



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	<b>15/00928/LIPV</b>
Date:	<b>14 May 2015</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>Dar Marrakesh 422 Edgware Road London W2 1EG</b>
Report of:	<b>Director of Public Protection and Licensing</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Susan Patterson Senior Licensing Officer</b>
Contact Details:	<b>Telephone: 020 7641 2207 E-mail: <a href="mailto:spatterson@westminster.gov.uk">spatterson@westminster.gov.uk</a></b>

## APPLICATION DETAILS

<b>Application Type:</b>	Variation of a premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Mr Zakariah Derissy	<b>Date Application Received:</b>	5 February 2015
<b>Premises Name and Address:</b>	Dar Marrakesh 422 Edgware Road London W2 1EG		
<b>Ward Name:</b>	Church Street	<b>Stress Area:</b>	No
<b>Description of Premises:</b>	A bar and restaurant with a shisha terrace in a premises previously The Portman Arms. The sale and consumption of Alcohol does not have to be ancillary to a table meal.		
<b>Variation Description:</b>	<p><b>Increase hours for Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings.</li> <li>To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden.</li> </ul> <p><b>Increase opening Hours</b></p> <ul style="list-style-type: none"> <li>To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings.</li> </ul> <p><b>Removal of Two Licence conditions</b></p> <ul style="list-style-type: none"> <li>To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00".</li> <li>To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". This condition should be attached to the existing licence 14/08715/LIPVM but has been omitted, in error since 10/09914/LIPT</li> </ul>		

### Proposed Licensable Activities and Proposed Hours:

<u>Licensable activities permitted under the existing Premises Licence 14/08715/LIPVM</u>	<u>Variation to Licensable Activities</u> <i>Changes are in italics, bold and underlined</i>
<b>Regulated Entertainment:</b>  <b>Live Music</b> Anything of a similar description to Live music, recorded music or performance of	<b>Regulated Entertainment:</b>  No change

<p><b>dance</b> Monday to Thursday: 09:00 to 23:30 Friday to Saturday:09:00 to 00:00 Sunday 09:00 to 22:30</p> <p><b>Playing of Recorded Music</b> <b>Private Entertainment</b> Unrestricted</p>	
<p><b>Sale of Alcohol: On and Off the premises</b></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday:10:00 to 00:00 Sunday 12:00 to 22:30</p>	<p><b>Sale of Alcohol: On and Off the premises</b></p> <p>No change</p>
<p><b>Late Night Refreshment</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday:23:00 to 00:00</p>	<p><b>Late Night Refreshment</b></p> <p><b>Internal area</b> Monday to Thursday: 23:00 to 23:30 Friday to Saturday:23:00 to 00:00 <u>Sunday 23:00 – 23:30</u></p> <p><b>External Garden Area</b> <u>Monday to Thursday: 23:00 to 00:00</u> <u>Friday to Saturday:23:00 to 02:00 (the following day)</u> <u>Sunday 23:00 – 00:00</u></p>
<p><b>Non Standard Timings</b></p> <p>The terminal hour for late night refreshment and sale of alcohol is extended to the start of licensable hours on New Year's Day</p>	<p><b>Non Standard Timings</b></p> <p>No Change</p>
<p><b>Capacity</b></p> <p>Not specified</p>	<p><b>Capacity</b></p> <p>No Change</p>
<p><b>Opening Hours</b></p> <p>Monday to Thursday: 09:00 to 23:30 Friday to Saturday:09:00 to 00:00 Sunday 09:00 to 23:00</p>	<p><b>Opening Hours</b></p> <p>Monday to Thursday: 09:00 to <u>00:00</u> Friday to Saturday:09:00 to <u>02:00</u> Sunday 09:00 to <u>00:00</u></p>

### 1. Relevant representations

- 1.1 The Environmental Health Service has made an adverse representation against this application as the additional hours requested for the Late Night refreshment in the Garden and on Sundays in the main premises may have the likely effect of increasing public nuisance in the area. They may suggest additional conditions they think appropriate but are waiting to

assess the noise report that the applicant has commissioned and was received on 5.5. They refer to the removal of the toughened glasses drinking condition, which is omitted, in error from the current issued licence but should figure and is included in Appendix B. They also refer to complaints involving nuisance and other matters that the licensing inspectors have investigated.

- 1.2 The Metropolitan Police Service have made a representation against this application. Further elaborative information has been sought.
- 1.3 Twelve local residents have made adverse representations against the application on the grounds of protecting children from harm, protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance. They include concerns that the users of the premises are already creating public nuisance of late night noise, when they leave and that any additional hours granted would worsen this. They say that noise from cars and their owners already affect residents sleep and that it is a highly residential area.
- 1.4 There are comments that the additional hours will create more public nuisance with shouting and fighting resulting in late night noise already. Users of the premises often have loud music on in their cars and it is said that the management cannot control this. But that extending the hours would make the noise extend well into the night.

## **2. Policies Applicable**

- 2.1 The following policies within the City Of Westminster Statement of Licensing Policy apply:  
Policy HRS1 :

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy MD1:

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Policy PB1:

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

## **3. Summary**

- 3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
  - prevention of public nuisance,
  - prevention of crime & disorder,
  - public safety and
  - protection of children from harm.
- 3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

## **4. Current Licensing Position**

These premises currently hold a Premises Licence 14/08715/LIPVM. Full licence history can be found in **Appendix A**.

