
2. Our apartment is on the 1<sup>st</sup> floor of the building and is directly above the main entrance door to Smiths Bar and Grill ("SBG") on the canal side.
3. The entrance to our apartment is at the back of SBG, so the same entrance that is used by Ms Dias.
4. Having lived at the apartment since 2004 I consider that we know and are on friendly terms with many of the other occupiers.
5. I have read the application for review of the SBG premises licence submitted by Tanya Dias. My wife has made a written representation and will wish to speak at the hearing. I did not make a written representation and wish to speak as a witness in support of the premises licence holder.
6. When SBG took over the premises there were some teething problems. We had some issues with music noise. Both Kat and I were able to contact the manager Odil Raupov when occasion demanded and he would respond positively taking steps to resolve any our concerns.
7. Odil is receptive to our communications and always took immediate steps to remedy any issues.
8. We very rarely hear bass beats or other music from SBG in our apartment.
9. We do experience some noise from patrons using the outside area but we accept this as part and parcel of living above a restaurant bar. It is simply the noise of people eating and talking.
10. I have never witnessed any rowdy or violent behaviour by SBG patrons.
11. Any noise from departing patrons has been reduced since SBG introduced the new exit door at the corner which directs patrons away from our apartment and towards Paddington Station.
12. SBG is very good at closing the outside area and removing furniture by 2300.
13. As mentioned above we access our apartment from the back of SBG. The building is designed so that there is a semi sheltered area. Ms Dias has complained in her application about people smoking there. I wish to state that I very rarely see anyone smoking in this area and if someone is smoking, he or she is likely to be a resident or a passer-by, perhaps sheltering from the rain. Since the door changes at SBG I have not witnessed any of their patrons smoking in this area and certainly do not consider this to be an issue. The designated smoking area is now at the front of SBG and so SBG patrons use this area.

14. There are clear "no smoking signs" displayed in this semi sheltered area at the back of the venue.
15. I have never seen any groups of SBG patrons gathering outside the entrance of our apartment block nor have I seen groups gathering in the sheltered area.
16. I have never seen SBG glassware or other associated litter at the back of the venue.
17. SBG does hold a party on New Years' Eve. This includes a short fireworks display at midnight. Kat and I are perfectly comfortable with this. There are lots of firework displays at this time. The party does not disturb us. The patrons may be a little happier than on other occasions but we do not consider the event to be a nuisance at all.
18. Ms Dias has referred in her application and correspondence to a You Tube Channel. So far as I am concerned this is her own personal channel and I am not aware of any other residents having anything to do with it.
19. I have seen the email sent by Ms Dias to Robert Botkai of Winckworth Sherwood dated 29/01/18 timed at 16:15. I wish to comment on this:
  - Kat and I had no issue whatsoever with Odil contacting us to discuss Ms Dias's application.
  - I am not sure why Ms Dias refers to the "Sheldon Square Residents Association". I have never heard of this organisation and have received no invitation to join it. If it does exist it certainly does not represent me or Kat.
  - Ms Dias states that the residents "speak as one". This is untrue. I do not share Ms Dias's views.
  - It is wrong to say that residents have suffered years of harassment and nuisance by SBG. This is Ms Dias's own view of her own experience. From my conversations with other residents, this is not a commonly shared view.
20. I have seen the email sent by Ms Dias to Robert Botkai of Winckworth Sherwood dated 01/02/18 timed at 15:25. I wish to comment on this:
  - I do not recognise Ms Dias's description of Odil's behaviour or his relationship with his neighbours. He has always been respectful, courteous and responsive to our communications.
  - Ms Dias seems to imply that she represents the views of all other residents. She most certainly does not represent our views and from discussions I have had with neighbours, they are also concerned that Ms Dias seems to think that she speaks for them. She does not.
21. In summary my view is as follows:
  - There were some teething issues when SBG opened. These were resolved amicably.
  - I recognise that we live above a restaurant bar and that brings with it some inevitable disturbance. In the case of SBG whenever there has been an issue Odil has been very responsive.
  - Ms Dias does not represent the residents who live above SBG.
  - My own experience of Ms Dias is that she is prone to exaggeration and that she pretends to speak for others when, in fact, she is just expressing her own view.
  - I would not wish SBG to close.
  - I do not consider that the application brought by Ms Dias has any merit.

Signed



Dated

9 April 2018

---

**From:** Tanya Dias  
**Sent:** 29 Jan 2018 16:15  
**To:** Robert Botkai  
**Cc:** Antonia Cox;Andy MacMason;Gerald

**Subject:** Re: Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Mr Botkai,

It's come to my attention that you have been contacting residents for individual meetings, in a 'divide and concur' strategy, with pleas that Smiths Bar and Grill will close down and to save them?

(i) This tactic to individually contact residents to seek a weak link among us with individual meetings is underhanded and is likely to further antagonise residents. We talk to each other. Sheldon Square Residents Association is a registered entity. We speak as one with regards to the years of harassment and nuisance by Smiths to their neighbours upstairs and we do see Smiths as an antisocial ground floor neighbour, especially at New Year's Eve when our floors vibrate and we can't hear our TVs or phones, let alone sleep. Then of course there are the fireworks too.

(ii) It is untrue to state that Smiths will close down. They can apply to the council for their current license to be transferred to another location, such as the West End, where this venue would be better suited and where Smiths are likely to be more profitable. Smiths moving elsewhere is to everyone's benefit and is supported by residents. Paddington Central can get another venue paying them rent here.

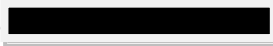
(iii) I can't see a Temporary Event Notice (TEN) application for the last New Year's Eve party. Was there one?

(iv) Was there an application made by Smiths Bar and Grill to the Council to extend licensing hours to 1am, and prolong harassment to their neighbours upstairs?

Kind Regards,

Tanya

---

Regards,  
Tanya  
Sent  
from my iPhone  
On 26 Jan  
2018, at 5:54 pm, Robert Botkai   
wrote:

#yiv4334389834  
#yiv4334389834 --

```
_filtered #yiv4334389834 {font-family:Calibri;panose-1:2 15
5 2 2 2 4 3 2 4;}
#yiv4334389834
#yiv4334389834 p.yiv4334389834MsoNormal, #yiv4334389834
li.yiv4334389834MsoNormal, #yiv4334389834
div.yiv4334389834MsoNormal
{margin:0cm;margin-bottom:.0001pt;font-size:11.0pt;}
#yiv4334389834 a:link, #yiv4334389834
span.yiv4334389834MsoHyperlink
{color:blue;text-decoration:underline;}
#yiv4334389834 a:visited, #yiv4334389834
span.yiv4334389834MsoHyperlinkFollowed
{color:purple;text-decoration:underline;}
#yiv4334389834 span.yiv4334389834EmailStyle17
{}
#yiv4334389834 .yiv4334389834MsoChpDefault
{}
_filtered #yiv4334389834 {margin:72.0pt 72.0pt 72.0pt
72.0pt;}
#yiv4334389834 div.yiv4334389834WordSection1
{}
#yiv4334389834
```

Dear Tanya

You may remember we met in  
2013 at the above venue when I acted in connection with the  
application for a new premises licence.

I have received details of  
your application seeking a review and revocation of the  
premises licence.

I would welcome the  
opportunity to meet with you, together with the owners of  
the venue, to discuss the concerns you have raised. I

T 020 7593 5000 | F 020 7593 5099

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For further information about the firm please visit [www.wslaw.co.uk](http://www.wslaw.co.uk).

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Please consider the environment and do not print this e-mail unless you really need to.

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**From:** Tanya Dias  
**Sent:** 01 Feb 2018 15:25  
**To:** Robert Botkai  
**Cc:** Antonia Cox;Andy MacMason;Gerald

**Subject:** Re: Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP  
**Attachments:** Smiths complaint email about a resident.pdf

Dear Mr Botkai,

The residents (Smiths neighbours) have had many meetings with Smiths and their representatives over last nine years. I reached the final straw with Smiths around 4-5 years ago and wanted to do a licence review application then and again many times afterwards. There was no further point in discussion at that time from my perspective, or now. For other residents it's taken longer to reach similar conclusions.

There's no respectful discussion to be had with an antisocial and selfish neighbour such as Smiths. The attached email sent just this week shows Odil's attitude towards us and the impact Smiths have had on a neighbour. Odil is derogatory stating in response to the neighbour 'he has been like this since 2011' and sending that to the neighbour concerned. Why would that neighbour want to meet with Smiths after Odil sent him an email complaining about him? Odil's concern is always profit first and to hell with the neighbours. In Odil's own words he acknowledges Smiths bad relationship with that neighbour from seven years ago!

It's futile for everyone concerned to have meetings with Smiths when there never was a good relationship with the venue to start with and meetings don't result in a winning solution for residents, just more unhealthy compromises for sub-optimal solutions that continue to harm our health and peace of mind, especially during the last three consecutive New Year's Eve parties. No permanent totally happy solution has ever happened following a meeting with Smiths.

Why on earth did Smiths move underneath a residential block given the type of venue they want to run with a bar, showing sports and hosting corporate events, weddings, parties with crowds spilling out, creating noise, trash and blocking our entrance? There was no common sense in the Council approving such a licence to such a business in this area in the first place. It's unsurprising that there were resident objections from the beginning.

I have always regretted withdrawing my first objections for the Smiths initial planning application based on their fake promises and misinformation. Smiths and its representatives applied considerable pressure in 2009 with Odil ringing my doorbell pleading for me to withdraw my objections so they could run their business. Those objections were quickly realised and continue to do so to the present. I tried to withdraw my approval for the licence several times afterwards, but was ignored.

This license review application has been coming for a long time because we've been on this path for nine years. There can't be any surprise with the application. It raises my initial planning application objections of 2009. The Licencing sub-committee will see that residents have had many meetings with Smiths over nine years thrashing out compromises to death, giving many chances and are unhappy with Smiths. Why should Smiths be allowed to operate at the detriment of most of the residents above it. A break of this toxic association is the healthiest way forward at this stage.

Whether the licence can be transferred to another location or the place is closed down is up to the Council to decide. They may have more sympathy for the Smiths cause. Sympathy and communications are exhausted with the residents. Smiths shows no goodwill to its neighbours, acknowledged by Odil himself in his attached email. They are in the business of making money, which can be done at a more suitable location than Sheldon Square.

From my perspective, I don't want Smiths downstairs harassing me anymore. For nine out of the ten years I've lived at Sheldon Square, Smiths has dominated and impacted on my quality of life, health and enjoyment of my home, not to mention devaluing my property and making it un-rentable and un-sellable. Buying property is the largest purchase most people make in their lives. So it was for me. Only to find a year after I moved in, Smiths arrived and caused continued distress. Prospective buyers and estate agents to my flat always comment about the suitability of Smiths as a neighbour downstairs and its impact on this flat. From my perspective if Smiths goes from downstairs it's a good thing.

Regards,

Tanya

Sent from my iPhone

On 30 Jan 2018, at 5:30 pm, Robert Botkai [REDACTED] wrote:

#yiv1220584908 #yiv1220584908 --

```
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#yiv1220584908 a:link, #yiv1220584908 span.yiv1220584908MsoHyperlink
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#yiv1220584908 a:visited, #yiv1220584908 span.yiv1220584908MsoHyperlinkFollowed
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_filtered #yiv1220584908 {margin:72.0pt 72.0pt 72.0pt 72.0pt;}
```



#yiv1220584908 div.yiv1220584908WordSection1  
{  
#yiv1220584908

Dear Tanya

Thank you for your email.

You have submitted an application to review the premises licence for Smiths Bar and Grill. In your application you state:

“The outcome I would like to see from this review is a revocation of the Smiths Bar and Grill Licence”.

If your application is successful, Smiths Bar and Grill will close down as it will have no authority to provide any form of licensable activity. The owners cannot, in law, apply to the Council for their licence to transfer to another location as you suggest. There is no provision in the Licensing Act for this to happen. A premises licence cannot be transferred from one premise to another.

Our client is perfectly entitled to make contact with its neighbours.

A TEN was issued for each of the New Year parties that have taken place at the venue.

I am not aware of any application to extend the hours of the existing licence.

I am copying this email to those you copied into your email simply so that there is no misinformation.

You are within your rights to seek a review of the licence and the outcome will be determined by the Licensing Sub Committee. In the meantime, my offer to meet with you remains open. I very much hope that the review process can be used to find a way for Smiths Bar and Grill to operate in such a way that you will find more acceptable. I believe that the Licensing Sub Committee will prefer that we have both explored all options.

Kind regards

Robert

From: Tanya Dias [REDACTED]

Sent: 29 January 2018 16:16

To: Robert Botkai



Subject: Re: Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Mr Botkai,

It's come to my attention that you have been contacting residents for individual meetings, in a 'divide and concur' strategy, with pleas that Smiths Bar and Grill will close down and to save them?

(i) This tactic to individually contact residents to seek a weak link among us with individual meetings is underhanded and is likely to further antagonise residents. We talk to each other. Sheldon Square Residents Association is a registered entity. We speak as one with regards to the years of harassment and nuisance by Smiths to their neighbours upstairs and we do see Smiths as an antisocial ground floor neighbour, especially at New Year's Eve when our floors vibrate and we can't hear our TVs or phones, let alone sleep. Then of course there are the fireworks too.

(ii) It is untrue to state that Smiths will close down. They can apply to the council for their current license to be transferred to another location, such as the West End, where this venue would be better suited and where Smiths are likely to be more profitable. Smiths moving elsewhere is to everyone's benefit and is supported by residents. Paddington Central can get another venue paying them rent here.

(iii) I can't see a Temporary Event Notice (TEN) application for the last New Year's Eve party. Was there one?

(iv) Was there an application made by Smiths Bar and Grill to the Council to extend licensing hours to 1am, and prolong harassment to their neighbours upstairs?

Kind Regards,

Tanya

---

On Fri, 26/1/18, Tanya Dias [REDACTED] wrote:

Subject: Re: Smiths Bar and Grill

To: "Robert Botkai" [REDACTED]

**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**WITNESS STATEMENT OF SHARON MURRAY**

---

I, SHARON MURRAY, of [REDACTED] London W2 6DW say as follows:

1. I live at the above address with my children and have done so for 12 years.
2. My apartment is on the [REDACTED] It is on the corner on the canal side. I have 2 windows above Zizzi and 2 windows on the side of the building above Starbucks.
3. The entrance to my apartment is at the back of Smiths Bar and Grill ("SBG").
4. I have read the application for review of the SBG premises licence submitted by Tanya Dias. I have made a representation and wish to expand on this by way of this statement.
5. I wish to say at the outset that I consider this application to be unfounded and without merit. I have no issue with SBG and wish the venue to remain open and under the current management.
6. I have no connection or interest in SBG or any of the other venues in the area.
7. I do not suffer any music noise or disturbance from SBG. There was noise outbreak some years ago but this was resolved by use of a sound limiter.
8. I have seen no rowdy or anti-social behaviour by SBG customers. Sheldon Square is extremely busy with office workers, tourists and passers-by.
9. Some of the venues in Sheldon Square seem to target a younger crowd. Their customers spill out with bottled drink. This is not the case with SBG who cater for a more mature clientele.
10. There is a sheltered area to the back of SBG which includes the entrance to my flat. This is the same entrance as used by Ms Dias. SBG customers do not smoke there. It is used by members of the public who may shelter from the rain, make phone calls and sometimes eat their lunch. I did witness a small group of people smoking there last weekend but they were ushered away by SBG security. The smoking there is not the major issue as described by Ms Dias.
11. I have never witnessed any SBG customers drinking at the back of the venue.
12. I leave my apartment at 7am most days. I have never seen glasses or bottles in the sheltered area.
13. I seem to have an unofficial role as a representative of a large number of the residents of 27 Sheldon Square. They contact me if they have issues and they know that I take these up on their behalf. I have a good relationship with the building managers, Raymond Gyimah and Gerry Mwangola and act as a conduit for residents. I can therefore say with certainty that the vast majority of residents do not agree with Ms Diaz on a range of issues and that they do not support her review application. Many are unhappy that she has created the impression that she speaks for other residents. I wish to stress that she does not represent the views of residents that I have spoken with.