## **5. Residential Density**

178 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

## **6. List of Appendices**

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

## **7. Background Documents – Local Government (Access to Information) Act 1972**

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015)
- Application form
- Applicants submissions inc Acoustic report, consultant report, management plan, letters from the applicant and letters of support from local residents.
- Existing Premise Licence
- Representations received
- Photos

## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application 05/10547/LIPC	Application to convert the Justices on Licence	21.11.2005	Granted Under Delegated Authority
Variation application 05/13406/LIPV		21.11.2005	Granted Under Delegated Authority
Transfer Application 10/05793/LIPT		15.06.2011	Invalid application
Transfer Application 10/09114/LIPT		6.1.2011	Granted Under Delegated Authority
Variation application 11/03272/LIPV		11.08.2011	Invalid application
Minor variation 14/08715/LIPVM		29.10.2014	Granted Under Delegated Authority
Temporary Event Notices	Sale of Alcohol to 02:00 On 26 and 27.12.14 to main bar and beer garden		Refused
Temporary Event Notices	Sale of Alcohol to 02:00 On 31.12.14 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 30.1.15 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 31.1.15 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 6.3.15 to main bar and beer garden		Acknowledged
Variation application 15/00928/LIPV		Before LSC 14.05.2015	Pending

**There is no appeal history**

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions 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. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

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 premises 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. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

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

- 10. There shall be no entry to the premises one hour before the end of all licensable activities.
- 11. No adult entertainment paid for by the company of a nude physical nature shall be permitted on the premises.
- 12. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
- 13. Free drinking water shall be available to all customers.

14. Notices shall be displayed around the premises asking patrons to leave quietly.
15. Deliveries shall be conducted during daytime to control noise nuisance.

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

16. Alcohol may be sold or supplied:
  - (a) On Monday to Thursday, 10:00 to 23:30
  - (b) On Friday and Saturday, 10:00 to 00:00
  - (c) On Sundays, 12:00 to 22:30
  - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

17. All persons under 18 years of age to be off the premises by 21:00 hours unless accompanied by an adult and partaking in a table meal.
18. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, 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.
  - (i) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing.
  - (ii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998).
19. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby property.
20. The external doors and windows shall be kept closed after 23:00 except for immediate access and egress of persons.

21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish including bottles will be moved, removed or placed outside between 23:00 hours and 07:00 hours.
23. A sound limiting device shall be located in a separate and remote lockable cabin from the volume control and must be fitted to the musical amplification system to be set at a level determined by and to the satisfaction of an authorised officer of the environmental health services community protection department 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 an officer 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.
24. No alteration or any modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the environmental health services.
25. There are to be no more than two live musicians at any one time.
26. The beer garden is to be cleared of patrons by 23:00.
27. The inner door and all windows at the premises are to be kept closed at all times when licensable activities are taking place.
28. When a customer chooses to pay by credit/debit card, he/she shall be presented with an itemised bill upon final payment showing details of all drinks and food purchased.

**Condition 29, missing from Licence since 2011**

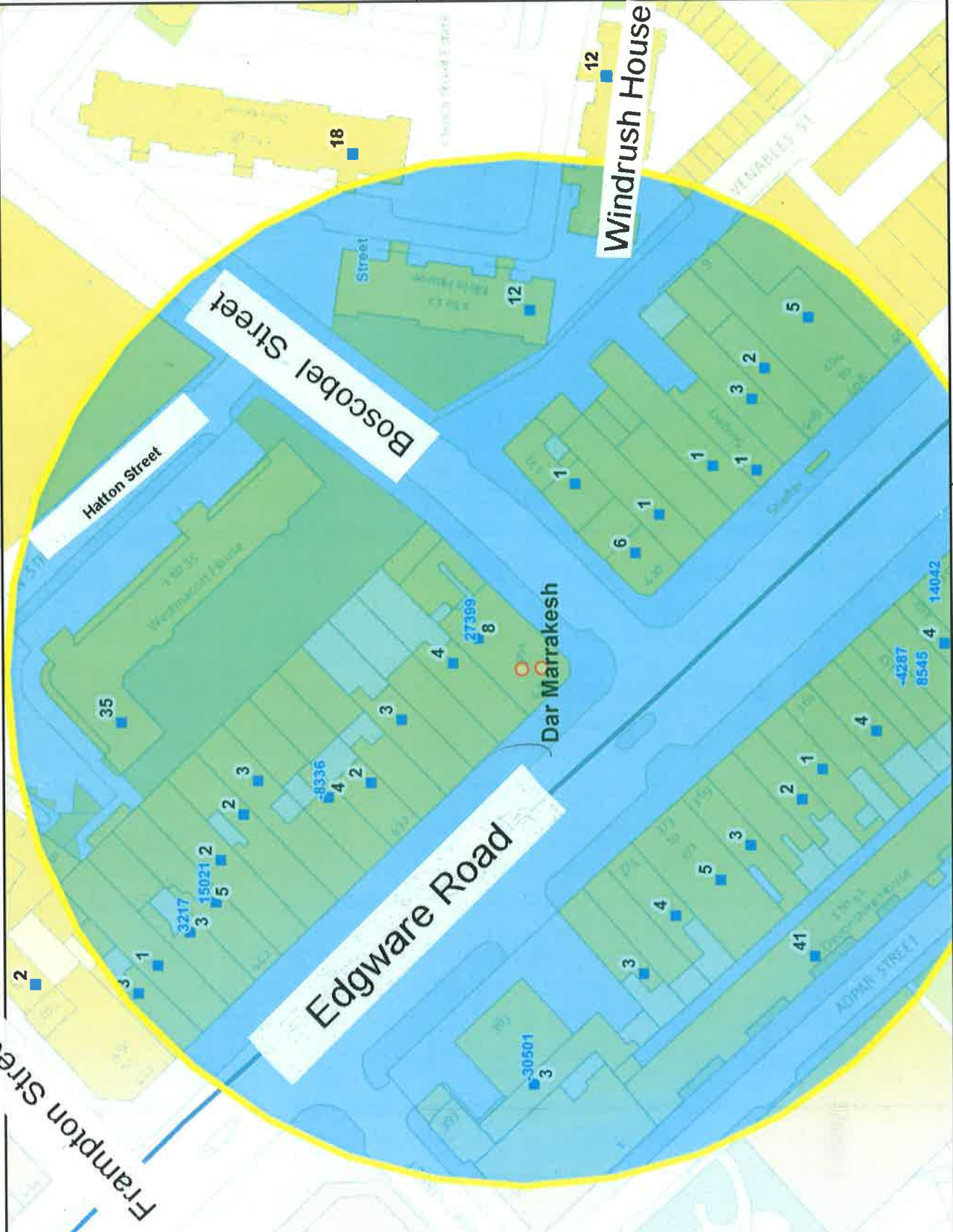
**Conditions consistent with the operating schedule**

29. Toughened drinking glasses shall be used in the premises.
30. SIA registered door staff will be employed at the premises.
31. Noise will not be allowed to emanate from the garden so as to cause noise to any neighbouring residential premises.
32. After 23:00 hours all patrons to enter via the main Edgware Road save in the case of emergency
33. No use of the interior of the premises by patrons after 23:30 Sunday – Thursday and 00:00 hours on Friday and Saturdays, save for access and egress of the premises and to use the toilets.
34. No persons under the age of 18 years to be allowed into the garden after 21:00.