Witness statement Sharon Murra~ 4147-1044-9427 v.1.docx

14. Ms Dias has been aggressive with me and other residents in her approach to this review application. When she became aware that I was not supportive she made a complaint about me to Mr Ali. She alleged that I was banging on her door and depositing rubbish outside her flat.
15. Ms Dias has made complaints to Mr Ali about numerous residents. She has asked for her immediate neighbour to be evicted, arguing that she smokes on her balcony and that this causes Ms Dias's asthma. I note that Ms Dias has claimed that her asthma is caused by SBG customers smoking at the back of the venue.
16. I have read the review application. It is very difficult to see how SBG customers could have caused her asthma. It is true that a number of residents suffer from asthma or other similar conditions. We are positioned next to a railway line and a motorway and have experienced a huge amount of construction work in the area. This results in a black dust which settles in our flats and I consider this to be a far more likely cause of the conditions complained of.
17. I believe that Ms Dias has made complaints against almost all of the residents who share the same landing.
18. Ms Dias bombards people with emails. She did this with me to the point when I simply had to ignore them. She often gets her facts wrong. She does not investigate properly before making allegations.
19. An example of this is Ms Dias's obsession with drilling noise that she alleges is coming from SBG. In fact we have had a number of building projects below the flats over a long period of time. Since February 2018 we have had drilling noise from Snug, a new boxing gym and retail outlet which is due to open. I have witnessed drilling noise from this project as early as 8am and as late as 2am. My view is that Ms Dias hears noise and immediately assumes it is coming from SBG.
20. I have spoken with Odil Raupov, the manager of SBG. I have always been satisfied with his responses to any issues raised. He deals with concerns and always communicates what steps he has taken. His staff have also been friendly and helpful. This review is misguided in many respects but I would be extremely concerned to have a new operator take over the venue which could be a consequence of Ms Dias's actions.
21. I wish to add that the staff at SBG are lovely and helpful and it would be extremely distressing to see them out of work which is a likely consequence of Ms Dias's application being successful.
22. I know that Ms Dias has complained about the New Year's Eve parties held at SBG. She may not realise that a number of residents attend and enjoy the event. I attended last year. I could only hear music after entering the venue. People were enjoying themselves but the music was not so loud as to prevent ordinary conversation. There was a very short firework display at midnight and I then returned to my apartment and could not hear the music from there.
23. During the event Ms Dias was bombarding residents with her recordings.
24. Ms Dias seems to be extremely sensitive to the New Year's Eve party. I have no issue at all with the event. People do want to celebrate the New Year and they do so in a mature and friendly way at SBG.
25. I am aware of the videos that Ms Dias has posted on You Tube. She circulates these widely. They do not change my view on SBG.
26. Ms Dias has made reference to the Sheldon Square Resident's Association. I am not aware of this body. It certainly does not represent me. There is a Resident's Association for the private apartments organised by Jon Little but this is entirely separate.
27. I have attached to this statement a sample of some of the emails I have received from Ms Dias and refer in particular to the email dated 22/02/18 timed at 12:01pm in which Ms Dias accuses me of violating her privacy by sharing some of her emails

relating to this application. Also the email dated 01/02/18 timed at 7:38pm in which Ms Dias tells me not to interfere with her application and the email dated 01/02/18 timed at 5:16pm in which she states that she is "speaking for those residents above Smiths collectively".

28. In conclusion and rather sadly I have to say that Ms Dias appears to have a hypersensitive and irrational obsession with SBG. I have sympathy for Mr Raupov as I have experienced the bombardment of emails from Ms Dias. Eventually one stops responding. Ms Dias does not represent the views of other residents. SBG is a well-run restaurant bar. I very much hope that the Licensing Committee will reject the review application.

Signed



**Sharon Murray**

Date

08/01/18

**Robert Botkai**

---

**From:** Sharon Murray [REDACTED]  
**Sent:** 06 April 2018 10:53  
**To:** Robert Botkai  
**Subject:** Fw: Smiths Licence review representations were sent to me

This message originated outside Winckworth Sherwood

---

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, February 22, 2018, 12:01 pm, Tanya Dias [REDACTED] wrote:

Dear Sharon,

I have received from the council all the representations made regarding the Smiths Licence review application, including yours and your daughters:

[REDACTED]  
Dear Westminster Licensing Team,

I am writing to you regarding Smiths Bar and Grill Licensing review REF: 18/00606/LIREVP.

I have lived in Sheldon Square for 12 years now and have had no problems, personally, with any Anti-social behaviour coming from Smiths Bar and Grill in this time. I have always had open communication with Smiths Bar and Grill who are located underneath the residential block, 27.

I would like to mention that the applicant (Ms Dias) contacted me to support her application, but they do not align with my personal feelings on the matter. When I told her, I do not have a problem or have any issues with Smiths myself she stated that, "I am ruining her life and bringing down the price of her property." I can provide you with email evidence to this if so required of me.

I personally haven't witnessed customers of Smith's blocking the entrance to our block, as Smith's employ a security guard to prevent people from doing so and there are multiple no smoking signs. However, I've seen office workers and the general public doing so. It seems to be a good place for people to huddle from the cold and wind, or to have general phone conversations.

I have no objection to the renewal of Smith's Bar and Grill licence. If you require further information, please do not hesitate to contact me.

Regards,

Sharon Murray P.S,

I'd also like to state that I'm objecting the application. As well as the fact that I live on the [REDACTED]

Evian Murray [REDACTED]

Received: 6 Feb 2018 by

I live on the [REDACTED] I have no issues regarding antisocial behaviour, smoking outside the residential entrance or with events and music from Smith's Bar and Grill.

Our personal emails were private and confidential and it is something that I respected, even if you have not, and have been leaking my emails to Bunny next door to you in flat 7, which I know about, as well as other parties, thereby violating my privacy and personal information. The licence review application isn't the forum for personal vendettas.

I saw you as a friend and mutual supporter for neighbourhood issues for 10 years. I trusted and respected you and thought it was reciprocated. That was a long time to mislead me. I am grateful to finally see the truth.

Kind Regards,

Tanya Dias



**Robert Botkai**

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**From:** Sharon Murray [REDACTED]  
**Sent:** 06 April 2018 10:52  
**To:** Robert Botkai  
**Subject:** Fw: Smiths Bar and Grill

This message originated outside Winckworth Sherwood

---

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, February 1, 2018, 7:38 pm, Tanya Dias [REDACTED] wrote:

I was disappointed with your emails.

If you want to be on smiths side it's your choice. You'll be spoiling the peace and quality of lives and the price of flats of the residents above smiths e.g Andy, myself, Julian, Paul etc just because it doesn't affect you. We've got it in hand. Please don't interfere. I'm sure you have your own issues to prioritise. I cc'd you three in out of courtesy to keep you aware this was going on. I see it was a mistake now to even bother and will remove you from future communications.

Please understand that relationships go both ways. Don't expect support when things affect you specifically such as Massis, Zizzis, party boats, union bar, pharaoh ants, mice infestation etc, 'it's not my problem because I'm unaffected' is the message I'm getting loud and clear.

I have always supported my neighbours. But when I need help on a serious Housing issue to me it's a slap in the face I get in return. Typical.

Sent from my iPhone

On 1 Feb 2018, at 6:17 pm, Sharon Murray [REDACTED] wrote:

Tanya,

I'm merely trying to point out that if Smiths choose to contact residents within block 27 you may find that a majority may have no issue.

I'm more than happy to open a line of communication, or a residents meeting to discuss the issues with Smiths for the residents affected, but you have already stated that this is something you don't wish to do.

Sent from Yahoo Mail for iPhone

On Thursday, February 1, 2018, 5:16 pm, Tanya Dias [REDACTED] wrote:

I'm speaking for those residents above Smiths collectively. Just as you are bothered by Zizzis and Alice by Massis, when they don't affect me, I would support your applications, as I hoped you would for those of us directly affected by Smiths.

Sent from my iPhone

On 1 Feb 2018, at 4:43 pm, Sharon Murray  
[REDACTED] wrote:

Dear Tanya,

I have noticed from your emails that it sounds like you are speaking for all residents collectively, which is not the case.

I myself have spoken to several residents within block 27 regarding Smiths and the feedback I got suggests that they don't have a problem.

While I appreciate you live above Smiths, as I do above Zizzi's, Starbucks and the restaurant boat, as well as in front of the Union.

The noise can be unbearable but the Sheldon Square bars and restaurants effect us all within the first and second floor and each resident has a different viewpoint as to which bars are disruptive.

For instance last summer, Alice was kept awake every night with late night parties outside Massis this was going on for months.

I was kept awake by people having parties under Zizzi's

I personally don't have a problem with Smiths myself but do with the Union, Zizzi's and the restaurant boat, as well as Pergola leavers.

Sharon

Sent from Yahoo Mail for iPhone

**Robert Botkai**

---

**From:** Sharon Murray [REDACTED]  
**Sent:** 06 April 2018 11:06  
**To:** Robert Botkai  
**Subject:** Fw: Licence Review application for Smiths Bar and Grill, 25 Sheldon Square, W2 6EY

This message originated outside Winckworth Sherwood

---

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Saturday, January 20, 2018, 2:30 pm, Tanya Dias [REDACTED] wrote:

Hi Sharon,

Are you able to add some comments to support my license review application? Perhaps about the noisy duct pipes?

Regards,

Tanya

Sent from my iPhone

Begin forwarded message:

**From:** Tanya Dias [REDACTED]  
**Date:** 19 January 2018 at 3:51:35 pm GMT



**Subject:** Re: Licence Review application for Smiths Bar and Grill, 25 Sheldon Square, W2 6EY  
**Reply-To:** Tanya Dias [REDACTED]

Hi All,

The blue notices are up on Smiths saying they are under Licence Review. I'm appealing to the residents directly above Smiths to send your comments (hopefully supportive ones of this license review application) to

[licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk), reference 18/00606/LIREVP by 12th February. If this license review fails, we all have to put up with an even more overbearing Smiths Bar & Grill in years to come. This antisocial neighbour makes our flats difficult to sell (and even rent out).

<https://www.youtube.com/watch?v=lg4E09Y7P1I>

Kind Regards,

Tanya

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On Mon, 15/1/18, Tanya Dias [REDACTED] wrote:

Subject: Licence Review application for Smiths Bar and Grill, 25 Sheldon Square, W2 6EY



Date: Monday, 15 January, 2018, 16:46

Dear Odil and Shuks,

I am serving a License Review application to Smiths Bar and Grill, 25 Sheldon Square, W2 6EY and the relevant parties as required in the application process. Please see attached.

Here is the Sheldon Square Residents Association YouTube channel:  
<https://www.youtube.com/channel/UC53eOuj2sgEuKNCnEh-Ca7g/videos>  
All related content to you will have 'Smiths' in the title. The videos will also come up if you do a Google search.

You have numerous photographs from me and also complaint emails from other residents as well as

myself covering every year between 2009-2018, your entire licensing period. I have attached a select number of emails into the Licence Review application bundle. Further email evidence can be submitted upon request.

From your upstairs neighbour,

Tanya

**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**WITNESS STATEMENT OF ODILJON RAUPOV**

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I, ODILJON RAUPOV, of Smith's Bar & Grill ("SBG") of 25 Sheldon Square, London, W2 6EY say as follows:

1. I am employed by SBG as the Manager and the Designated Premises Supervisor, a position I have held since 2009, when SBG opened.
2. My job description includes responsibility for running the premises, managing and employing staff, and complying with all the legal requirements necessary for running the premises.

**Background**

3. SBG is located between the Paddington Basin and Little Venice. It is part of the Sheldon Square development, which is comprised of a mixture of commercial, residential, and leisure buildings. The modernised Paddington Station is less than a minutes' walk from our premises.
4. SBG operates as a bar and grill, serving a variety of modern British and European inspired cuisines. SBG is also used as a venue for a variety of formal and informal social events, including: business meetings, birthday parties, weddings and private dining.
5. SBG employs 35 staff.
6. I make this statement in relation to the application made by Tanya Dias of Flat 14, 27 Sheldon Square, London, W2 6DW to review the SBG premises licence.

**Premises licence**

7. SBG was granted a new premises licence on 30 May 2013. This followed the lapse of the previous licence due to the insolvency of the licence holder.
8. A hearing was held on 30 May 2013 to consider representations. Although they made representations, both John Zamit of the South East Bayswater Residents' Association (SEBRA) and Elizabeth Virgo of Paddington Waterways and Maida Vale Society (PMMVS) supported our application at the hearing for which I was grateful.

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9. Ms Dias submitted a representation but did not attend the hearing.

10. The premises' licence authorises:

The sale of alcohol as follows:

Monday to Thursday	10:00 to 23:00
Friday to Saturday	10:00 to 00:00
Sunday	10:00 to 22:30
Sundays before Bank Holidays	10:00 to 00:00

Other regulated activities:

- Late night refreshment may be provided up to 00:00 Friday and Saturday and on Sundays prior to Bank Holidays.
- Live music, the playing of recorded music and the performance of dance is licensed to the same times as the sale of alcohol but regulated entertainment may only take place in the basement of the premises subject to a capacity of 80 persons.
- The licence allows us to operate until 02:00 on New Year's Eve.

#### The premises

11. I attach at **Exhibit 1** a plan that shows the ground floor and basement layout. I attach at **Exhibit 2**, a plan that shows the ground floor of SBG with the approximate locations of the residents' flats of block 27 Sheldon Square.
12. The premises consist of a ground floor restaurant with seating for 70, a bar towards the front of the premises (the canal side) and a basement event room which has a capacity of 80 persons.
13. The back of the premises faces Sheldon Square and the front of the premises faces the canal.
14. There are 4 entrance/exit doors on the ground floor which I have marked on both of the plans as A, B, C, and D.

#### Door A

This is now the main entrance/exit door for the premises.

Patrons exiting Door A do so generally in the direction of Paddington Station.

There is a sign on this door that reads, "please leave quietly" in white capital letters.

#### Door B

This exits to the outside tables and chairs area which is also the designated smoking area.

This door is locked at 23:00 in order that patrons use Door A to exit.

There is a sign that says in white capital letters, "please use the outdoor area quietly and with respect to our neighbours".

#### **Door C**

This door was used as the main entrance to the premises until April 2016. Ms Dias' flat is above this door. We now designate this door as a fire exit only. The reason for the change was to try to minimise the risk of our patrons smoking in the covered area outside the premises and immediately below Ms Dias' flat and the entrance to the residential block 27 Sheldon Square.

We applied for planning permission for this change and signage and Ms Dias objected to this for reasons that have never been explained.

There are two signs on this door. This first sign in the middle of the door says in white capital letters, "fire exit only". The second sign is below the first sign and says, "please use other doors".

#### **Door D**

Patrons can use this door to enter and exit the premises but until 22:00 only. After this time, it is used as an emergency exit only.

This door is close to the entrance of 27 Sheldon Square.

There is a sign in the middle of the door that says in big white capital letters, "no smoking beyond this point". There is another sign below this that says in smaller capital letters, "after 22:00 fire exit only".

15. I attach at Exhibit 3 some examples of the signage around SBG. The pictures show the following:
  - Pictures 1 - 3 are pictures of the signs on the windows of the designated smoking area. These signs say in white capital letters, "please use the outdoor area quietly and with respect to our neighbours".
  - Picture 4 is of the sign on Door B that leads out to the designated smoking area.
  - Picture 5 is of the sign on Door D.
16. There is a further sign on all of the doors of SBG next to the door handle, which says in a dark blue/black font: "please leave quietly".

#### **Designated smoking area**

17. The venue benefits from an outside area on the canal side. This is our designated smoking area. We ensure that we bring the tables and chairs inside by 23:00 each day (in compliance with the premises licence condition 36).

#### **Sheldon Square**

18. There are other venues based around Sheldon Square that impact the amount of people who pass through the area, and the subsequent smoking or noise issues experienced by residents at block 27 Sheldon Square. These include:

#### **The Union Bar**

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The Union Bar faces Sheldon Square and the canal.

#### **Zizzi Restaurant**

This restaurant faces the canal.

#### **The Prince Regent Barge**

The Prince Regent (also known as London Shell Co restaurant) is moored at Sheldon Square. The boat is used as a restaurant with breakfast, lunch and dinner offering. During the dinner offering the boat sets sail along the canal before returning to moor overnight.

#### **Darcie & May Green Barges**

The Darcie & May Green Barges are both moored at Sheldon Square, to the right hand side of SBG. Both boats offer a restaurant and bar services, and can be used for private hire.

#### **Use of the Premises**

19. The ground floor of the premises is used as a restaurant, and it has a bar area towards the front of the premises.
20. The basement is used for occasional events. There is also a table tennis table for customers to enjoy.

#### **Security**

21. We engage security personnel on Wednesday, Thursday, and Friday evenings from 5pm until closing time.
22. A security guard is positioned at Door D until 22:00 and is instructed to ensure that our patrons do not smoke at the back of the premises i.e. outside Doors C and D.
23. After 22:00, the security guard moves to the front of the premises to assist with dispersal.

#### **Temporary Event Notices (TENS)**

24. I use TENS to enable SBG to offer events to our customers. Usually these events take place in the basement. An exception is at New Year where we use a TEN to allow for a party on the ground floor. I refer to this party elsewhere in my statement.

#### **Application for licence review**

25. Ms Dias has submitted an application to review the premises licence. In her application she states that the outcome she would like to see from the review is the revocation of the licence. Ms Dias lives at flat 14, in block 27 Sheldon Square on the first floor immediately above the rear of the restaurant.
26. The grounds for review listed by Ms Dias in her review application are in relation to:
  - A. Noise from the annual New Year's Eve parties, in particular, the parties held in 2015, 2016 and 2017.