# Dar Marrakesh, 422 Edgware Road, London, W2 1EG



City of Westminster



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Data Source: Uniform Database  
Date: 01/05/2015

## APPENDIX C

Residential / Proposed Residential	178
Under Construction	0
Other Uses	n/a
Proportion Residential of all Uses	n/a



# **Background Documents**

\* required information

### Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

HT/DER001

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Zakariah

\* Family name

Derissy

\* E-mail

howardtimms@wainwrighttimms.com

Main telephone number

+4420 35894099

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text" value="422"/>
* Street	<input type="text" value="Edgware Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="W2 1EG"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

* First name	<input type="text" value="Howard"/>
* Family name	<input type="text" value="Timms"/>
* E-mail	<input type="text" value="howardtimmers@wainwrighttimms.com"/>
Main telephone number	<input type="text" value="+442035894099"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

\* Is your business registered in the UK with Companies House?  Yes  No

* Registration number	<input type="text" value="OC376418"/>
* Business name	<input type="text" value="Wainwright Timms LLP"/>
* VAT number	<input type="text" value="-"/> <input type="text" value="142224845"/>
* Legal status	<input type="text" value="Partnership"/>
* Your position in the business	<input type="text" value="Partner"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.



Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

* Building number or name	196 Temple Chambers
* Street	3-7 Temple Avenue
District	
* City or town	London
County or administrative area	
* Postcode	EC4Y 0HP
* Country	United Kingdom

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	Dar Marrakesh
Street	422 Edgware Road
District	
City or town	London
County or administrative area	
Postcode	W2 1EG
Country	United Kingdom

**Premises Contact Details**

Telephone number	
Non-domestic rateable value of premises (£)	31,250

**Section 3 of 17**

**VARIATION**

Continued from previous page...

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

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 17

##### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start  End   
Start  End

WEDNESDAY

Start  End   
Start  End

THURSDAY

Start  End   
Start  End

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sale and supply of hot and cold food and soft drinks. Please note late night refreshment will terminate inside the premises at 23.30 Sunday to Thursday and at 00.00 on Fridays and Saturdays.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Continued from previous page...**

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes                       No

**Section 14 of 17**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

The beer garden to be cleared of patrons by 23.00.  
Toughened drinking glasses shall be used in the premises.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 17**

**LICENSING OBJECTIVES**

**Continued from previous page...**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

See existing licence.

late night refreshment will terminate inside the premises at 23.30 Sunday to Thursday and at 00.00 on Fridays and Saturdays

b) The prevention of crime and disorder

See existing licence. The premises will be operated in accordance with a "management plan" with a view to minimising any risk of crime and disorder.

c) Public safety

SIA registered doorstaff will be employed at the premises.

d) The prevention of public nuisance

The premises will be operated in accordance with a "management plan" with a view to minimising any risk of public nuisance.

Noise will not be allowed to emanate from the garden so as to cause a nuisance in any neighbouring residential premises.

After 23.00 hours all patrons to enter and exit via the main Edgware Road door save in case of emergency.

No use of interior of premises by patrons after 23.30 hours Sunday to Thursday and 00.00 hours on Fridays and Saturdays, save for access and egress of the premises and to use the toilets.

e) The protection of children from harm

No person under the age of 18 years to be allowed into the garden after 21.00 hours.

**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

**Continued from previous page...**

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

190.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



*Continued from previous page...*

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

## Patterson, Susan

---

**From:** Howard Timms <howardtimmers@wainwrighttimms.com>  
**Sent:** 05 May 2015 18:21  
**To:** Drayan, Anil  
**Cc:** Patterson, Susan  
**Subject:** FW: Dar Marrakesh / Acoustic Report  
**Attachments:** VC-101877-AA-RP-0001-01.pdf

**Importance:** High

Dear Anil

Thank you for your time at Dar Marrakesh last Friday; I believe it was a constructive meeting.

I now attach Van Guardia's acoustic report which you may find interesting reading. It concludes that:

"Vanguardia have predicted the internal night-time noise level change due to the new noise, and have determined that impact based on relative change in noise level in terms of  $L_{Aeq}$  will be negligible, and in terms of  $L_{Amax}$  will be none."

In these circumstances, I wonder whether you might be prepared to re-consider your representation?

Further and with regard to the application to remove the condition which requires toughened glasses to be used, you may be interested to know that the police have agreed to withdraw their objection on the basis that 2 SIA staff will be employed at the premises after 20.00 hours on Fridays and Saturdays.

As an additional precaution, my client have offered to employ one SIA doorman on the other nights of the week - i.e. after 20.00 hours on Sundays to Thursdays.

Further no recorded music will be played at the premises after 23.30 hours on any evening of the week.

I would be happy to discuss all of this with you - please call if you wish to.

Kind regards

Yours sincerely

Howard Timms, Partner  
Wainwright Timms LLP Solicitors  
Tallis House  
2 Tallis Street  
London EC4Y 0AB  
Tel: 02035894099  
Email: [howardtimmers@wainwrighttimms.com](mailto:howardtimmers@wainwrighttimms.com)  
Website: [www.wainwrighttimms.com](http://www.wainwrighttimms.com)

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any party other than the addressee.

We are regulated by the Solicitors Regulation Authority

# Dar Marrakesh – Proposed Premises Licence Variation

Acoustic Assessment

VC-101877-EN-RP-0001

Rev 01  
May 2015

# Contents

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Vanguardia Consulting Document Control				
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Revision:	Prepared By:	Checked:	Passed:	Issue Notes:
00	DS	DB	DB	Issued as Draft
01	DS	DB	<b>DB</b>	Issued to Client

# 1 Introduction

- 1.1 Vanguardia have been commissioned by Dar Marrakesh to carry out an acoustic assessment relating to its proposed premises licence variation at 422 Edgware Road, London W2 1EG. The premises licence variation relates to extended hours of operation of the rear garden area.
- 1.2 The rear garden area comprises seating space for approximately 60 customers on tables of two and four persons, which is enclosed on all sides by a brick wall and partial canopy overhead. There is a gap around the perimeter of the canopy to allow for natural ventilation of the outdoor smoking area.
- 1.3 The purpose of this report is to assess the impact of noise generated in the garden area on nearby noise-sensitive receptors.
- 1.4 A glossary of acoustic terms is shown in Appendix A

## Consultants' Experience

- 1.5 Vanguardia Consulting is an independent acoustic consultancy specialising in the field of sound, noise and acoustics related to entertainment venues. The team of consultants have many years of experience dealing with some of the largest and most innovative sound and acoustic projects in the UK, including Wembley Stadium, the Millennium Dome, The Millennium Stadium, Wembley Arena and Earls Court.
- 1.6 The consultants have successfully provided sound management advice, including noise control, at over 1000 concerts during the past 30 years. These concerts have ranged from relatively small scale events at green field sites to major events staged at national stadia providing entertainment for tens of thousands of people.
- 1.7 The company director of Vanguardia also sat on the UK Noise Council Working Party which prepared the Code of Practice on Environmental Noise Control at Concerts (1995). They have also managed Government research projects related to sound and noise aspects of the entertainment business.
- 1.8 As well as the provision of sound and acoustic design/management for entertainment venues, the company deals with the whole range of acoustic, noise and vibration issues and our staff have presented expert testimony at planning and licensing hearings, magistrates and high courts, Judicial Reviews and House of Commons and House of Lords Select Committees.

## Proposed License Variation

- 1.9 The rear garden area is currently licensed to operate until 23:00 hours seven days per week.
- 1.10 It is proposed that the hours of operation of the rear garden are extended as follows:
- Sunday to Thursday until midnight
  - Friday and Saturday until 02:00 AM
- 1.11 The capacity of the rear garden area is sixty persons.

## 2 Noise Criteria

- 2.1 Vanguardia have liaised with Mr Anil Drayan at Westminster City Council (WCC), regarding the noise criteria that are to be applied to this application.
- 2.2 During a telephone conversation on 22<sup>nd</sup> April 2015 Mr Drayan advised that it would be necessary to demonstrate that the noise from use of the rear garden would not disturb nearby residents who may be asleep with open windows during warm weather.
- 2.3 This requirement broadly relates to the stated licensing objective of prevention of public nuisance.
- 2.4 Mr Drayan advised that an objective acoustic criterion such as that, “the A weighted sound pressure level shall not exceed a value of 10 dB below the minimum external background level expressed as  $L_{A90, 15 \text{ mins}}$ ” would be applied only to steady state noise such as plant and machinery, and that no such objective condition would be applied to noise generated by human voices within the rear garden area.
- 2.5 Further details on the rationale supporting this criterion are shown in condition C47AB as specified in the WCC Standard Paragraph References available here:  
[http://transact.westminster.gov.uk/docstores/publications\\_store/Planning/StandardConditions.pdf](http://transact.westminster.gov.uk/docstores/publications_store/Planning/StandardConditions.pdf)
- 2.6 Mr Drayan further advised that the onus would be with the applicant to demonstrate that the proposed variation would not cause disturbance to nearby noise sensitive receptors, and that no objective noise criteria are proposed by WCC.
- 2.7 Vanguardia have selected relevant noise criteria relating to night-time noise within dwellings from current standards in order to demonstrate the impact of the proposed variation, which are shown below.

Standard	Acoustic criteria
Guidelines for Community Noise, World Health Organisation 1999	Indoor guideline value for bedrooms is 30 dB $L_{Aeq}$ for continuous noise, assuming noise reduction from outside to inside with window open is 15 dB
Guidelines for Community Noise, World Health Organisation 1999	Indoor guideline value for bedrooms is 45 dB $L_{Amax}$ for single sound events, assuming noise reduction from outside to inside with window open is 15 dB
British Standard 8233:2014, Guidelines on sound insulation and noise reduction for buildings	Indoor ambient noise level in bedroom of 30 dB $L_{Aeq, 8 \text{ hour}}$ 23:00 to 07:00

**Table 1:** Relevant acoustic criteria for night time noise within dwellings

- 2.8 In the absence of objective criteria being specified by WCC this report will consider the impact of new noise, over and above the existing local ambient noise levels, generated by the proposed premises licence variation.
- 2.9 Prevention of public nuisance after 23:00 hrs will relate to prevention of sleep disturbance inside dwellings, rather than protection of outdoor spaces such as balconies, terraces and outdoor living areas. For this reason only criteria relating to bedrooms indoors will be considered.

### 3 Noise Assessment

#### Existing Ambient Noise Levels – unattended survey

- 3.1 In order to determine the effect of the proposed variation, two noise surveys were carried out at the premises.
- 3.2 An unattended ambient noise survey was carried out from 26<sup>th</sup> March to 30<sup>th</sup> March 2015. The purpose of this survey was to establish baseline noise levels, in accordance with good practice.
- 3.3 The microphone was located at approximately 4m height above the side boundary wall of Dar Marrakesh on Boscobel Street, London W2. This is representative of noise levels at the nearest noise sensitive receptor, which is understood to be on the opposite side of Boscobel Street from Dar Marrakesh at the junction with Venables Street.
- 3.4 The mode (statistically most common) value for  $L_{Aeq, 15 \text{ min}}$  during the hours of the proposed premises licence variation was 61dB. This is indicative of the ambient noise level.
- 3.5 The lowest measured value of  $L_{AF90, 15 \text{ min}}$  during the hours of the proposed variation was 53dB. This is indicative of the underlying background noise level.
- 3.6 Survey equipment: MP1 Larson Davis LxT serial number 3812. Larson Davis CAL200 calibrator serial number 4622. Calibration certificates available on request.