- B. Noise and anti-social behaviour from SBG patrons during the summer period.
- C. Smoking in non-designated areas.
- D. Drinking outside of the residential entrance to 27 Sheldon Square.

Ms Dias is alleging that SBG has breached conditions of its premises licence.

I will respond to each of these allegations in this statement. I will not deal with the allegations that pre-date the grant of the licence in May 2013 as these were all documented by Ms Dias in her representation against the grant and were considered by the Licensing Sub Committee at hearing.

**Response to allegations**

- A. **Noise from the annual New Year's Eve parties, in particular, the parties held in 2015, 2016 and 2017.**
- 27. We host a New Year's Eve party for our customers.
- 28. We extend our hours to 04:00 at New Year by use of a TEN.
- 29. The party is very much food led with a four course sit down meal provided consisting of an appetiser, a starter, a main meal, and a dessert. The event is ticket only with a capacity for 190 seating. There is also live music and then a short firework display at midnight lasting for a maximum of 15 minutes.
- 30. I acknowledge that the New Year Eve's party will create more noise than a normal night at SBG and that it may be audible to Ms Dias in her flat. However, I do view New Year's Eve as a special time. Our customers want to celebrate the New Year. Sheldon Square is a vibrant place at New Year and not all of the noise can be attributed to SBG.
- 31. By way of contrast, save for New Year's Eve, we are extremely quiet at SBG for the Christmas and New Year period as many of our customers are away.

**New Year's Eve Party on 31 December 2015 - 1 January 2016**

- 32. Ms Dias complained to Westminster City Council that she was disturbed between the hours of 00:00 and 02:00. She said that this was noise caused by music from SBG and fireworks.
- 33. We were operating under a TEN for this party, so SBG's operating hours were extended until 04:00. The fireworks have been a tradition, and last for a short amount of time and we do not consider this to be unreasonable.
- 34. Ms Dias did not contact SBG to say that she was disturbed by the SBG events on New Year's Eve 2015.

**New Year's Eve Party on 31 December 2016 - 1 January 2017**

- 35. Ms Dias made a complaint to the Noise Team by email at 21:41 on New Years' Eve. She said there was noise but "I don't know if it's Smiths again".

36. The Noise Team investigated. I refer to the email correspondence between Ms Dias and the Noise Team dated 21 October 2016 to 4 January 2017 at Exhibit 4
37. Ms Dias alleges that the call she made to the Noise Team at 21:31 was ignored. The Noise Team officer, Steve Richardson, states in his email that he called Ms Dias at 21:57 in relation to her earlier call and she said the "noise had stopped". He visited the premises at 01:15 and spoke with me. Although music was audible outside the premises the officer's view was that he did not consider a statutory nuisance was likely.
38. Ms Dias complained about the behaviour of officers. On 4 January 2017 she wrote to Mr Richard Brown of the Westminster Licensing Advice Project, to complain about the Westminster Noise Team. She forwarded the email correspondence between her and the Noise Team at Westminster referred to at Exhibit 4. In her email to Richard, she said:

*"This year I called the noise team twice and you see their rather aggressive response. The noise teams regular denial, ineffectiveness, defensiveness, and lack of responsibility over the last decade is why I didn't call the previous year..."*

#### **New Year's Eve Party on 31 December 2017 - 1 January 2018**

39. Following the 2017 New Year's Eve party, I received complaints from Andrew MacConal - Mason complaining about thudding beats from the party. Andrew lives at Flat 11, 27 Sheldon Square which is above Door B on the canal side.
40. I invited Andrew to come into SBG to discuss his complaint in person. Andrew said that he did not think there would be any point in meeting. Andrew's email did acknowledge that we had been improving in terms of reducing noise. I understand from his email that he was awoken at 05:00. This was noise caused by my staff rearranging the furniture ready for cleaning planned on 2 January 2018. I acknowledge that this movement of furniture, while logical in terms of an efficient clear up, could make noise that will disturb some residents. I am happy to commit to moving the furniture no earlier than 10:00 on New Year's Day.
41. Ms Dias made a complaint to the Noise Team. She has referred to recordings and refers to a "nightclub disco" at 18:30 with a female DJ. She uploaded recordings on to YouTube which I have viewed but I struggle to hear the noise she is referring to. Ms Dias states in her email on 1 January 2018 at 7.51am at Exhibit 5 that "The Smiths noise stopped at 12.30pm". In this email Ms Dias asks:
- "Is Westminster Council in the payroll of these commercial premises? Is it on the pay of Smiths? Smiths tried to bribe me with the installation of an air conditioning unit in my flat in return for silence some years ago. They aren't above bribery and corruption. Westminster Council and the Noise Team have never acted as an independent party in this instance...both Smiths and Westminster licensing have acted repeatedly with contempt towards me and other residents for almost a decade."*
42. I do not consider 00:30 cessation of music noise to be unreasonable on New Year's Eve.
43. I acknowledge that I did offer to pay for air conditioning to enable Ms Dias to keep her windows closed when disturbed by noise. I do not consider this a "bribe". Ms Dias

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did engage in communications with me with regard to the air conditioning proposal and told me how to get Landlord consent. However on 28 March 2012 she wrote by email. Please see Exhibit 6:

*"After careful thought, I withdraw my agreement to Smiths offer of installing a permanent air conditioning solution in my flat. I've lived years without it and can continue to do so, like the rest of my neighbours."*

44. I responded on 2 April 2012. Please see Exhibit 6:

*"It is unfortunate that you have decided to withdraw our offer, however if you do re-consider your position we will be more than happy to proceed."*

**B. Noise and anti-social behaviour from SBG patrons during the summer period**

45. During the summer period, it is usual for SBG to get busier. We continue to have our regular patrons visiting and we also have tourists visiting the Paddington area. The SBG patrons are well behaved.

**C. Smoking in non-designated areas**

46. This has always been an issue for Ms Dias and one that I have taken extremely seriously.

47. Working with the Westminster Environmental Health team I have taken the following steps to minimise the risk of our patrons smoking under the window of Ms Dias' flat:

- We have carried out significant alterations to the layout of the ground floor. The bar was previously at the rear of the premises i.e. closest to the rear Door C which is under Ms Dias' flat. We have moved the bar to the front of the premises (canal side).
- We lock the exit Door C at all times (the door closest to Ms Dias's flat) and we allow no exit at all from exit Door D after 22:00. This means that all of our patrons leaving the premises after 22:00 must do so from exit Door A which is on the canal side and so on the opposite side of the building to Ms Dias' flat.

48. I cannot control non-patrons opting to smoke in the sheltered area below Ms Dias' flat. There have been occasions when my security personnel have asked smokers to move on and they have turned out to be residents who have on occasion taken exception to being asked not to smoke there. We have photographic evidence of non SBG patrons smoking outside near Block 27 entrance. Please see Exhibit 7.

**D. Drinking outside of the residential entrance to 27 Sheldon Square**

49. We do not permit our patrons to consume alcohol at the rear of the premises. We have a security guard at Door D, and Door C is a fire exit so is normally locked except in emergencies.

**Breach of licence conditions**

50. Ms Dias has alleged that SBG has breached the following conditions of its premises licence:

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**Condition 10** – Our patrons are not permitted to drink outside the back of the premises.

**Condition 12** - Customers or staff wishing to smoke shall only use the designated area as approved by the Environmental Health Service of the Council.

We do our very best to encourage those who wish to smoke do so in the designated area at the front of the restaurant.

Staff are only permitted to smoke in the loading bay outside area next to the basement.

**Condition 20** - A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.

The noise limiter has been set at a level approved by the Environmental Health Service.

#### **Acoustic report**

We arranged for an expert in acoustic matters related to entertainment noise, Peter Rogers, to visit the premises and check SBG's compliance with its licence conditions in relation to noise. Mr Rogers prepared an expert report at Exhibit 8.

In the report, Mr Rogers explains his methodology of assessing the sound limiter, which included visiting and checking the sound levels in SBG and then conducting listening tests in Flats in 27 Sheldon Square. The assessment was carried out on 25 February 2018 when SBG was not open. Mr Rogers found that "the bass from the music was barely audible [in both flats] and considered to be acceptable by myself and both resident, who were asked at the time". The report does acknowledge that the bass from the music was "slightly audible" in the bathroom of Flat 9. However, this noise was not considered intrusive, because a bathroom is not a main area of home where the residents congregate.

We have acted on the advice of Mr Rogers and have since met with Ian Watson from the Environmental Health Service to ensure that he is satisfied.

**Condition 21** - Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

We do comply with this condition and have noted and will act on the advice of Mr Rogers.

**Condition 22** - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

We do our very best to ensure that residents are not disturbed by noise nuisance. We have had issue with a central pillar damaged by the works undertaken by our landlord and this may have resulted in some noise escape. This wall has now been repaired. Ms Dias has

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made repeated complaints about drilling noise but this does not necessarily emanate from SBG.

**Condition 34** - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

We have recently refreshed these notices. Please see examples of the refreshed signage at Exhibit 3.

**Condition 37** - The following areas shall be swept and or washed, and any cigarette litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangements namely:

- The area immediately outside the bar entrance to the premises
- Any outside area where tables and chairs are placed and
- Any area designated for smoking by patrons.

We do sweep daily, and we do a jet wash once a month. Ms Dias has complained about the jet wash.

**Condition 40** - Rubbish must be cleared through the chutes and not be visible to the residents.

We comply with this, and remove our rubbish this way.

#### **Ms Dias' emails**

51. I accept that there have been times when I have not responded to emails from Ms Dias. I have found it difficult to placate her. She has made it quite clear to me for a number of years that her objective is to see the closure of SBG, and she does not always seem willing to work with me. No matter what I offer and no matter how I respond, Ms Dias is not satisfied.

#### **Ms Dias' videos**

52. I have viewed the videos that Ms Dias has cited and I see no real evidence to support a review of the premises licence.

#### **Ms Dias' allegation of sexist behaviour**

53. Ms Dias has submitted in her review application that I asked another resident Andrew MacConnal-Mason to meet but I did not offer a similar meeting to Ms Dias. She cites this as evidence that I prefer to "talk with my male neighbours only, which leads me to believe there is some degree of chauvinism at play and he may think I may not have equal rights to be heard and acknowledged". This is simply untrue. I have attempted to engage with Ms Dias on many occasions but her approach to SBG is so dogmatic and her stated objective to close us down so disproportionate that I have at times not responded to her.

#### **Ms Dias' behaviour in relation to complaints**

54. I can well believe that Ms Dias has made many Noise Team calls as she has stated in her application. I have received no communications from the Noise Team to

suggest that they have received any evidence of a noise nuisance emanating from our premises.

#### **Sheldon Square Residents' Association**

55. Ms Dias has uploaded photos and videos on the Sheldon Square Residents' Association YouTube Channel. She appears to have uploaded a video of our patrons dining and dancing on New Year's Eve. She has uploaded videos purporting to demonstrate noise within her flat from the music at our New Year party. I have to turn the volume up on the speakers on my computer to hear the music and I do not find this to be reliable evidence. In any event and as explained in this statement I do hope that the Licensing Sub-Committee will accept that our guests should be able to enjoy themselves, within reason, on New Year's Eve. I talk more on this Association later on in my statement at paragraph 69.
56. "Smiths playing the theme for Snowman 31st December 2017 Sheldon Square" was posted on 31 December 2017, but even with speakers at a high volume I cannot hear the noise Ms Dias is complaining about.
57. "Under floor low frequency music thumping from Smiths 2nd January 2018 Sheldon Square" was a video posted on 2 January 2018 showing our guests simply dining and talking.
58. I do object to our guests being filmed without permission and these videos being posted to social media.
59. Ms Dias has complained in her application of anti-social incidents including staff and SBG patrons smoking outside and near the Block 27 entrance. As stated elsewhere in this statement, we have gone to great lengths to resolve the issue of our patrons smoking outside Ms Dias' flat and I am certain that any such incidents are few and that most of those smoking will not actually be patrons of SBG.
60. I am sorry that Ms Dias suffers from asthma but I have seen no evidence that this condition is in any way related to the activities of SBG. Her window overlooks a passage where many people walk pass daily such as workers, other residents, and patrons from other venues in the Sheldon Square area.
61. Ms Dias did complain to the Noise Team about noise from patrons who were watching a football match. She also complained that someone was watching the match through the window while smoking. This incident was raised by Ms Dias as part of her representation in 2013. I am not aware of any other complaints from Ms Dias or any other residents regarding football matches since 2013. Since then we have rearranged the premises, and limited our showings of live TV.
62. I have seen no evidence that the duct pipe work "pumps out likely toxic fumes" into the residential block.
63. Ms Dias alleges on 9 February 2018 that we are deliberately seating noisy patrons below her flat. This is not true and there is no deliberate strategy to seat noisy patrons under her flat. We cannot control the conversations that our patrons have. Please see the email correspondence and our response to Ms Dias at Exhibit 9.

#### **Drilling complaints**

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64. Ms Dias complained about drilling over the weekend on 10 February 2018. She sent a link to a YouTube video. I viewed the video, and although I can hear a very faint noise that could be drilling, the source is unclear. Therefore, I do not consider this reliable evidence. Ms Dias cannot allege that every noise heard in her flat is caused by SBG. Furthermore, I have checked the CCTV footage, and the footage confirms that there was no work undertaken under the ground floor beneath Ms Dias' flat at the time shown in her video, between 01:54-01:55. I responded to Ms Dias through my lawyer on 11 February 2018 (please see Exhibit 9).
65. Ms Dias has also complained of drilling before 10:00 on Sunday 17 December 2017 (please see Exhibit 10).

### Residents' Support

66. In her email to my solicitor dated 29 January 2018 at Exhibit 11 Ms Dias complains that I have adopted a "divide and concur strategy" by contacting residents to seek their support following her review application. Ms Dias says that in contacting the residents, I am trying to "seek a weak link" among the residents. She says this is "underhanded and is likely to further antagonize residents. We talk to each other. Sheldon Square Residents Association is a registered entity. We speak as one with regard to the years of harassment and nuisance by Smiths to their neighbors and we do see Smiths as an antisocial ground floor neighbour". Ms Dias is strongly implying that Sheldon Square Residents Association exists as a registered organisation and that she represents this Association. We have found no evidence that Sheldon Square Residents Association is a bona fide residents' Association nor that Ms Dias would have authority to speak for the residents of this Association if it does exist.
67. I actually have a positive relationship with many of the residents at Sheldon Square as evidenced by the representations received for this application. also think it is reasonable for me to contact other residents to see if they share the same view as Ms Dias, considering that Ms Dias has submitted a review where she has asked for the SBG's premises licence to be revoked and claims that the other residents share her view. I refer to the email from Ms Dias to my solicitor dated 5 March 2018 at Exhibit 12 in which she seems most upset that I should contact any residents.
68. I have reviewed the representations received for this review application. There are more positive representations compared to the negative ones. The positive representations range from patrons who are regulars and come to SBG to entertain clients, to residents who live at block 27 Sheldon Square.
69. We have received 5 positive representations from residents of 27 Sheldon Square. Ms Dias has said that all of the residents at 27 Sheldon Square share her view in relation to application review for the premises licence at SBG. This is not true. For example:
- Dr Anita Sarma of Flat 9, 27 Sheldon Square, whose flat is located above SBG said she does not share Ms Dias' view nor support her application.
  - This position was reinforced by Miss Jenny Jinadu, of Flat 7, 27 Sheldon Square, who highlighted that "Miss Dias the applicant does not speak for me as a resident."
70. Residents also recognise the fact that we have made improvements over the years. For instance Kat Clark at Flat 10, 27 Sheldon Square, whose flat is above SBG
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noted that although there had been initial problems with music vibration, SBG has made a lot of improvements, which she listed in her representation. Ms Clark stressed how important it was that the use of the sound limiter continues to be in place. I agree that it is important for the sound limiter to be used.

71. Finally, there are residents who have highlighted Ms Dias' dogmatic approach to the SBG licence review, and understand that some of the nuisance issues caused cannot solely be linked to SBG. For instance, **Sharon Murray of block 27 Sheldon Square** said in her representation that when she expressed to Ms Dias that she did not share her viewpoint in relation to SBG, Ms Dias responded to Ms Murray that she was ruining her life and bringing down the price of her property. Ms Murray also noted that she has seen smoking from office members and members of the public huddling in the vicinity next to the entrance to 27 Sheldon Square. Hence, there are residents who are aware that the issues raised in the review application by Ms Dias are not caused solely by SBG.

#### Positive representations from SBG Patrons

72. The SBG patrons who have submitted positive representations recognise how valuable a contribution SBG makes to the Sheldon Square development. For example:
- **Mr Marcello Greco of 5 Wetherden Street** recognises how SBG has increased the quality of the area, and acknowledges that Sheldon Square has developed over the years into a place that not only serves the residents but also serves the offices around the area.
  - **Ms Francesca Tessarin of Visa Europe, 1 Sheldon Square** says she wants to see SBG's licence renewed because it is a smart venue to have a drink after work in and a good restaurant to take her clients to lunch after a business meeting.