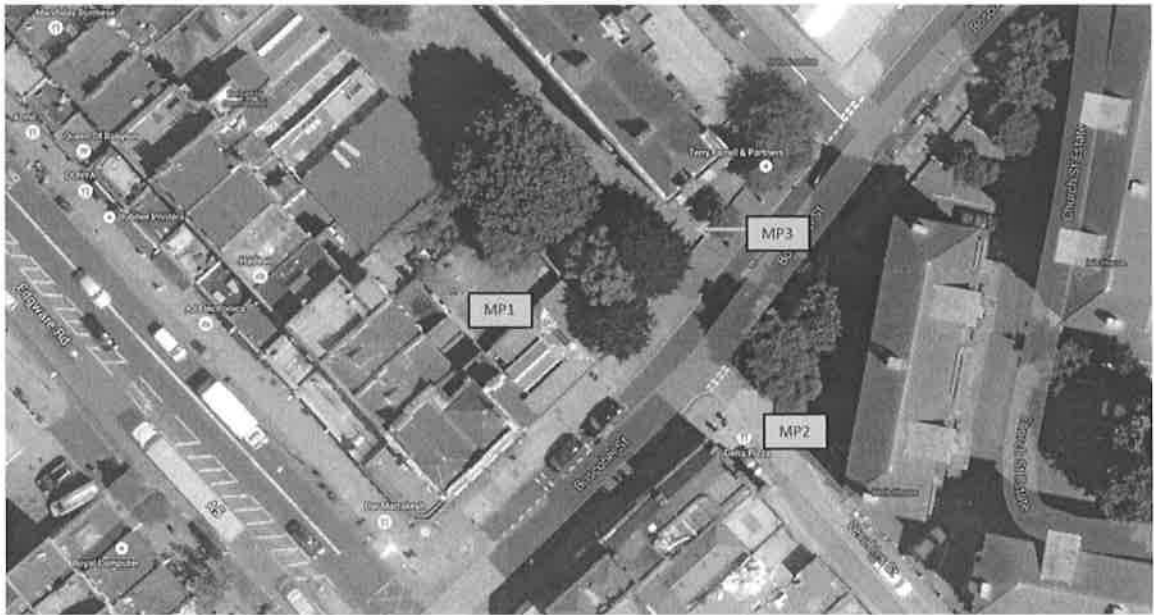
Figure 2: Plan showing measurement location plan for unattended survey



## Existing Ambient Noise Level – attended survey

- 3.7 A further attended noise survey was subsequently carried out on Friday 17th April 2015. The purpose of this survey was two-fold; to establish the sound attenuation characteristics of the rear garden walls and partial canopy, along with typical source noise levels in the rear garden area whilst in use by customers. Also to verify the ambient noise levels measured during the unattended survey.
- 3.8 Three measurement points were utilised in the survey, which are described below and shown in figure 1.
- 3.9 MP1: The Sound Level inside the outdoor seating area was located discreetly in one corner of the garden, with the microphone elevated approximately 1.5m above ground level but within 0.5m of a reflective surface (the perimeter wall) the internal speakers were well screened within the roofing structure, and were not audible above the level of speech at the microphone location. The garden area was busy with people throughout the measurement until approximately 22:40 when people started to leave the venue.
- 3.10 MP2: The sound level meter was located on the corner of Venables Street, at the junction of Boscombe Street. The dominant noise source was the sound of an extractor fan under the control of the Pizza Shop, which was turned off at 23:00 hours. There were also high levels of traffic noise throughout from vehicle movement on Edgware Road, as well as local vehicle movement on Boscobel Street. Frequent pedestrian movement was also present throughout the measurement period. Some customer noise was audible though not dominant throughout the measurement period.
- 3.11 MP3: The sound level meter was located in line with the façade of the flats to the rear of Dar Marrakesh. Traffic noise from Edgware Road was present throughout the measurement period, varying levels of local traffic were also present on Boscobel Street with frequent pedestrian movement along the street. Noise was present though not dominant from Dar Marrakesh throughout the measurement period.

3.12 Survey equipment: MP1 Larson Davis LxT serial number 3815, MP2 & MP3 Larson Davis LXT serial number 3812. Larson Davis CAL200 calibrator serial number 4622. Calibration certificates available on request



**Figure 1:** Locations of attended monitoring positions

### Noise Predictions

- 3.13 Calculations were then undertaken to predict the noise levels in terms of  $L_{Aeq}$  and  $L_{Amax}$  (as recommended in Guidelines for Community Noise (WHO 1999) at the nearest noise sensitive receptor.
- 3.14 The logarithmic average measured level in terms of  $L_{Aeq}$  within the rear garden area, when operating at full capacity of approximately 60 people was 81 dB. This equates to a vocal effort of 66 dB per person, assuming that one in every two patrons is speaking simultaneously.
- 3.15 The 95th percentile (calculated to eliminate outlying values) of  $L_{Amax}$  levels measured within the rear garden area was 94dB, when operating at full capacity of approximately 60 persons.
- 3.16 The measured screening attenuation of the partial canopy structure was 10 dB, at first floor window level of approximately 4m height. This was calculated by carrying out time-synchronous measurements above and below the canopy.
- 3.17 Accounting for a distance of 15.5m from the nearest perimeter wall of the Dar Marrakesh, the attenuation due to distance is 23.8 dB. This represents a worst-case scenario, as many of the customers will be several meters further away from the perimeter wall.
- 3.18 Applying corrections for attenuation and distance, the resultant level at nearest noise sensitive receptor is as shown in the table below. This follows a basic prediction considering the nature and noise level of the sources, the propagation along the paths between sources and receptors and the location of the receptors.

3.19 The simplest procedure for rating indoor noise levels is to measure them in terms of integrated A-weighted sound pressure levels, as measured by LAeq, and this is a valid descriptor for more-or-less continuous noises or those of individual events with randomly varying sound pressure levels.