#### Response to negative representations

73. I acknowledge that there have been some negative representations received. I will respond to each one in turn.

**Yvette Smith, Flat 24, 27 Sheldon Square** mentions her experience of noisy drinking and smoking, and over spilling around the entrance to 27 Sheldon Square. There are other entertainment venues around Sheldon Square, so this nuisance cannot solely be attributed to SBG patrons. We also have non-smoking signs up at the back area near Doors C and D, and the signs on the doors have been recently refreshed. Ms Smith also refers to the annual New Year's Eve Party and the fireworks display. The fireworks display is a great way to celebrate the New Year and we believe that our patrons and other people in the Sheldon Square area can benefit from the display. The fireworks display lasts no longer than 15 minutes.

**Diane Tan, of 27 Sheldon Square** has raised concerns about the second hand smoke that enters her flat from the designated smoking section on the canal side in the summer. Ms Tan does not live above SBG; her flat faces the Sheldon Square area. So, I do not think she should be affected by smoking from SBG's designated smoking area, which is on the canal side. Any smoking she experiences may be caused by other venues or other people in the Sheldon Square area. We understand that it can be a challenging problem for Ms Tan

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because in order to receive ventilation in her flat, she has to open her windows. It seems that Ms Tan does not want SBG to close, but she has asked for a smoke-free zone to be enforced. I think it would be unreasonable for us to ask patrons or other people in the area not to smoke outside, because it is their personal choice to smoke and they are not breaking the law by smoking outside. Furthermore, there could be smoking caused by other people in the area and from other venues.

**Nicole and Orson Nguyen of 27 Sheldon Square** live on the second floor facing the canal side, above Zizzi. They have complained of smoke pollution and noise pollution. I understand that the smoke may be a particular issue because of their young son. Similar to Diane, I acknowledge that they have to open their windows to receive ventilation in their flat. I also think that some of the noise and smoking pollution they complain of could come from other venues. Again, I believe it would be unreasonable to have an outright ban on smoking for SBG's patrons. We have already changed the smoking area from the Sheldon Square side to the canal side due to Ms Dias' previous complaints.

**Gerald Frackowiak, of Flat 26, 27 Sheldon Square** has said that he has not been subject to noise nuisance like the other residents who have complained, and his complaint relates primarily to some noisy renovation work that took place in Easter 2016. Mr Frackowiak alleges that he contacted SBG by email and he never received a response, and then he followed up by speaking to SBG's security guard twice, and did not receive any contact from SBG. This account is not accurate. I called Mr Frackowiak after I received the online message to apologise about the renovation work that was necessary to carry out on the weekend.

#### **Residents' Association**

74. We received a response from Mr John Little, the Chair of the official Resident's Association for Blocks 11 and 21 at Sheldon Square attached as **Exhibit 13**. Mr Little confirmed that Ms Dias does not speak for the Association, and he also confirmed that the Association has not received complaints about the operation of SBG. Mr Little did express concern over some of the smokers who smoke near the entrance ways of 21, but he acknowledges that this may not only be SBG patrons.

#### **Transfer of premises licence**

75. Ms Dias alleges that "it is untrue that Smiths will close down" if its premises licence is revoked. She notifies those copied into the 29 January 2018 email at **Exhibit 11** that SBG would be able to transfer its licence to another venue. This, of course, is incorrect. If SBG was to lose its licence.
76. Ms Dias also refers in this same email to an apparent application by SBG to extend its licensing hours to 01:00. There has been no such application.

#### **SBG litter**

77. Ms Dias states in her application that on several occasions she has found pint glasses, wine glasses, beer bottles, used napkins outside her entrance. I have seen no recent evidence of this. There are, of course, numerous licensed establishments in the area and Sheldon Square is very busy with those who may have frequented such venues.

#### **Steps taken since review application**

Odiljon Raupov Statement- Clea~ 4124-1419-9059 v.1.docx13

78. This review application is a huge concern for me and my staff. We are acutely aware that the venue will close if the licence is revoked, and my employees could lose their jobs.

I have undertaken the following steps:

- 78.1. I offered through my solicitor on 26 January 2018 to meet with Ms Dias to discuss her concerns. She refused this invitation. Please see Ms Dias' email response to the invitation at **Exhibit 11**.
- 78.2. I met with Ian Watson, Environmental Health Service. Ian was not aware of recent complaints against the venue.
- 78.3. I met with John Zamit of SEBRA. John was extremely supportive and said he was unaware of specific evidence that linked the venue to crime and disorder or public nuisance.
- 78.4. Through my solicitor I made contact with Elizabeth Virgo of PWMVS who confirmed by email on 27 January 2018, "I am not aware of any contact with us about this venue".
- 78.5. I wrote to residents to offer to meet with them or speak on the telephone at a time convenient to them.
- 78.6. I engaged Peter Rogers to undertake an acoustic review of the premises.
- 78.7. Through my solicitor, I arranged a meeting with Ms Dias to discuss the application.

#### **Recent correspondence with Ms Dias**

79. Ms Dias has continued to write aggressively to my solicitor, please see the email at 5 March 2018 at **Exhibit 12**. She wrongly alleges that I have antagonised her neighbours with "alarmist communications and demands to enter their homes". I attach a copy of the email I sent to residents at **Exhibit 14**. It will be noted that residents of 2 flats willingly agreed to allow our acoustic consultant access to their homes.
80. In her email on 9 March 2018 at **Exhibit 15**, Ms Dias finally agreed to meet with me.

#### **Meeting with Ms Dias on 16 March 2018**

81. On Friday 16 March 2018, my solicitor and I met with Ms Dias, who was accompanied by Richard Brown, from Westminster Licensing Advice. We attempted to discuss some of the issues Ms Dias raised in her application, and I told her that I felt that some of her allegations were unfair.
82. Ms Dias seemed to take an indifferent stance to the consequences of the review application, especially when we advised her how seriously we were taking the application. We asked if there were any steps that we could take.
83. My solicitor asked whether Ms Dias would consider having a meeting with other residents and me every 3 months to discuss concerns in person. Ms Dias did not seem open to this suggestion. When, we asked Ms Dias what her position was at the

Odiljon Raupov Statement- Clea~ 4124-1419-9059 v.1.docx14

end of the meeting, she said she was no longer sure what she wanted and that she would think about what had been discussed.

#### Conclusion

84. I am very sorry that Ms Dias has considered it necessary to bring this review. Her main complaints concern New Year's Eve and occasional but mostly historic smoking issues below her flat.
85. I hope that I have demonstrated that I am very willing to engage with officers and residents and I have made significant and expensive alterations to the premises in order to do my very best to minimise the risk of disturbance.
86. I am grateful for the support that I have received from other residents who have been kind enough to recognise the improvements we have made and to indicate that they do not support this application.
87. I recognise that a restaurant bar below residential flats can result in some disturbance. I will continue to do my very best to ensure that appropriate measures are taken to minimise the risk of this happening.

I believe the contents of my Witness Statement are true.

Signed:

A black rectangular box redacting the signature of Odiljon Raupov.

ODILJON RAUPOV

Dated: 9<sup>th</sup> of April 2018

### List of Exhibits

1. Plan showing the ground floor and basement layout of the premises, with door references.
2. Plan of the ground floor of the premises with the location of the flats of the residents of 27 Sheldon Square, and door references.
3. Photos of the signs around SBG.
4. Email exchange between Ms Dias and the Noise Team dated 21 October 2016 to 4 January 2017.
5. Email from Ms Dias regarding the New Year's Eve Party on 31 December 2017.
6. Email exchange between Ms Dias and the Licence holder regarding the air conditioning offer.
7. Photographs of non-SBG patrons smoking outside near Block 27 entrance.
8. Acoustics report by Peter Rogers dated 01 March 2018
9. Email exchange between Ms Dias and Robert Botkai at Winckworth Sherwood LLP (WS) dated 10 and 11 February 2018
10. Email correspondence between Ms Dias and Westminster City Council in December 2017.
11. Email exchange between Ms Dias and WS dated 26 to 29 January 2018.
12. Email from Ms Dias to WS dated 5 March 2018.
13. Email exchange between Mr John Little, the Chair of the Residents' Association for Blocks 11 and 21 at Sheldon Square and the Licence holder dated 01 and 22 February 2018.
14. Communication sent by the Licence holder to residents of 27 Sheldon Square in relation to the review application.
15. Email exchange between Ms Dias and WS dated 9 March 2018.

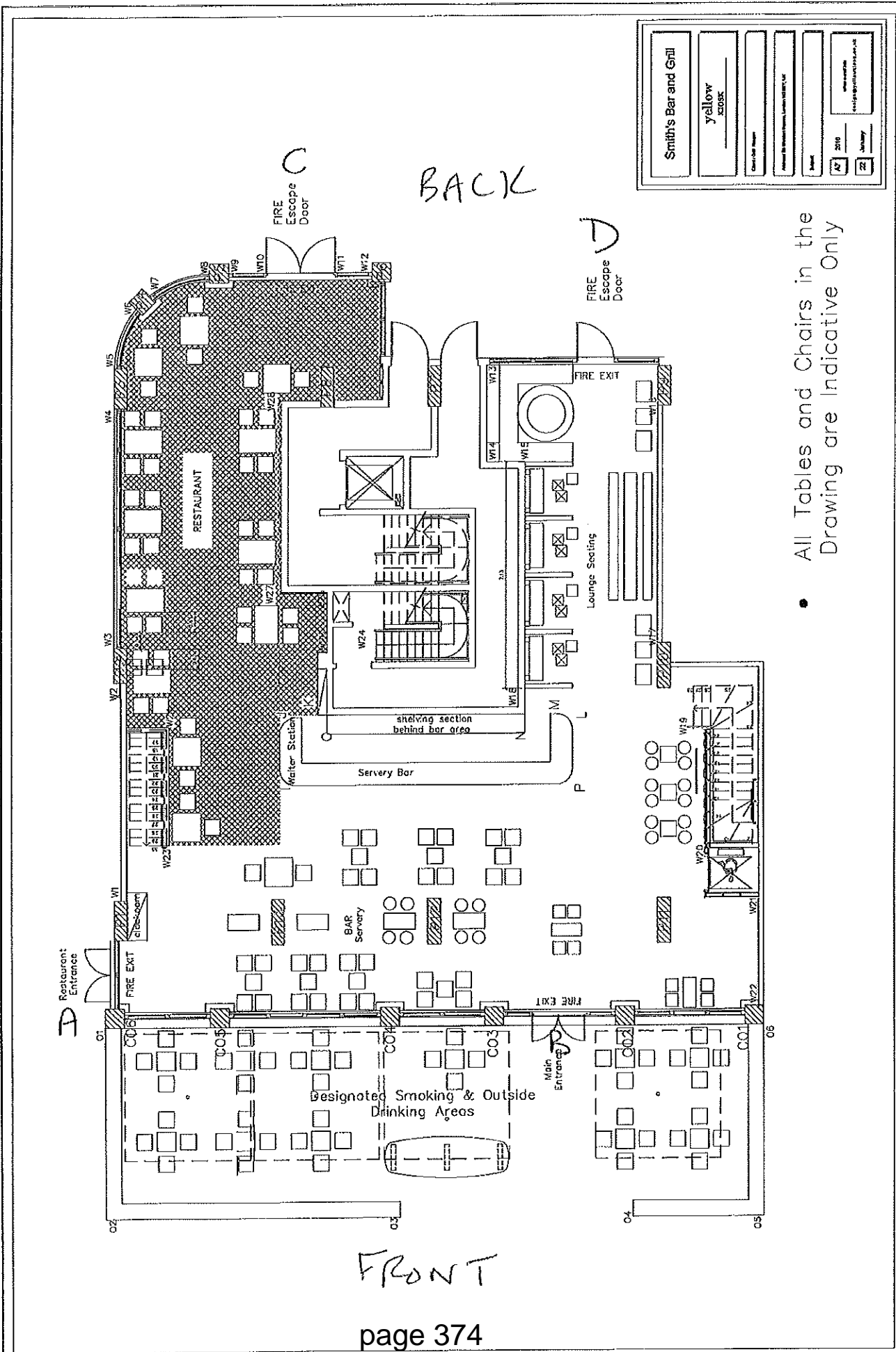
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**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 1**

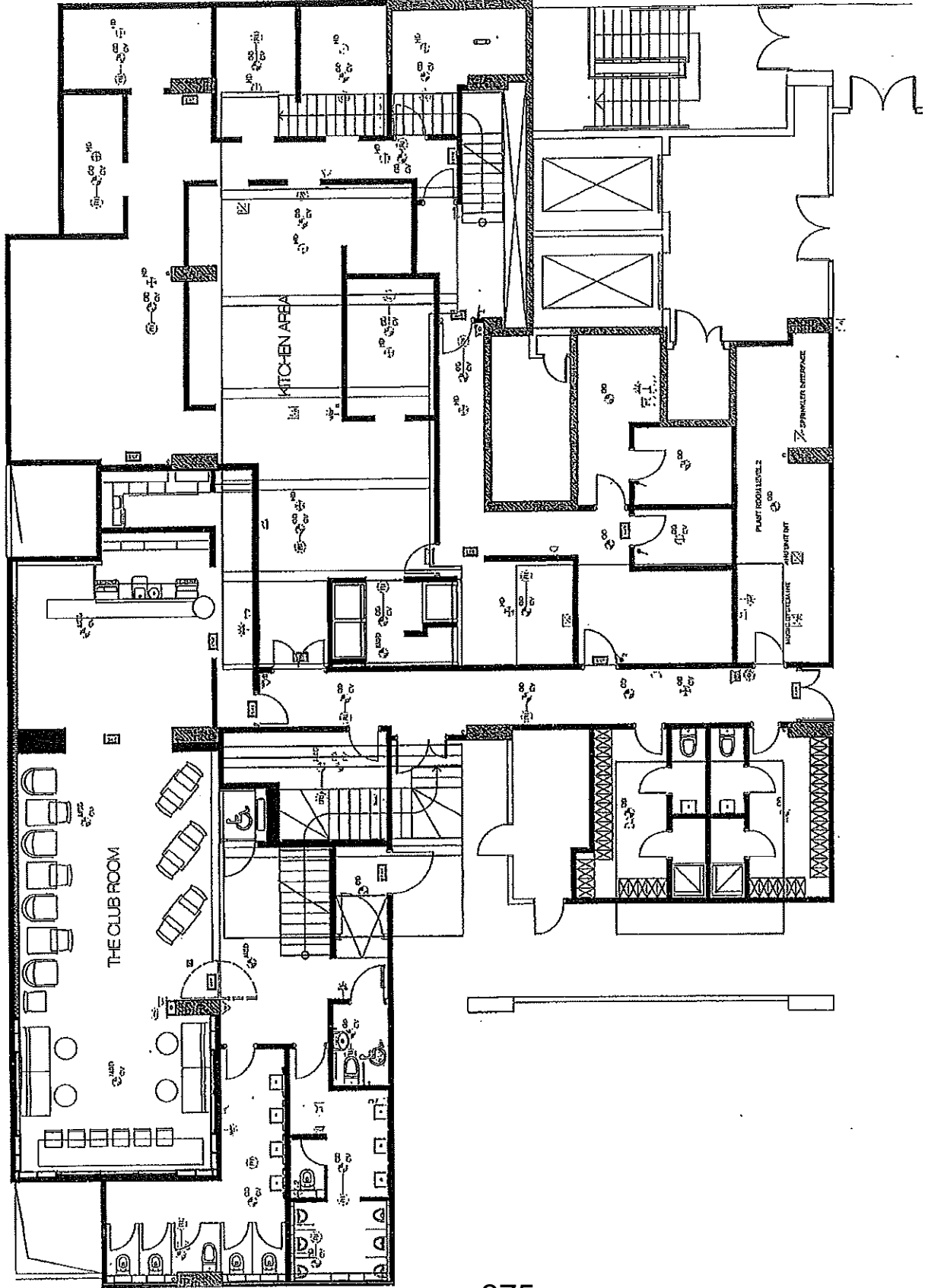
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• All Tables and Chairs in the Drawing are Indicative Only



# BASEMENT



## LEGEND

1	THICK WALL
2	THIN WALL
3	CONCRETE FLOOR
4	CONCRETE SLAB
5	CONCRETE COLUMN
6	CONCRETE BEAM
7	CONCRETE STAIR
8	CONCRETE RAMP
9	CONCRETE CURB
10	CONCRETE FINISH
11	CONCRETE CURB
12	CONCRETE CURB
13	CONCRETE CURB
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49	CONCRETE CURB
50	CONCRETE CURB

**JMS**  
 JAMES M. SMITH ARCHITECTS  
 1000 WEST 10TH AVENUE  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 FAX: 303.733.1112

DATE: 10/01/2004  
 DRAWN: JMS  
 CHECKED: JMS  
 PROJECT: 04-001  
 SHEET: 04-001-01  
 SCALE: AS SHOWN  
 PROJECT NO.: 04-001  
 SHEET NO.: 01

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 2**

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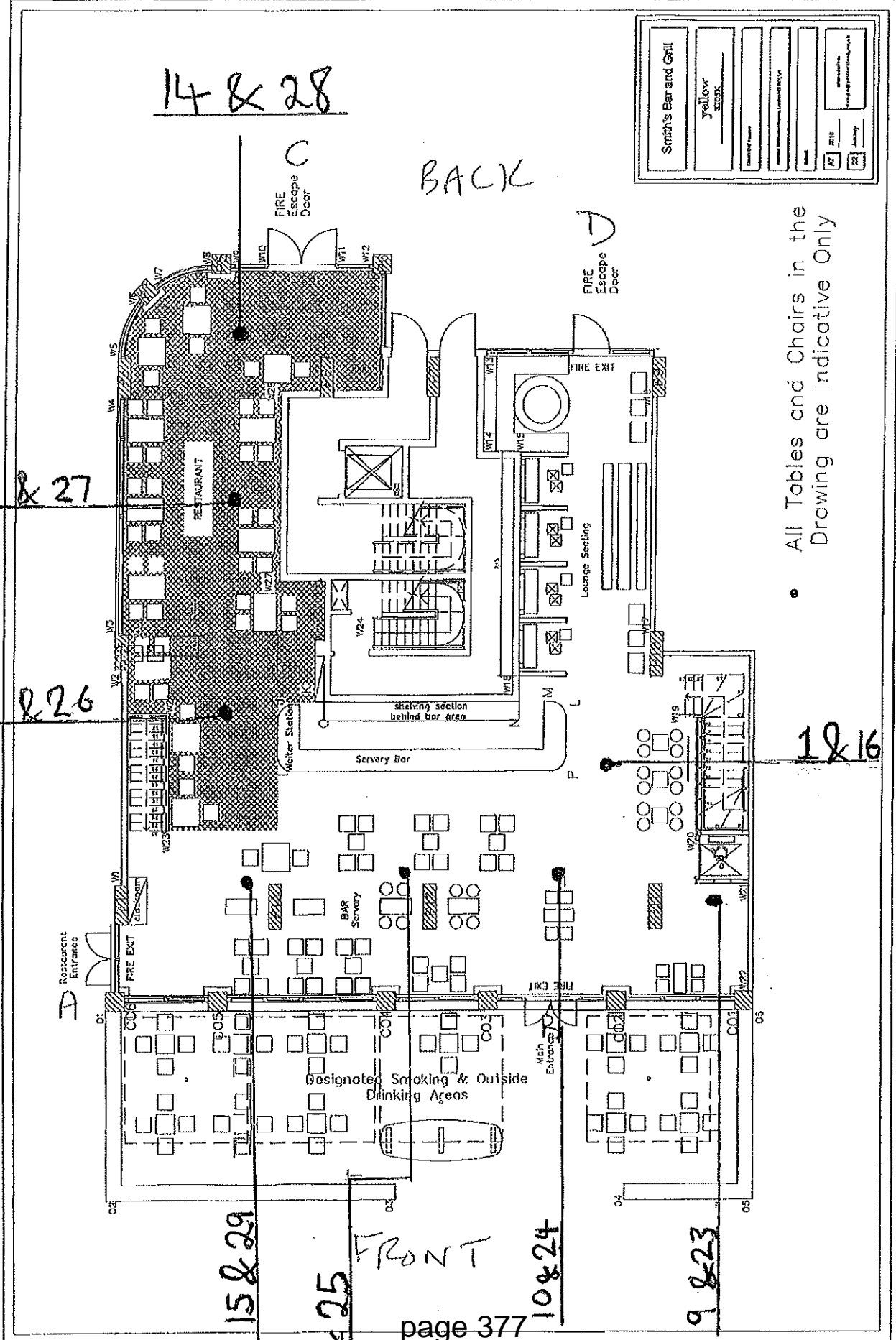
14 & 28

BACK

13 & 27

12 & 26

Smith's Bar and Grill	
Yellow	Seating
AY 218	23



All Tables and Chairs in the Drawing are Indicative Only

1 & 16

15 & 29

11 & 25

FRONT

10 & 24

9 & 23

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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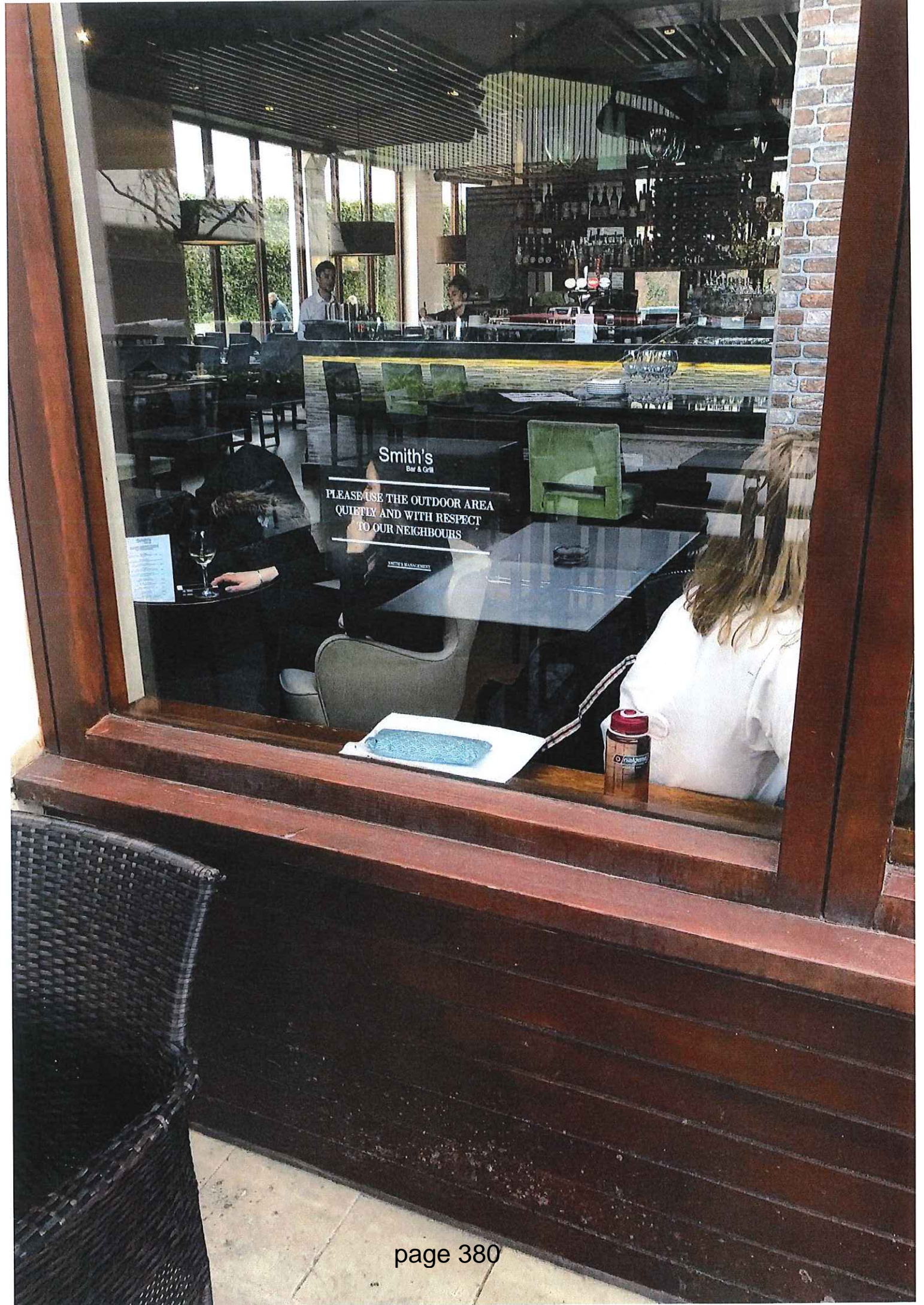
**EXHIBIT 3**

---



Smith's  
Bar & Grill

PLEASE USE THE OUTDOOR AREA  
QUIETLY AND WITH RESPECT  
TO OUR NEIGHBOURS





Smith's  
Bar & Grill

PLEASE USE THE OUTDOOR AREA  
QUIETLY AND WITH RESPECT  
TO OUR NEIGHBOURS

SMITH'S MANAGEMENT

PLEASE  
LEAVE  
QUIETLY



**NO SMOKING  
BEYOND THIS  
POINT**

**Smith's**  
Bar & Grill

**AFTER 22:00  
FIRE EXIT ONLY**

SMITH'S MANAGEMENT

PLE  
LEA  
QUIE

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

---

**EXHIBIT 4**

---

## Fwd: Smiths New Years Eve noise 2017

Wednesday, 4 January, 2017 10:10

From: "Tanya Dias" <tanyadias1@yahoo.co.uk>  
 To: "licensing licensing" <licensing@westminstercab.org.uk>  
 Cc: "Andrew MacConnal-Mason" <andymacmason@yahoo.co.uk>

1 Files 4 MB

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V

Save

Dear Mr Brown,

It seems that it was Smiths who again this New Year's Eve had an all night party, exactly the same as last year with the same issues for residents living above them.

This year I called the noise team twice and you see their rather aggressive response. The noise teams regular denial, ineffectiveness, defensiveness and lack of responsibility over the last decade was why I didn't call the previous year (it wasn't worth the aggravation on top of the noise nuisance to deal with) and why my two neighbours called them instead and went forward with their 2016 licence review of Smiths with yourself. Since your joint license action last year hasn't improved the situation and Smiths flouts what was agreed under the terms of their license, I would like to go ahead with a license review this year.

For the record when I got a call from the noise team after my first call I said the noise had stopped temporarily at the precise moment of the call and that it would likely start again. The person at the end of the call (who didn't name themselves) said he would visit. It turns out he didn't visit till after my second call two hours later, as per his email below. I didn't get a confirmation call of the visit on New Year's Eve. The visit (if it had happened) was ineffective as the party continued till 1am. The noise was as loud as last year's party and was followed by a fireworks display right between the building and canal on my neighbours side of the building. I took a video from my flat of it.

Regards,

Tanya

Sent from my iPhone

Begin forwarded message:

From: "Richardson, Steve: WCC" <sprichardson@westminster.gov.uk>  
 Date: 4 January 2017 at 8:20:26 am GMT  
 To: Tanya Dias <tanyadias1@yahoo.co.uk>  
 Subject: Re: Smiths New Years Eve noise 2017

Good Morning Mrs Dias,

I don't understand. If you telephone the service and I carry out a visit, I don't see how your call was ignored. You will remember that the facts relating to your call at 21:31 are as follows: I telephoned you back at 21:57 and you told me that the noise had stopped. You will understand that we don't visit if noise has stopped, but I offered to try to attend, bearing in mind that this was New Years Eve.

As events transpired, I had to prioritise calls where noise was continuing until you made your follow up call. I got to Sheldon Square and walked the Square, I did not hear any music or other noise in the square but went to Smiths with Sheldon Square security. I went round to the canal entrance to Smiths and spoke to the DPS at 01:15. At that time, music from Smiths was just audible outside and I did not consider that a statutory nuisance was likely. No formal action is planned by the noise team as a result but as I say, the licensing team will also be following up and will respond separately.

Regards

Steve Richardson  
 24 Hour Noise Team

From: Tanya Dias <tanyadias1@yahoo.co.uk>  
 Sent: 03 January 2017 13:03:06  
 To: Richardson, Steve: WCC  
 Subject: Re: Smiths New Years Eve noise 2017

Mr Richardson, thank you for emailing me. The noise had continued as you can see from my second email to Mr Bannister after my follow up call at 11.30pm on the same noise issue. As the noise issue continued till 1am (from around 8.30pm) my original call from 9.30pm had been ignored. Your visit did not make any difference to the noise continuation or volume. Why was that?

Sent from my iPhone

> On 3 Jan 2017, at 12:20 pm, Richardson, Steve: WCC <sprichardson@westminster.gov.uk> wrote:

&gt;

> Hello Mrs Dias,

> Thanks, Mr Bannister has explained his position in this and so I will respond to you directly.

> Note your call was not ignored. I informed you that I would visit and I did so.

> All visits to licensed premises are followed up by the licensing team, and this is one of the addresses from New Years Eve that I have referred to them. I'm waiting for them to come back to me once this is done. Either myself or the licensing team will come back to you again shortly.

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

> Regards  
> Steve Richardson  
>  
> -----Original Message-----  
> From: Tanya Dias [mailto:tanyad1@yahoo.co.uk]  
> Sent: 03 January 2017 12:06  
> To: Richardson, Steve: WCC  
> Cc: Bannister, Ian: WCC  
> Subject: Re: Smiths New Years Eve noise 2017  
>  
> Permission given. My emails to Mr Bannister were straight after my calls to the council noise team.  
>  
> Regards,  
>  
> Tanya  
>  
> Sent from my iPhone  
>  
>> On 3 Jan 2017, at 11:25 am, Richardson, Steve: WCC <[sprichardson@westminster.gov.uk](mailto:sprichardson@westminster.gov.uk)> wrote:  
>>  
>> Hello Ian,  
>> I've had no direct request from Mrs Dias since our dealings on New Years Eve so before I email can I ask in what capacity are you enquiring on behalf of Mrs Dias? Does she give permission for me to pass on information to you? Perhaps you could clarify.  
>> Thanks  
>> Steve Richardson  
>> 24 Hour Noise Team  
>>  
>> -----Original Message-----  
>> From: Bannister, Ian: WCC  
>> Sent: 03 January 2017 11:08  
>> To: Noise Team: WCC  
>> Cc: Tanya Dias  
>> Subject: Smiths New Years Eve noise 2017  
>>  
>> Hi There,  
>>  
>> I trust that you are well and Happy New Year to you.  
>>  
>> I have just come back from annual leave to see that I have received a couple of emails from a resident complaining about the noise and indeed raising the issue that when they contacted the noise unit, unfortunately no action was taken.  
>>  
>> Could you kindly look into the issue and copy me in to your response to Tanya please as whilst it is entirely understandable that revellers wont to celebrate the New Year, it must surely not be at the expense of other members of our community of course.  
>>  
>> Thanking you in anticipation  
>>  
>> Very Kind Regards  
>>  
>> Ian Bannister  
>> Sports Development Officer - Progression Sport, Leisure and Wellbeing  
>> The Pavillion Paddington Recreation Ground Randolph Avenue Maida Vale  
>> London  
>> W9 1PD  
>> Westminster Sports Unit  
>> Sport & Leisure Delivery Unit  
>> City of Westminster  
>> Using the Power of Sport to inspire, empower and provoke change.  
>> Tel: 020 7641 5889  
>> Fax:020 7641 5878  
>> [ibannister@westminster.gov.uk](mailto:ibannister@westminster.gov.uk)  
>> [www.westminster.gov.uk/sport](http://www.westminster.gov.uk/sport)  
>> General Enquiries: 020 7641 2012  
>> Join us on Facebook:[Facebook.com/Active-Westminster](https://www.facebook.com/Active-Westminster)  
>> Follow us on Twitter:[@ActiveWCC](https://twitter.com/ActiveWCC)  
>> Visit:<http://www.westminster.gov.uk/sport>  
>>  
>>  
>> \*\*\*\*\*  
>> \*\*\*\*\* Look out for your electoral registration form in the  
>> post. It's important you respond to ensure you remain on the electoral  
>> register even if you're  
>>  
>> -----Original Message-----  
>> From: Tanya Dias [mailto:tanyad1@yahoo.co.uk]  
>> Sent: 31 December 2016 23:35  
>> To: Bannister, Ian: WCC  
>> Subject: Re: Smiths New Years Eve noise 2017  
>>  
>> The party noise and DJ on loudspeaker is still going on and it's been  
>> 3 hours. The Council noise team have simply ignored the issue. I found  
>> out when I just called again 😞  
>>  
>> Sent from my iPhone  
>>  
>>> On 31 Dec 2016, at 9:41 pm, Tanya Dias <[tanyad1@yahoo.co.uk](mailto:tanyad1@yahoo.co.uk)> wrote:  
>>>  
>>> Unfortunately this year's New Year's Eve is also noisy and I don't know if it's Smiths again. I have called Westminster noise team. I started 2016 badly because of Smiths loud music and party and I don't intend to have 2017 spoiled at the start exactly in the same way as 2016. This is a residential area, not Piccadilly Circus.  
>>>  
>>> Sent from my iPhone  
>>>  
>>>> On 30 Nov 2016, at 3:45 pm, Bannister, Ian: WCC <[ibannister@westminster.gov.uk](mailto:ibannister@westminster.gov.uk)> wrote:

>>>>  
>>>> Hi Tanya,  
>>>>  
>>>> I trust that you are well and thanks for your email.  
>>>>  
>>>> It's good to hear that there are some positive outcomes and I've passed your comments onto the Licencing team.  
>>>> I've also asked them for an update in respect of your previous  
>>>> feedback and as soon as they come back to me, I'll let you know!  
>>>>  
>>>> Very Kind Regards  
>>>>  
>>>> Ian Bannister  
>>>> Sports Development Officer - Progression Sport, Leisure and  
>>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph Avenue  
>>>> Maida Vale London  
>>>> W9 1PD  
>>>> Westminster Sports Unit  
>>>> Sport & Leisure Delivery Unit  
>>>> City of Westminster  
>>>> Using the Power of Sport to inspire, empower and provoke change.  
>>>> Tel: 020 7641 5889  
>>>> Fax:020 7641 5878  
>>>> [ibannister@westminster.gov.uk](mailto:ibannister@westminster.gov.uk)  
>>>> [www.westminster.gov.uk/sport](http://www.westminster.gov.uk/sport)  
>>>> General Enquiries: 020 7641 2012  
>>>> Join us on Facebook:[Facebook.com/Active-Westminster](https://www.facebook.com/Active-Westminster)  
>>>> Follow us on Twitter:[@ActiveWCC](https://twitter.com/ActiveWCC)  
>>>> Visit:<http://www.westminster.gov.uk/sport>  
>>>>  
>>>>  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*\*\*\* Look out for your electoral registration form in the  
>>>> post. It's important you respond to ensure you remain on the  
>>>> electoral register even if you're  
>>>>  
>>>>  
>>>> —Original Message—  
>>>> From: Tanya Dias [<mailto:tanyadias1@yahoo.co.uk>]  
>>>> Sent: 29 November 2016 15:09  
>>>> To: Bannister, Ian: WCC  
>>>> Subject: Re: Smokers outside Smiths Bar and Grill  
>>>>  
>>>> Hi Mr Bannister,  
>>>>  
>>>> October to New Years Eve tends to be when there are smokers outside our block entrance. Since 1st January 2016 when Smiths  
>>>> had a New Years party till 4am and a licence review took place, Smiths I think have been trying to behave, with occasional lapses.  
>>>> I've been in the middle of taking smokers photos on occasions  
>>>> recently when a Smiths staff member came out to move people away,  
>>>> pointing out that my photos will be all over social media in a few  
>>>> minutes. The smokers ran away quickly. That was a pleasant  
>>>> experience, like Christmas coming early. Long may it continue! ☺  
>>>>  
>>>> Tanya  
>>>>  
>>>> Sent from my iPhone  
>>>>  
>>>>>> On 24 Oct 2016, at 9:13 am, Bannister, Ian: WCC <[ibannister@westminster.gov.uk](mailto:ibannister@westminster.gov.uk)> wrote:  
>>>>>>  
>>>>>> Hi Tanya,  
>>>>>>  
>>>>>> I trust that you are well and thank you for your email.  
>>>>>>  
>>>>>> I've identified the Council Licencing strategy team who I believe would be best placed department to act and have forwarded on  
>>>>>> your email to them.  
>>>>>>  
>>>>>> I trust that this is in order,  
>>>>>>  
>>>>>> Very Kind Regards  
>>>>>>  
>>>>>> Ian Bannister  
>>>>>> Sports Development Officer - Progression Sport, Leisure and  
>>>>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph  
>>>>>> Avenue Maida Vale London  
>>>>>> W9 1PD  
>>>>>> Westminster Sports Unit  
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>>>>>> [www.westminster.gov.uk/sport](http://www.westminster.gov.uk/sport)  
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>>>>>> Follow us on Twitter:[@ActiveWCC](https://twitter.com/ActiveWCC)  
>>>>>> Visit:<http://www.westminster.gov.uk/sport>  
>>>>>>  
>>>>>>  
>>>>>> \*\*\*\*\*  
>>>>>> \*  
>>>>>> \*\*  
>>>>>> \*\*\*\*\* Look out for your electoral registration form in the

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>>>> post. It's important you respond to ensure you remain on the  
>>>> electoral register even if you're  
>>>>  
>>>>  
>>>> -----Original Message-----  
>>>> From: Tanya Dias [mailto:tanyadias1@yahoo.co.uk]  
>>>> Sent: 21 October 2016 19:02  
>>>> To: rob.stickland@paddingtoncentral.co.uk; Bannister, Ian: WCC  
>>>> Subject: Smokers outside Smiths Bar and Grill  
>>>>  
>>>> Here is a photo I took just now of smokers outside Smiths Bar and Grill. Terms of their license includes no smoking zones. The  
smokers are ignoring the no smoking signs and there is no bouncer from Smiths to move the smokers on.  
>>>>  
>>>> Please do a License Review.  
>>>>  
>>>>  
>>>> \_\_\_\_\_  
>>>>  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*  
>>>> \*\*\*\*\* Did you know, your two-year-old could qualify for up  
>>>> to  
>>>> 15 hours of free childcare a week? Apply now at  
>>>> [www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
>>>>  
>>>> Keep making a Real Change to the lives of rough sleepers in  
>>>> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
>>>> REALCHANGE plus the amount you wish to give to 70500, or visit  
>>>> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
>>>>  
>>>> How will you quit smoking this Stoptober? Join Stoptober and find that support that's right for you.  
>>>>  
>>>> Join the conversation on childhood obesity by completing the Great  
>>>> Weight Debate survey and tell us what can be done to tackle this  
>>>> growing problem <https://www.westminster.gov.uk/great-weight-debate>  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*  
>>>> \*\*\*\*\* Westminster City Council switchboard: +44 20 7641 6000.  
>>>> [www.westminster.gov.uk](http://www.westminster.gov.uk)  
>>>> \*\*\*\*\*  
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>>>> \*\*\*\*\* This E-Mail may contain information which is  
>>>> privileged, confidential and protected from disclosure.  
>>>> If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on  
receipt.  
>>>> You should not disclose the contents to any other person or take copies.  
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>>>> \*\*\*\*\* Did you know, your two-year-old could qualify for up  
>>>> to 15 hours of free childcare a week? Apply now at  
>>>> [www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
>>>>  
>>>> Keep making a Real Change to the lives of rough sleepers in  
>>>> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
>>>> REALCHANGE plus the amount you wish to give to 70500, or visit  
>>>> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
>>>>  
>>>> Join the conversation on childhood obesity by completing the Great  
>>>> Weight Debate survey and tell us what can be done to tackle this  
>>>> growing problem <https://www.westminster.gov.uk/great-weight-debate>  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*\*\*\* Westminster City Council switchboard: +44 20 7641  
>>>> 6000.  
>>>> [www.westminster.gov.uk](http://www.westminster.gov.uk)  
>>>> \*\*\*\*\*  
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receipt.  
>>>> You should not disclose the contents to any other person or take copies.  
>>>> \*\*\*\*\*  
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>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*\*\*\* Did you know, your two-year-old could qualify for up to  
>>>> 15 hours of free childcare a week? Apply now at

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>> [www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
 >>  
 >> Keep making a Real Change to the lives of rough sleepers in  
 >> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
 >> REALCHANGE plus the amount you wish to give to 70500, or visit  
 >> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
 >>  
 >> Join the conversation on childhood obesity by completing the Great  
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**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 5**

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On 1 Jan 2018, at 7:51 am, Tanya Dias <[tanyadias1@yahoo.co.uk](mailto:tanyadias1@yahoo.co.uk)> wrote:

page 391

The 10.24pm Noise Team call reference was 17/42473/ENC45.

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

The Smiths noise stopped at 12.30pm. They started at 6.30pm. That's six hours of partying. An average working day for a permanent employee is typically eight hours. That's almost a full working day of Smiths harassing their neighbours. That's unacceptable and an inappropriate violation of the human rights of the residents above them. I assume Westminster licensing gave Smiths permission for this six hour event and both parties failed repeatedly to communicate that to residents when I made a direct request (see the beginning of this email thread 8th December 2017 onwards).

For the last three years in a row, I've typically got one or two hours sleep on New Year's Eve and woken up tired and angry for my early start on New Year's Day.

Westminster CAB and Licensing, do not suggest compromise with Smiths. Both Smiths and Westminster Council has shown contempt towards residents in this matter and the Council approval of weekly planning applications for even more 'vibrancy' in the immediate vicinity (aka resident harassment and privacy and human rights violations).

Did the Noise Officer even turn up last night and how long did he spend inspecting Smiths? On both his calls to me he told me identical spiel he was busy attending an alarm and reeled off a list of priority calls the bottom of which was my call, giving me a clear indication of the low priority Westminster Council and it's Noise Team categorise my calls. The Noise Officer told me he arrived within one hour of my first call at 6.50pm. I told him his voicemail to me was at 9.40pm, almost three hours after my call and I was keeping a video and email log. He knows the videos are up on YouTube and his 'nothing was happening' statement is proven false.

Is Westminster Council in the payroll of these commercial premises? Is it on the pay of Smiths? Smiths tried to bribe me with the installation of an air conditioning unit in my flat in return for silence some years ago. They aren't above bribery and corruption. Westminster Council and the Noise Team have never ever acted as an independent party in this instance...both Smiths and Westminster licensing have acted repeatedly with contempt towards me and other residents for almost a decade.

Tanya

Sent from my iPhone

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 6**

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[TaniaDias100@yahoo.co.uk](mailto:TaniaDias100@yahoo.co.uk)  
+44 (0)7973 570 043

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**From:** Odil Raupov <[odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)>  
**To:** Tania Dias Gunasinghe <[taniadias100@yahoo.co.uk](mailto:taniadias100@yahoo.co.uk)>  
**Cc:** Cummings Kay <[kcummings@westminster.gov.uk](mailto:kcummings@westminster.gov.uk)>; Shuhrat Djurakulov <[shuhrat@smithsbarandgrill.co.uk](mailto:shuhrat@smithsbarandgrill.co.uk)>; 'Kamila Shuha' <[komachka@yahoo.com](mailto:komachka@yahoo.com)>  
**Sent:** Monday, 2 April 2012, 13:47  
**Subject:** Re: Smiths installation of Air Conditioning in flat 14, 27 Sheldon Square

Hi Tania,

Sorry for a late respond I've been taking instructions.

I regret to say that perhaps it must have happened in just a period of few seconds. As matter of urgency I'm putting out some red circled non smoking signs on the windows to a lower level so it's visible to our patrons.

Tania we are doing everything possible to keep your block entrance clear of our patrons and we will continue to do so. We will take further steps if required to have the security to work Wednesdays just to make sure the area is monitored. Regardless of who smokes at the entrance of your block we clean it every night so that when residents coming out they don't feel that smiths causing all the mess even though it can simply be the residents smoking. But sometime I feel that you are a bit too harsh and unfair. During any day if you spend a little bit of time to see what happens under those trees and at the entrance of your block, then maybe you would understand my point. Please see attached images from just Friday last week and 1 from last year. There is a resident, construction worker, lady just passing by puffs her cigarettes and few other people who just decided to smoke there.

Our financial position is effected dramatically, so it's not that we looking to boost the profit, we just trying to get ourselves back into a break even point, In the event of continuation of the trade at this stage can cause the company going under which you can appreciate is the last thing we would want.

We would love to have meetings from time to time and please let me know if the residents committee feels that we should have a meeting I will arrange the owners to be available too.

It is unfortunate that you have decided to withdraw our offer, however if you do re-consider your position we will be more than happy to proceed. Engineer was booked for the 3rd Tuesday which I have cancelled now.

Regards

Odil Raupov  
Smith's Bar & Grill  
Tel: 020 7286 9458  
[odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)  
[www.smithsbarandgrill.co.uk](http://www.smithsbarandgrill.co.uk)

On 28 Mar 2012, at 21:21, Tania Dias Gunasinghe <[taniadias100@yahoo.co.uk](mailto:taniadias100@yahoo.co.uk)> wrote:

Hi Odil,

I got home today at 8.45pm and saw two Smiths patrons come out of the corner bar door, casually walk around (as if they were following their usual route) to our block door, perch their wine glasses on the window ledge and pull out their cigarette packets. I was standing 30cm away from them, watching their movements closely and pointed out the Smiths 'No smoking' notices. I explained to them that there are residents in flats above them. They said they hadn't seen the notice. This is because the notices are placed above head level where your patrons can't see, unless they look up. The window ledge where they had perched their wine glasses is covered in glass/bottle/mug stains.

There were also three people sitting under the trees with wine glasses. I saw no Smiths staff around.

After careful thought, I withdraw my agreement to Smiths offer of installing a permanent air conditioning solution in my flat. I've lived years without it and can continue to do so, like the rest of my neighbours. I've emailed too long and hard to have our block entrance and the area under the trees clear of Smiths patrons, their cigarette smoke and butts. I think it is a good thing that the smoking area was moved to the current location. It may not optimise Smiths revenues, but it is in everyones best interests that the solution currently in place remains.

I kindly ask that you cancel the engineer visit on Monday to my flat, not resurrect this 'air conditioning offer' again and that I get no further individual meeting requests by text (or email). I am happy to meet Smiths in a group with the other residents.

Kind Regards,

Tania Dias

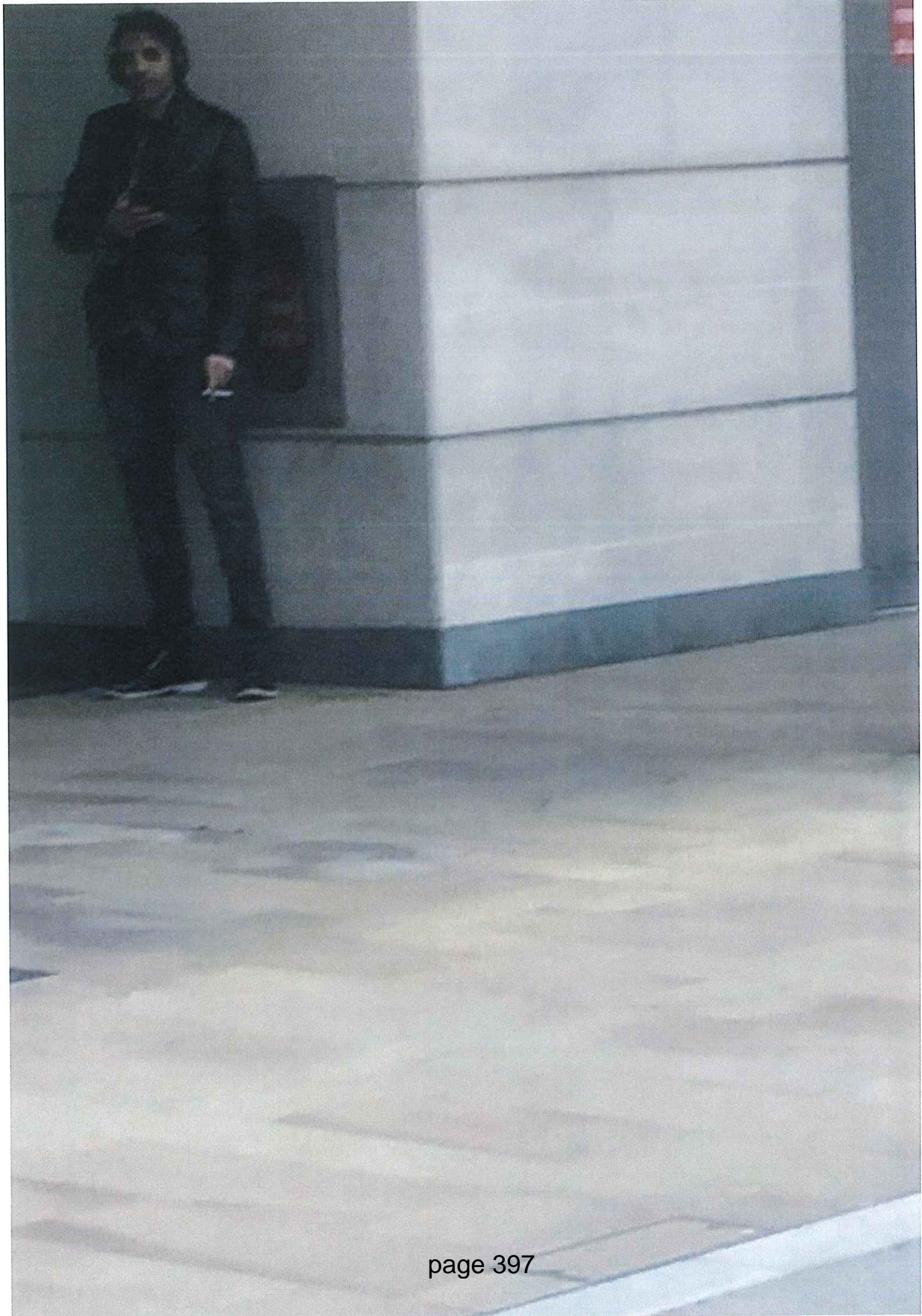
**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 7**

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**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 8**

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## ACOUSTIC TECHNICAL MEMORANDUM

To: Robert Botkai (WSLaw)

Date: 1<sup>st</sup> March 2018.