3.20 Because the noise from the proposed licence variation is likely to include discrete noise events, the additional use of L<sub>max</sub> has been implemented in the assessment.

Item	Noise level, L <sub>Aeq</sub>	Noise level, L <sub>max</sub>
Source noise level within Dar Marrakesh rear garden area	81 dB	92 dB
Correction for distance attenuation along a pathway of length 15.5m	-24 dB	-24 dB
Screening attenuation at first floor level, from partial canopy	-10 dB	-10 dB
Resultant noise level outside noise sensitive receiver	47 dB	58 dB
Correction for partially open window	-15 dB	-15 dB
<b>Resultant night time noise level within dwelling</b>	<b>32 dB</b>	<b>43 dB</b>

**Table 2:** Source / pathway / receptor calculation for new noise at Dar Marrakesh

## 4 Noise Assessment

### Assessment Methodology

- 4.1 Existing ambient noise levels in the locality are already high and in excess of the World Health Organisation Guidelines for Community Noise (please refer to 2.3 above). For this reason the report will examine whether there is likely to be any significant relative change in noise levels, caused by new noise relating to the proposed premises licence variation.
- 4.2 Guidelines exist for environmental noise impact assessment published by IEMA in 2014, ranking the sensitivity of the receptor to noise level exposure. Relative changes to noise levels are rated as follows:

Impact	Large	Medium	Small	Negligible
Relative change	Greater than 10 dB(A) change in sound level	5 to 9.9 dB(A) change in sound level	3 to 4.9 dB(A) change in sound level	2.9 dB(A) or less change in sound level

**Table 3:** Significance of relative change as per IEMA guidelines 2014

- 4.3 The likely changes in indicators resultant from the proposal have been assessed by addition of the calculated new noise levels to existing ambient noise levels, and the resultant changes in noise levels are shown in the table below.

Case	$L_{Aeq}$ internal level (partially open window)	$L_{max}$ internal level (partially open window)	$L_{AF90}$ internal level (partially open window)
Before (Existing ambient only)	46 dB	76 dB	38 dB
After (Existing ambient plus new noise)	46 dB + 32 dB = 46.2 dB	76 dB + 43 dB = 76 dB	38 dB + 32 dB = 38.6 dB
Change	0.2 dB	0	0.6 dB
Relative change	Negligible impact	No impact	Negligible impact

**Table 4:** Analysis of change due to new noise at Dar Marrakesh

- 4.4 The noise levels in the table above correlate well with the subjective observations of the acoustic consultant carrying out the attended noise survey on Friday 17<sup>th</sup> April 2015. These observations are that, when observed outside the nearest noise sensitive receptors, conversation from the rear garden area of Dar Marrakesh was audible but not dominant in the lulls between traffic and pedestrian movements, but masked when local noise sources were high.

4.5 Comparing the likely new noise levels with the standards in table 1 above, it can be seen that impact is likely to be negligible:

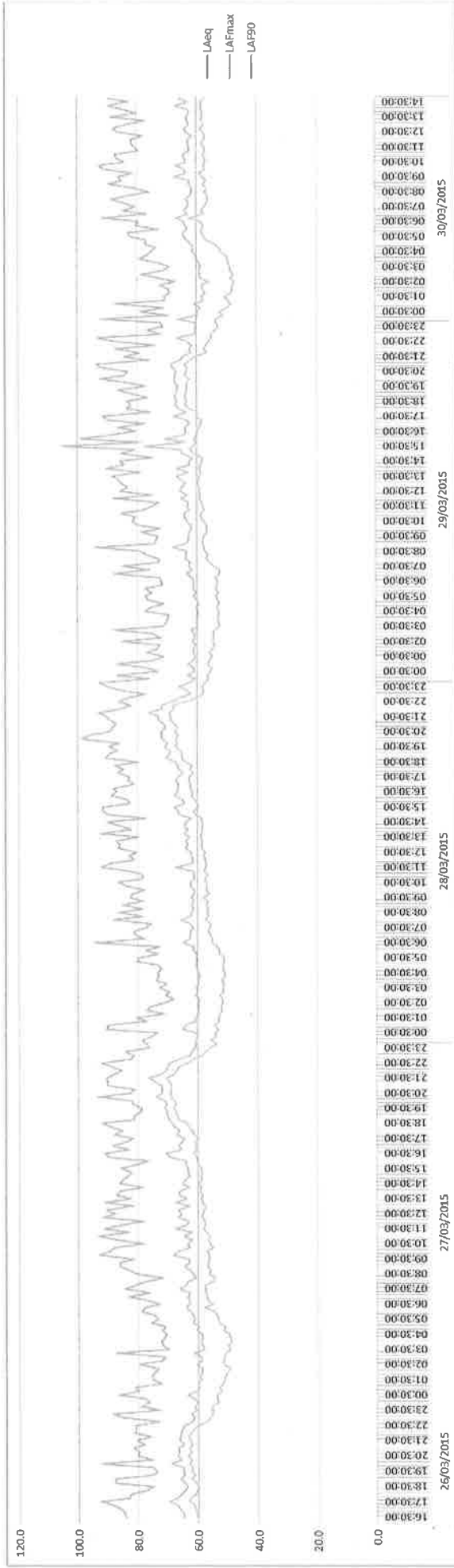
Standard	Acoustic criteria, Indoor night-time guideline value for bedroom	Before (Existing ambient Noise)	After (Existing ambient plus new noise)	Impact
Guidelines for Community Noise, World Health Organisation 1999	30 dB LAeq	46 dB	46 dB + 32 dB = 46.2 dB	Negligible change, not perceptible, no worsening
Guidelines for Community Noise, World Health Organisation 1999	45 dB LAmax	76 dB	76 dB + 43 dB = 76 dB	No impact
British Standard 8233:2014, Guidelines on sound insulation and noise reduction for buildings	30 dB LAeq	46 dB	46 dB + 32 dB = 46.2 dB	Negligible change, not perceptible, no worsening

**Table 4:** Analysis of change due to new noise at Dar Marrakesh

## 5 Conclusion

- 5.1 Vanguardia have assessed the existing ambient noise levels and the likely impact of the new noise generated at the nearest noise sensitive receptor as a result of the proposed premises licence variation, which seeks to extend the hours of operation of the rear garden area.
- 5.2 No objective noise criteria were specified by Westminster City Council relating to the application, and so Vanguardia have selected appropriate criteria from current standards as stated at table 1. Impacts for both noise metrics  $L_{Aeq}$  (relating to steady-state noise) and  $L_{Amax}$  (referring to short-term discrete events) have been assessed.
- 5.3 Vanguardia have predicted the internal night-time noise level change due to the new noise, and have determined that impact based on relative change in noise level in terms of  $L_{Aeq}$  will be negligible, and in terms of  $L_{Amax}$  will be none.

APPENDIX A / Summary of Noise Survey Data (full details available upon request)



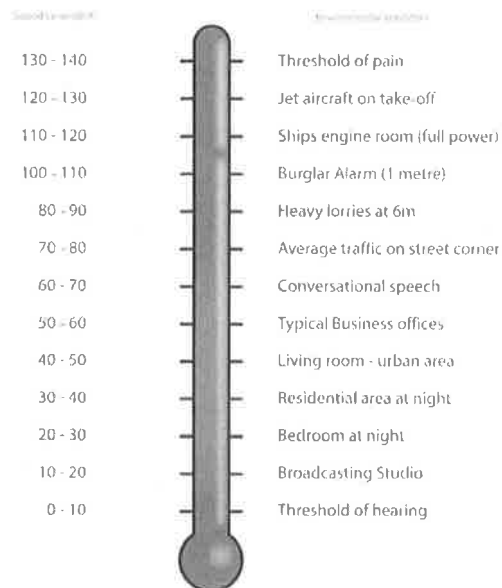




## APPENDIX B / Glossary of Terms

- A.1 Noise is defined as unwanted sound. The range of audible sound is from 0dB to 140dB, which is taken to be the threshold of pain. The sound pressure detected by the human ear covers an extremely wide range. The decibel (dB) is used to condense this range into a manageable scale by taking the logarithm of the ratio of the sound pressure and a reference sound pressure.
- A.2 The frequency response of the ear is usually taken to be about 18Hz (number of oscillations per second) to 18,000Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than at the lower and higher frequencies, and because of this, the low and high frequency component of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most used and which correlates best with the subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
- A.3 The ear can just distinguish a difference in loudness between two noise sources when there is a 3dB(A) difference between them. Also when two sound sources of the same noise level are combined the resultant level is 3dB(A) higher than the single source. When two sounds differ by 10dB(A) one is said to be twice as loud as the other.

- A.4 The subjective response to a noise is dependent not only upon the sound pressure level and its frequency, but also its intermittency. Various indices have been developed to try and correlate annoyances with the noise level and its fluctuations. The parameter used for this measure is Equivalent Continuous Sound Pressure Level ( $L_{Aeq}$ ). The A-weighted sound pressure level of a steady sound that has, over a given period, the same energy as the fluctuating sound under investigation. It is in effect the energy average level over the specified measurement period (T) and is the most widely used indicator for environmental noise. A few examples of noise of various levels are given right:



## Patterson, Susan

---

**From:** Howard Timms <howardtimmers@wainwrighttimms.com>  
**Sent:** 05 May 2015 23:35  
**To:** Patterson, Susan  
**Cc:** Sarah Le Fevre  
**Subject:** FW: Re: Dar Marrakesh Documents  
**Attachments:** DaiDaviesFinalReport.docx; DAR MARRAKESH LICENSING MANAGEMENT PLAN.docx; Moulay Derissy Statement.docx; Zak Derissy Statement.docx

Dear Sue

I attach the following documents for inclusion in the report.

1. Dai Davies Final Report.
2. Management Plan (inc. Dispersal Policy).
3. Draft Statement for Moulay Derissy.
4. Draft Statement for Zak Derissy.

I will / have also send you the following further documents to go in the report:

1. Letters of Support.
2. Van Guardia Accoustic Report (sent).
3. Menus.
4. Email correspondence with 22 April 2015 timed at 18.35 from Nisar Khan (sent to you)

I assume you will include a street map in the bundle. I think if at all possible, it would be helpful to the committee if this was a large scale map which displayed nearby blocks of flats.

Kind regards

Howard Timms, Partner  
Wainwright Timms LLP Solicitors  
Tallis House  
2 Tallis Street  
London EC4Y 0AB  
Tel: 02035894099  
Email: [howardtimmers@wainwrighttimms.com](mailto:howardtimmers@wainwrighttimms.com)  
Website: [www.wainwrighttimms.com](http://www.wainwrighttimms.com)

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**DAR MARRAKESH RESTAURANT AND BAR**

**422 EDGWARE RD LONDON W2.**

## **Licensing Application to Increase Hours For Late Night Refreshment in Rear Garden and Remove Requirement to Use Toughened Glasses**

### **INTRODUCTION**

I David Seaborn Davies (DSD) was asked by Mr Zak Derissy the owner of the above premises to attend the premises and carry out an independent review of all matters pertaining to his application. In essence to demonstrate independently that the premises was well run and the management had the necessary skills to run such a venue with the extension. To evidence that his application was reasonable and compatible with the area the Dar Marrakesh is situated. In addition that the extension was in line and in accordance with the Licensing Objectives as contained in the Licensing Act 2003.

I agreed to attend the premises on two separate dates both Friday evenings namely the 13<sup>th</sup> of March 2015 and the 10<sup>th</sup> of April 2015. The times of my observation both of the premises and surrounding area were between the hours of 6pm and midnight.

Mr Derissy has applied to extend his hours of opening to midnight on Monday to Thursday and 2am on Friday and Saturday for Late Night Refreshment and back to midnight on a Sunday. He further wishes to remove the condition that the Garden Area be cleared by 11pm. Lastly he wishes to have removed the condition that toughened Glasses be used.

The Civil Procedures Rules Para 35 governs the appointment of "Expert Witnesses" and "Professional Assessors."

The principle duty of such witnesses is to provide accurate and truthful information to the hearing or Court proceedings. I am fully aware of this fact and made that clear to Mr Derissy before agreeing to undertake a review.