CC:

From Peter Rogers (SAL)

Ref: 18-0038-0 Acoustic Review  
Memorandum - ATM1.0 - Smiths Bar,  
Sheldon Place

**SUBJECT: SMITHS BAR ACOUSTIC REVIEW MEMO (ATM01) – SMITH’S BAR, PADDINGTON, LONDON**

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## 1. INTRODUCTION

This Acoustic Technical Memo (ATM) sets out the acoustic review of Smith’s Bar, Sheldon Square, Paddington. A visit and investigation took place on Sunday the 25<sup>th</sup> February 2018, which included trialing the existing set-ups of the sound systems for the basement and ground floor, and visits to two residential flats that are located above the bar. The results of this investigation are set out in this memorandum ahead of a Review which has been called by a resident at flat 14.

## 2. CREDENTIALS

I am a registered Expert Witness in Acoustic matters related to Entertainment noise, with a combined experience of over 25 years in enforcement and consultancy.

I am also a Fellow of the Institute of Acoustics, and in totality can be considered to be a suitably qualified acoustician to offer an independent assessment of the noise control systems currently operating in Smith’s Bar.

## 3. BACKGROUND & VISUAL INSPECTION

The bar has two main areas, the basement and the ground floor.

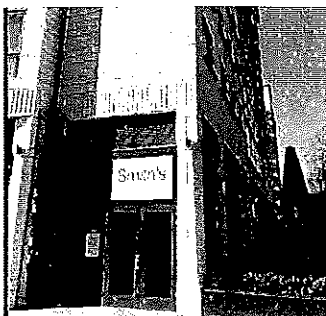


Photo 1 : External façade with flats above



Photo 2 : Ground floor bar

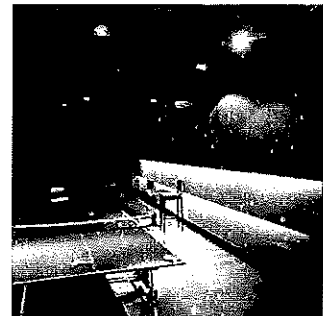
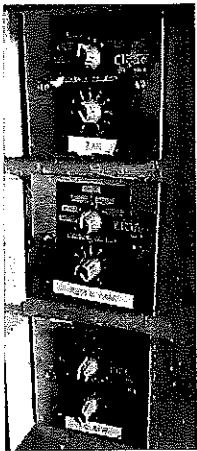


Photo 3 : Basement area



### Zoning of Sound System

These floors have separately zoned sound systems. The top floor is understood to be served with ambient music to support trading, and has volume controls behind the bar.

ground floor with music that is a focus of entertainment, such as DJ's. This is a higher level of music.

There is a DJ plug in point in the basement and the upstairs bar.

The upstairs plug in is understood to only used for TEN events, which tend only to be for New Year parties, which is the period of particular interest from the resident of Flat 14.

Photo 4: Ground floor user volume controls

### Noise Conditions

Conditions 18, 20 and 21 relate to the control of music on the licence.

Condition 18 requires that regulated entertainment is provided in the basement of the premises.

Condition 20 requires "a noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses". It goes on to say "The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service."

Condition 21 requires "Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device".

Condition 18 is the case, except when a TEN's suspends the conditions for the New Year party.

Condition 20 compliance is explored further below.

Condition 21 is satisfied as inspection showed that all devices run through the sound limiting device.

### Acoustic Limiter

Condition 21 makes clear that a sound limiting device must be used, and located in a secure location, and set up to levels that have been checked by Environmental Health.

Inspection revealed the sound rack to be located in a loft space, located above the basement, which was only accessible via a password locked door. It is difficult to access, and only staff with the door code could do so. The front of the amplifiers are fitted with tamperproof plates, with security screws. This seems to reasonably satisfy the requirements of the condition. Photo 6 shows the rack with the plates in place, and compression limiter indicators in the red oval, showing that it is active.



Photo 5 : Punch code lock on door to area with limiter

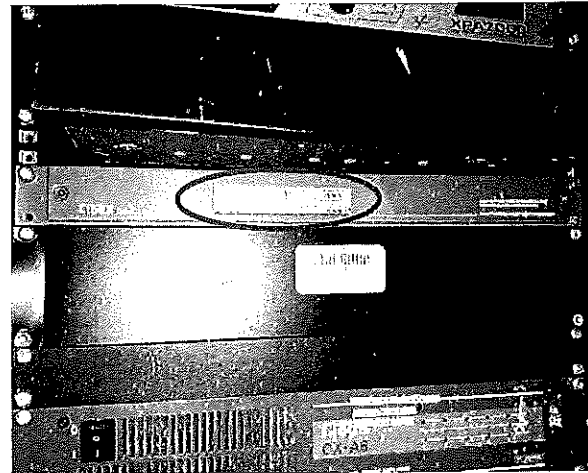


Photo 6 : Zonal amplifiers EQ with compression limiter

In the basement it is possible to switch between the on line music content (Channel 4), and the DJ feed (Channel 3) to enable music to be played when the DJ feed is not in use.

#### 4. INSTRUMENTS & METHODOLOGY

Measurements were made using an NTi XL2 Class 1 Sound Level Meter (SN:A2A-08136-E0), in each octave band simultaneously between 63Hz and 8kHz, which in the range of interest. The meter was calibrated before and after measurements without significant drift.

Measurements were taken as special averages, over a minutes duration in each location of interest. The music used was heavy in bass and with a good range of vocals. The locations and configurations included:

- A - the basement with music on maximum output through the DJ desk (channel 3),
- B - the basement with music on maximum output through online musical content (channel 4)
- C – the ground floor bar with music planning through online musical content (channel 4)

Maximum output from the users controls was used in all cases.

##### Flats

Listening tests were performed in flat 10, which is directly above the bar at the front of the venue, and flat 9 which was above the bar and closest to the stairs of the basement. No access was possible to flats in the area of Flat 14, although flats 10 and 9 encountered a worst case noise exposure from the basement and ground floor bar.

Measurements were made inside flats 10 and 9. Where some music was audible at full output for each configuration checked then the levels were reduced until it was not (or barely) audible in the living areas, and the sound levels measured in the space where the speakers were set to full output (via the controls of the sound limiting device).



## 5. RESULTS

### Sound Source

Position	L <sub>AMax</sub> dB(A)	L <sub>Aeq</sub> dB(A)	Octave centre band frequency, Hz								Comments
			63	125	250	500	1k	2k	4k	8k	
A-Basement average	<b>95.6</b>	<b>89.4</b>	98.6	93.6	88.1	84.0	85.8	80.2	76.4	73.7	DJ Channel 3 limiter setting, heavy bass
Top of basement stairs	<b>76.7</b>	<b>66.7</b>	75.5	63.2	62.2	61.0	63.9	58.8	51.9	45.5	Noise breakout to ground floor from basement, with noticeable bass element
B - Ground floor	<b>94.5</b>	<b>87.2</b>	72.3	84.7	85.1	82.2	84.7	77.7	73.2	72.9	Setting 10 to all zones
C – Basement Average	<b>92.0</b>	<b>87.7</b>	93.5	90.6	87.0	80.1	81.8	80.4	79.2	76.4	Channel 4 output is below DJ Channel 3 output
C – Basement Average	<b>95.9</b>	<b>89.7</b>	86.9	91.7	81.0	84.2	85.6	83.6	78.1	72.4	Reshaped output for not audible in Flat 10
B - Ground floor	<b>89.4</b>	<b>82.8</b>	66.7	81.6	81.2	77.2	79.4	74.5	70.3	68.8	Reduce level in bar so not audible in flat 9 to setting 7 in all zones

Table 1 : Noise Source measurements for different configurations, measurements over 1 minute

### Sound Receivers

Position	L <sub>AMax</sub> dB(A)	L <sub>A90</sub> dB(A)	L <sub>Aeq</sub> dB(A)	Octave centre band frequency, Hz								Comments
				63	125	250	500	1k	2k	4k	8k	
Flat 10 Lounge	43.8	18.4	<b>25.7</b>	37.0	23.2	18.4	16.8	19.7	16.8	19.4	18.7	DJ Channel 3 limiter setting, basement - bass barely audible
Flat 10 Lounge	42.3	18.7	<b>24.1</b>	33.0	27.0	24.1	19.4	20.3	11.9	12.6	12.4	Ambient – no music
Flat 10 Lounge	50.1	19.2	<b>27.2</b>	31.6	34.2	26.0	23.0	21.5	18.2	16.7	13.6	Top bar on original setting 10 to all zones – audible
Flat 10 Lounge	42.8	19.0	<b>27.6</b>	31.7	32.5	23.5	23.6	25.5	10.7	9.4	7.8	Top bar on setting 7 to all zones –barely audible
Flat 9 Bathroom	40.4	19.5	<b>24.4</b>	34.7	27.3	19.3	19.6	17.7	16.2	17.1	14.3	Basement, DJ Channel 3, limited output - not audible
Flat 9 Bathroom	33.7	20.1	<b>23.3</b>	34.2	27.1	19.7	17.7	17.1	14.9	15.2	13.7	Top bar at setting 7, Channel 4, - just audible
Flat 9 Lounge	40.4	24.2	<b>27.1</b>	42.4	38.7	25.5	20.4	16.7	17.1	16.2	13.5	Top bar at setting 7 – not audible

Table 2 : Noise receiver measurements for different configurations in flats 10 and 9



## 6. DISCUSSION

### Access to flats

Both occupants were happy to allow access, and did so enabling me to make measurements in any area requested, and also offered subjective comments as and when required. They were, in my view, fully cooperative with the process, and polite and welcoming to myself and the premises manager.

### Observations about signage

Signs requesting people to leave quietly were located at handle height on each external exit door in the premises, and also on the pillars outside. This seems adequate in my opinion, and were noticeable on approach in all cases.

### Basement DJ Input

The DJ input in the Basement on Channel 3 was found to be adequately limited by a compression limiter, which controlled the sound output with the mixing desk usually used set to maximum output<sup>1</sup> to  $L_{Aeq, 1min}$  89 dB(A) with maximums up to 96dB(A). About this level, which was achieved at a setting of 0 dB with no noticeable compression the sound quality reduced significantly and the level did not increase.

This is believed to be the set up witnessed and approved by the Local Authority previously, although there appears to be no record to confirm what the levels were at the time. The limiter was set to aggressive attack, so that the level was compressed quickly when the sound input reached the threshold.

Where subjectively checked in Flats 10 and 9 above the bass from the music was barely audible and considered to be acceptable by myself and both residents, who were asked at the time. The settings to the limiter were not altered, simply quantified objectively and subjectively. The bass in the music was slightly audible in bathroom of Flat 9, but not at all in the lounge. This was considered acceptable as the bathroom is not a habitable area, used for long periods during sensitive times of the day.

The Basement DJ input is generates the highest levels of sound output in the premises, which does not cause audible sound that could be considered to be intrusive or unacceptable in the flats tested above. This confirms that the set up is likely to be still operating at the levels set and agreed with the EHO in 2013.

### Basement channel 4 input

When the DJ is not operative the channel 4 music input is used, which plays online content through the speakers. There is no compression limiter on this channel, but the equaliser is set and security plate covered such that the level does not exceed the DJ input.

The sound output was measured to be equivalent to the DJ output. An altered frequency profile was tested so that in flats 9 and 10 it was not audible at all, and so that sound levels were distinctly below the level of the DJ output as a precautionary measure. This setting was retained and the security plate replaced, as an improvement to the controls of the system, but with the sound levels now quantified for the previous settings it could be restored in the future if a reset is needed.

### Break-out from the Basement

The noise escape from the basement on full output was measured at the top of the stairs to be a level of  $L_{Aeq, 1min}$  67dB(A) which is not significant or likely to be an issue for sound breaking upwards into the flats. This is

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<sup>1</sup> Where maximum output is 0dB on the master, after checking that setting to -10dB compressed the output and reduced the sound level



below the level of a person talking with a slightly raised voice at 1m. The 63Hz level was only slightly higher than the top bar system set to full output.

This issue is unlikely to be the cause of complaints from flats above.

#### Top bar system

The maximum output in all zones, with the user controllers set to 10 resulted in an average sound level in the ground floor bar of  $L_{Aeq, 1min}$  87dB(A) and maximums up to 94dB(A).

Speaking to the head barman it is understood that on a busy Friday night he would usually not use the system above the setting of 7. Whilst this can not be co-operated this system is intended to ambient music only, and this would seem likely.

The sound of the music from this system at full output (10) in each of the three zones was just noticeable in flats 10 and bathroom of 9, although not at all intrusive during daytime. It was not audible in the lounge of Flat 9.

In my opinion there is a potential that in the evening this level of music intrusion could become unacceptable in the late evening, and that the levels need to be reduced to proactively prevent complaints.

For this reason through listening tests in the bathroom of Flat 9 (as the worst case) and lounge of flat 10 the output of the bar system was reduced until it is not or just barely audible. This was found to be a setting of 7 on the user settings. The levels as an average in the ground floor bar then reduced by 4-5dB to  $L_{Aeq, 1min}$  83dB(A) and maximums up to 89dB(A). Subjectively this was confirmed to be acceptable as ambient music that was commercially workable by the premises manager, and the equaliser settings adjusted such that the user settings of 10 then generated this sound output so that the system could be again locked down to this maximum output.

This step was necessary in my view to promote the prevention of public nuisance to those living in the flats above. Objective levels of the previous set up have been presented so that they could be restored in the future if so required, in conjunction with the Local Authority. The tamper plates were then secured back into position.

The mitigation has been taken by limiting the noise levels at source, however the sound transmission is likely to be due to the loudspeakers being rigidly mounted to the columns of the building.

If further mitigation works are done to relocate the speaker to around the edge of the space, with greater numbers of speakers to create a distributed system that can get each operate at lower levels to achieve the coverage required then the higher operational levels may be possible to restore. Speakers should then be remounted on resilient speaker mounts.

#### Ground floor DJ input

It was not possible to test the output of the DJ plug in located on the ground floor bar, and it is not known whether this is linked to the compression limiter. As it is only used on TEN's once or twice a year this does not fall within the conditions of the premises licence, and so does not currently need to be limited. However it is recommended that further checks are done to make sure that it is compression limited and set to a level considered reasonable by the Local Authority to avoid causing complaints over the new year period in particular. It is understood that this will be done, with the additional speakers required, at the same time as a check is done on the rest of the system.



## 7. CONCLUSION

Sustainable Acoustics carried out an independent expert review of the sound systems and noise control that is in place at Smith's Bar, Sheldon Place, Paddington London on the 25<sup>th</sup> February 2018, whilst it was not operational. The sound systems were trialled on full sound output for the basement, and the ground floor bar, using bass heavy music typical of late night entertainment to trial a worst case situation.

Access was arranged with residents of Flats 10 and 9 , which are located directly above the bar, and listening tests and measurement made with the sound systems on in different configurations. The residents co-operated openly and with a positive spirit of co-operation, providing unfettered access to their flats.

It was found that the basement system, which is electronically compression limited, did not cause unacceptable levels of sound in the flats above even at full output at its original settings, which were not altered. These findings support that the levels set up with the approval of the Local Authority remain intact, and have now been objectively quantified in terms of sound levels for future checks.

It was also found that break-out from the basement system into the ground floor bar was minimal and unlikely to be causing complaints in the flats above. No further controls are considered necessary in this regard.

The ground floor bar system however was found, at full sound output, to be just audible within flat 10 lounge, and the bathroom of flat 9 (although not in the lounge). This may have identified a potential cause for any reported intrusion, although not to a level considered significantly adverse.

It was found that when the operating levels of the ground floor bar was reduced to the setting of 7 on the user input the music was not or barely audible and therefore acceptable. It is understood from staff that this may be the upper operating level used at the busiest times in any event. However it was considered appropriate to adjust the settings of that part of the system such that the new maximum setting of 10 adopts the output that was not audible within the flats accessed. The tamper plates and tamper proof screws were then replaced. This is considered a proactive step to avoid and prevent complaints and the risk of nuisance occurring. Further works are therefore not essential given the control of noise at source, but if higher music levels are needed then a scheme of works has been suggested which could then justify a reset of the noise limiting system.

The ground floor DJ input is not used in normal licenced trading, and so was not tested. However it is used during occasional TEN's events, and although this does not fall within the licence, which currently means the conditions are suspended when it is used it is recommended that it is checked that the output from this system is limited. I would also recommend that the Local Authority are invited to define and confirm appropriate level as an update to the existing system as a precautionary measure for the few times that it may be used.

In conclusion the review of the noise control systems have been found to be in accordance with condition 20, and the compression limiter is adequately controlling the sound from the basement DJ input into the sound system so that it is not intrusive in the flats above. The upstairs system required tighter controls due to the constrains of the sound insulation of the structure to ensure that ambient music was not audible in the flats above, but the levels even with the system on its maximum were only just noticeable and not considered sufficiently intrusive to be likely to cause a significantly adverse effect that would prompt justified complaints. In the interests of proactive prevention of nuisance however efforts were then made to refine the controls in this area, and the sound system controls found to be robust and tamper resistant.

It is recommended that the Local Authority are invited back to confirm that the refined controls on the ground floor system are acceptable as ambient music levels. The DJ ground floor input will be included in the set up during that process to limit any occasional disturbance appropriately.

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 9**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 11 Feb 2018 19:11  
**To:** 'Tanya Dias'  
**Cc:** Gadd, Daisy: WCC (dgadd@westminster.gov.uk);Charlotte Edwards;Rebecca McLean  
**Subject:** RE: Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Ms Dias

I am very sorry to hear that you were disturbed by drilling noise on Friday night. An electrician was working at minus 1 level but not in the part of the building below your flat. Our client is investigating your complaint and will ensure that if the drilling noise was from Smiths that this does not happen again.

With regards to your complaint sent to me at 22:22 Friday night:

From 5-6pm today I could hear loud crowd noise directly under my flat. Specifically a cackling woman could be heard above everyone's voices. I noticed Smiths have been seating people at the table nearest to the block 27 entrance, therefore directly under my flat since I submitted the license review application. That particular table is frequently chosen even when sometimes the restaurant is empty and there are plenty of tables to choose from. This seems deliberate on Smiths part.

There is no deliberate strategy to seat customers closest to your flat. Restaurant customers cannot be instructed to talk quietly.

Having considered your review application our client is engaging an acoustic consultant to advise. There may be changes that can be made to the noise limiter that would reduce the risk of sound disturbing you. The consultant would ideally like access to your flat to take readings. I know you have previously refused such access but I thought I would ask again in the hope that you will see that it will be helpful for the consultant to be able to prepare a full assessment and advise on appropriate steps. Please let me know if you will now agree to this and I will put the consultant in touch with you.

Kind regards

Robert

---

**From:** Tanya Dias [mailto:tanyadias1@yahoo.co.uk]  
**Sent:** 10 February 2018 02:13  
**To:** Robert Botkai; dgadd@westminster.gov.uk; licensing@westminster.gov.uk  
**Cc:** licensing@westminstercab.org.uk; acox@westminster.gov.uk; andymacmason@yahoo.co.uk  
**Subject:** Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Mr Botkai,

From midnight to 2am your client has been drilling (it's still going on). It's illegal to drill on public holidays. Saturday is a public holiday, not to mention a time when residents, such as myself are sleeping and being woken up by Smiths drilling.

Tell me, is your client AWARE they are under a licence review application? Because they are behaving as if they aren't.

Here is a recording:

<https://youtu.be/mKSB5m1CpEU>

Dear Ms Daisy Gadd, I'd like this email to be added to my license review application bundle.  
Thank you.

Regards,

Tanya

Sent from my iPhone

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 10**

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On 17 Dec 2017, at 11:58 am, Tanya Dias <[tanyadias1@yahoo.co.uk](mailto:tanyadias1@yahoo.co.uk)> wrote:

It finished after I sent that email.

Sent from my iPhone

On 17 Dec 2017, at 11:19 am, Cox, Antonia (Cllr) CODE03: WCC <[acox@westminster.gov.uk](mailto:acox@westminster.gov.uk)> wrote:

Dear Tanya  
I suggest you call the noise team on 02076412000 if the noise is continuing.  
Best wishes  
Antonia

Antonia Cox  
[acox@westminster.gov.uk](mailto:acox@westminster.gov.uk)

---

**From:** tanya dias <[diasta100@yahoo.co.uk](mailto:diasta100@yahoo.co.uk)>  
**Sent:** Sunday, December 17, 2017 9:58:38 AM  
**To:** licensing licensing  
**Cc:** Cox, Antonia (Cllr) CODE03: WCC; [gdil@smithsbarandgrill.co.uk](mailto:gdil@smithsbarandgrill.co.uk); Fahmy, Joe: WCC  
**Subject:** Re: Smiths Bar and Grill New Years Eve party 2017-2018

It's not yet 10am this Sunday and Smiths are drilling. There's meant to be no work on public holidays. They've been told by Westminster Council before, yet they ignore and carry on. Video attached.

I'm sick and tired of almost a decade of Smiths antisocial behaviour. 😞

Tanya

Sent from my iPhone

- > On 15 Dec 2017, at 3:51 pm, Tanya Dias <[tanyadias1@yahoo.co.uk](mailto:tanyadias1@yahoo.co.uk)> wrote:
- >
- > Yes, Mr Fahmy and I corresponded this year.
- >
- > Sent from my iPhone

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 11**

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**From:** Tanya Dias <tanyadiaz1@yahoo.co.uk>  
**Date:** 29 January 2018 at 16:15:32 GMT  
**To:** Robert Botkai <rbotkai@wslaw.co.uk>  
**Cc:** Antonia Cox <acox@westminster.gov.uk>, Andy MacMason <andymacmason@yahoo.co.uk>, Gerald Frackowiak <geraldfrackowiak@hotmail.com>, Paul <paul@softanyware.co.uk>, Yvette <smiler4929@yahoo.co.uk>, Monette <mo2127@hotmail.com>, <francois.gijzels@btinternet.com>, <julian@cst.eu.com>, Sharon Murray <sharon.murray88@yahoo.co.uk>, John Little <littlejw@gmail.com>, Alice Danna <alicedanna@hotmail.com>, <niki\_nguyen@yahoo.com>, <dianet8@gmail.com>, <gayan50@hotmail.com>, <malawizawi@googlemail.com>, <pamelabeulah@hotmail.com>, Rob Stickland <rob.stickland@paddingtoncentral.co.uk>  
**Subject:** Re: Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP  
**Reply-To:** Tanya Dias <tanyadiaz1@yahoo.co.uk>

Dear Mr Botkai,

It's come to my attention that you have been contacting residents for individual meetings, in a 'divide and conquer' strategy, with pleas that Smiths Bar and Grill will close down and to save them?

(i) This tactic to individually contact residents to seek a weak link among us with individual meetings is underhanded and is likely to further antagonise residents. We talk to each other. Sheldon Square Residents Association is a registered entity. We speak as one with regards to the years of harassment and nuisance by Smiths to their neighbours upstairs and we do see Smiths as an antisocial ground floor neighbour, especially at New Year's Eve when our floors vibrate and we can't hear our TVs or phones, let alone sleep. Then of course there are the fireworks too.

(ii) It is untrue to state that Smiths will close down. They can apply to the council for their current license to be transferred to another location, such as the West End, where this venue would be better suited and where Smiths are likely to be more profitable. Smiths moving elsewhere is to everyone's benefit and is supported by residents. Paddington Central can get another venue paying them rent here.

(iii) I can't see a Temporary Event Notice (TEN) application for the last New Year's Eve party. Was there one?

(iv) Was there an application made by Smiths Bar and Grill to the Council to extend licensing hours to 1am, and prolong harassment to their neighbours upstairs?

Kind Regards,

Tanya

---

On Fri, 26/1/18, Tanya Dias <[tanyadias1@yahoo.co.uk](mailto:tanyadias1@yahoo.co.uk)> wrote:

Subject: Re: Smiths Bar and Grill  
To: "Robert Botkai" <[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)>  
Date: Friday, 26 January, 2018, 20:56

Dear  
Mr Botkai,  
I'm afraid I  
don't remember you specifically. I've spoken with Smiths  
and their representatives for almost a decade.  
Your client couldn't be bothered  
to respond to my communication (8th December) requesting  
Odil about whether there would be any New Years Eve event.  
In fact he couldn't be bothered to communicate even after  
the event in January despite several chase up emails to him,

but Odil chose to reach out to my neighbour Andy instead. I'm obviously not worthy enough for him to talk to.

Now you are forcing Odil to talk to me, when he's clearly shown he doesn't want to since December 8th? In fact he hasn't voluntarily gone out of his way to set up a meeting to talk to me in the last four years 2014-2018 on my complaints.

It's too late for talking, not to mention that I want a license revocation, not further fake promises and license tweaks which we've had for almost a decade. I'd rather have a lovely neighbour downstairs who respects his neighbours. That's obviously not Smiths. They've proven as much, repeatedly and given me asthma, headaches and a vibrating/thumping floor. Smiths has ruined my quality of life and health. It seems other residents are equally affected too. You could try reaching out to them.

Odil hates his neighbouring residents and the feelings are reciprocated, especially as since you are hard at work sending me this email, your client is playing low frequency base beats under my flat. You have an uphill struggle with your chosen client!

If the only time Smiths takes notice and puts bigger 'no smoking' signs outside their premises, or is willing to speak to me, is after I have submitted a Licence Review application, they are not the right neighbour here.

Regards,  
Tanya  
Sent  
from my iPhone  
On 26 Jan  
2018, at 5:54 pm, Robert Botkai <[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)>  
wrote:

#yiv4334389834  
#yiv4334389834 --

\_filtered #yiv4334389834 {font-family:Calibri;panose-1:2 15  
5 2 2 2 4 3 2 4;}  
#yiv4334389834  
#yiv4334389834 p.yiv4334389834MsoNormal, #yiv4334389834  
li.yiv4334389834MsoNormal, #yiv4334389834  
div.yiv4334389834MsoNormal  
{margin:0cm;margin-bottom:.0001pt;font-size:11.0pt;}  
#yiv4334389834 a:link, #yiv4334389834  
span.yiv4334389834MsoHyperlink



{color:blue;text-decoration:underline;}  
#yiv4334389834 a:visited, #yiv4334389834  
span.yiv4334389834MsoHyperlinkFollowed  
{color:purple;text-decoration:underline;}  
#yiv4334389834 span.yiv4334389834EmailStyle17  
{color:windowtext;}  
#yiv4334389834 .yiv4334389834MsoChpDefault  
{  
\_filtered #yiv4334389834 {margin:72.0pt 72.0pt 72.0pt  
72.0pt;}  
#yiv4334389834 div.yiv4334389834WordSection1  
{  
#yiv4334389834

Dear Tanya

You may remember we met in  
2013 at the above venue when I acted in connection with the  
application for a new premises licence.

I have received details of  
your application seeking a review and revocation of the  
premises licence.

I would welcome the  
opportunity to meet with you, together with the owners of  
the venue, to discuss the concerns you have raised. I  
would like to explore if there are any steps that our client  
could take to alleviate your concerns.

Please do let me know if  
you would be prepared to meet and if so perhaps let me have  
some dates and times that would be convenient to you.

Kind regards

Robert

Robert  
Botkai  
Partner

T +44  
(0) 20 7593 5004  
M +44  
(0) 7768 173 936  
[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)

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
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**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 12**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 05 Mar 2018 16:32  
**To:** Rebecca McLean;Charlotte Edwards  
**Cc:** Sabrina Cader  
**Subject:** FW: License Review: Smiths Bar and Grill

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**From:** Tanya Dias [mailto:tanyadias1@yahoo.co.uk]  
**Sent:** 05 March 2018 16:20  
**To:** Robert Botkai; odil@smithsbarandgrill.co.uk  
**Cc:** Licencing CAB; licencing@westminster.gov.uk  
**Subject:** License Review: Smiths Bar and Grill

Hello Mr Botkai,

I didn't hear back from you?

Please send me all the letters and communications you/Smiths sent to residents in block 27 that excluded me, in the interests of transparency and fairness.

So far you haven't communicated with me what you/Smiths have been doing with regards to the issues I raised in the licence review application since it was submitted two months ago.

All I know is second hand information you've/Smiths have antagonised my neighbours and upset them with letters to cause panic, alarm and anger in them which have been reported to me by them and their Housing Association and you have also sent my neighbours demands to enter their homes at times Smiths have dictated to them to take measurements in their homes. None of which Smiths/you have sent to me or communicated with me. This is weird as I was the one who submitted the license review application.

Antagonising and upsetting my neighbours with non-transparent communications about me which I had no idea about is unacceptable and underhanded. Also taking music measurements from the second floor for music coming up through the ground floor smiths bar is illogical. On Sunday 25th February 4-6pm rave music was coming up through my floor from smiths. When I went downstairs there were no customers at all inside. This rave music was an antisocial noise nuisance to me. There has also been drilling on many days this year from Smiths. How much drilling can they do?! They can't have anymore surfaces to drill at this rate. When is this work finishing?

I'm currently reminded of Smiths because there's drilling going on. If I don't hear or am disturbed by Smiths, I don't think of them. Out of sight (and sound) is how to stay out of my mind. That is the situation that's a win-win for both smiths and I and the solution you should be aiming for in this Licence Review application.

Unfortunately smiths has a way of gaining my attention in a negative way with (i) drilling and music noise that makes me nauseous and gives me headaches, or (ii) antagonising my neighbours with alarmist communications and demands to enter their homes so I get to find

out they are upset second hand. None of the actions Smiths/you have taken so far in this licence review application process is a winning strategy. I'm certainly not won over when my neighbours are complaining about the letters you sent them and Smiths' demands to enter their homes.

As the instigator of this licence review application, you should be trying to win me over surely, rather than antagonising me further and working towards the the win-lose or lose-lose objective you have been aiming for by complaining about me to my neighbours and your customers (I also received the representations).

Please understand that the way you have handled this case and antagonistic communications to my neighbours and the lack of transparent communication with me has made me angry.

Regards,

Tanya

Sent from my iPhone

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 13**

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**From:** John Little <[littlejw@gmail.com](mailto:littlejw@gmail.com)>  
**Date:** 22 February 2018 at 12:39:15 GMT  
**To:** Odil Raupov <[odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)>  
**Subject:** Re: Smith's Bar & Grill

Hi Odil

I was on holiday when I received your email. Apologies for not replying sooner. I was passing by Smith's yesterday and called in with Gerry.

Unfortunately, you were not in.

I can say that the applicant does not speak on behalf of the official Residents' Association (covering 11 and 21 Sheldon Square). As chair of that Association I can further say that we have not had complaints about the operation of Smith's Bar and Grill from our members.

We have had cause to complain about smokers using the entrance ways and some of these may be Smith's customers. I understand that the estate management are going to post further no smoking signs nearer to the entrance to 21. We would of course appreciate anything you can do to prevent smokers from using our entrance ways.



Kindest regards  
John Little  
07887 540218

Sent from my iPad

On 1 Feb 2018, at 17:10, Odil Raupov <[odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)> wrote:

Hi John,

Thank you for agreeing to have the opportunity to write to you.

You may be aware that one of our neighbours has submitted an application to review our premises licence. The application asks the Westminster Licensing Authority to revoke our licence altogether. This would mean that Smith's Bar & Grill will be forced to close.

The review application is made on the grounds of public nuisance to local residents. The applicant has claimed that they speak on behalf of all the residents in 27 Sheldon square and residents association.

I would be very grateful if we could have a meeting to get your feedback on this as a chairman of the residents association.

I haven't arranged any specific dates as everyone is busy with work, school and etc. so I believe it's better that I meet you either in person at Smith's Bar & Grill or have a telephone call at your convenient time.

Thank you

Kind Regards,  
Odil Raupov  
Designated Premises Supervisor  
Tel: 07711955662  
Email: [odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 14**

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# Smith's

## Bar & Grill

Dear Sir/Madam

You may be aware that one of our neighbours has submitted an application to review our premises licence. The application asks the Westminster Licensing Authority to revoke our licence altogether. This would mean that Smith's Bar & Grill will be forced to close.

The review application is made on the grounds of public nuisance to local residents. The applicant has claimed that they speak on behalf of all the residents in 27 Sheldon square.

I would be very grateful if we could have a meeting to get your feedback and understand if there are any areas we could improve in our operation.

I haven't arranged any specific dates as everyone is busy with work, school and etc. so I believe it's better that I meet you either in person at Smith's Bar & Grill or have a telephone call at your convenient time.

I do my very best to ensure that Smith's Bar & Grill operates in such a way as to be a benefit to the local area. We have invested heavily in the venue in recent years and are always looking at ways to improve further. I will welcome any feedback you may have.

Thank you

Kind Regards,  
Odil Raupov  
Designated Premises Supervisor  
Tel: 07711955662  
Email: [odil@smithsbarandgrill.co.uk](mailto:odil@smithsbarandgrill.co.uk)

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 15**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 09 Mar 2018 17:49  
**To:** 'Tanya Dias'  
**Cc:** Licencing CAB;licensing@westminster.gov.uk;Rebecca McLean;Charlotte Edwards  
**Subject:** RE: License Review: Smiths Bar and Grill

Dear Ms Dias

We can do Monday after 4pm, Thursday after 2pm or Friday between 3pm and 4pm.

I look forward to hearing from you.

Kind regards

Robert

---

**From:** Tanya Dias [mailto:tanyadias1@yahoo.co.uk]  
**Sent:** 09 March 2018 17:17  
**To:** odil@smithsbarandgrill.co.uk; Robert Botkai  
**Cc:** Licencing CAB; licensing@westminster.gov.uk  
**Subject:** RE: License Review: Smiths Bar and Grill

Mr Botkai,

Fine, let's meet. Send me some times next week (5th-9th March).

Kind Regards,

Tanya Dias

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On Tue, 6/3/18, Robert Botkai <[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)> wrote:

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