### **QUALIFICATIONS**

My professional background is evidenced in Exhibit **DSD1**.

In summary I have 47 years policing and Security experience, I am the former Operational Head of Scotland Yard's Royalty Protection Command. Prior to that appointment I was Head of Operations for West London and also Commanded West London's Territorial Support Group. In my Police career I had extensive knowledge of Licensing and tackling violence and disorder in many different areas of London and the United Kingdom.

Since retirement I have had wide international experience in a range of policing, security and related matters. Licensing has continued to be an area where my advice and knowledge has been sought.

I am a Visiting Lecturer at Cardiff University and have been invited to apply for elevation to Professor, lecturing in Ethical Leadership and Motivation.

I am a regular contributor in the media speaking on Television, Radio and writing articles in National Newspapers. My subject areas include The British Royal Family, Policing, and Child Protection. I have recently retired as the Ambassador for the National Children's Charity Kidscape.

### **METHODOLOGY**

On Friday the 13<sup>th</sup> of March 2015 at 6pm I attended the Dar Marrakesh in Edgware Rd W2 to meet Mr Zak Derissy, his staff and to assess the premises, location facilities and his customers. In addition during the course of the evening I visited surrounding streets and the other local licensed premises in an attempt to gain the wider picture.

The premises are situated on the busy Edgware Road and a narrow side road Boscobel Street runs along the side of the pub. This is an incredibly busy arterial two

way road into the area and provides access to literally hundreds of flats and other accommodation and facilities that are based in the neighbourhood. This road is the first right hand turn off the Edgware Road after the flyover and is very busy / in constant use throughout the day and night.

The purpose of this visit was to examine as thoroughly as possible whether the premises was complying with the Licensing Act 2003 and whether the application for extended hours was reasonable and proportionate to the management and the activity that the premises facilitated.

I examined the criteria as it would affect the four key elements central to any licensed premises. Namely:

- The Prevention of Crime and Disorder.
- Prevention of Public Nuisance.
- Public Safety.
- Protection of Children from Harm.

I thoroughly examined all areas of the public house and the “garden area” where the vast majority of the customers were, mainly smoking from Shisha pipes. I would estimate that at 6.30pm there were approximately 60 people in the garden area and about 10 people in the Pub section. There was a convivial attitude and without exception everyone was well behaved. The majority were not drinking alcohol but non alcoholic drinks. It was noticeable that over half of the customers were women.

I understand that a minor variation of the licence has recently been granted so as to permit the new canopy in the garden to remain in situ so I am satisfied that this canopy meets the requirements of the smoke free regulations. I gather that the style and size of canopy was agreed with Francis Keegan, Westminster Licensing Inspector before it was put up.

The level of noise and music inside the premises was reasonable and I went outside at least ten times during the course of the evening and night; the noise could hardly be heard even on the pavement right outside. Standing some 20 yards from the garden, I could not hear any voices from the garden, though this was possibly due to the constant traffic.

What was apparent was the noise of traffic, buses and the frequent sirens from emergency services. Boscobel Street is very busy (as is the Edgware Road) and the volume of traffic coming to and stopping outside a Pizza Takeaway and a very Popular Turkish Restaurant is considerable. The noise and traffic remained throughout the time that I was there – it was the same at midnight as it was at 6 p.m - I observed the premises from inside and outside for over 6 hours.

The customers without exception were well behaved. I saw some customers leaving by taxi and minicab, others must have been using the tube or buses. The end of the evening was well supervised and there was nothing to give rise to complaint. On both nights, the garden area was clear by 10,45pm. the pub area by 11.15pm. During the course of the evening I examined the local area by physically walking and entering various Licensed Premises. This included two public houses and several restaurants. All were serving alcohol in either pint glasses or with other glass receptacles. It was noticeable how many groups of young men were congregating near take away premises. Some were noisy and intimidating in both presence and attitude but I did not see anybody leave Dar Marrakesh and go to these places, nor did I see any of these people enter Dar Marrakesh.

### **PREMISES INSPECTION**

In order to establish effective” Premises Supervision” I carried out an inspection in the presence of the DPS Mr Moulay Derissy of the following areas of importance to satisfy myself of the level of management and supervision needed if the various variations were to be granted.

I also reviewed the current premises licence to satisfy myself that all the conditions on the licence were being adhered to.

### **Key Areas**

1. Location and Supervision of Entrance and Exits, fire escapes, security of doors. Security of Premises.
2. Camera Location and quality of images. The number of trained staff. Duration of recordkeeping.

3. Staff Numbers, supervision of Bar and Garden area.
4. Door supervision. Numbers and search procedure.
5. Dress Code ,Age Policy.
6. Drug Awareness , Drug Policy. Drug posters. Toilet checks.
7. Customer Profile ,
8. Knowledge of Licensing Act.,
9. Entry and Dispersal policy. Age Policy Over 21.
10. Notices re Customers respecting Neighbours.
11. Number of Incidents and Crimes reported.
12. Liaison Policy with Neighbours.
13. Police Liaison number of visits
14. Staff Training and record keeping. Occurrence register.
15. Complaints Register / Customer neighbourhood complaints policy.
16. Sound Proofing of Garden Area.
17. Fire and Hazard Training and Check
18. Glass and bottle collection
19. Bar Supervision. Management Structure.
20. Check of Premises licence conditions.
21. Smoke free area compliant with smoke free regs.

On this the first visit I carried out a thorough examination of all aspects pertaining to this application by spending six hours both inside and outside the premises. I paid particular attention to the alleged noise and the degree of supervision and capability of the staff and family who run the establishment.

The main area of business is without doubt carried out in the area described as the "Garden" where fairly affluent people smoke and drink non alcoholic drinks. The premises also sells food and appears to do a good trade in this area. The bar area is only a fraction of the business and a ratio of 15% in the Bar compared to 85% in the Garden on the night I was there.

In view of the pending application, I made several recommendations during my visit, as follows:



- Door supervisors should wear florescent yellow jackets and patrol outside when customers are leaving and during extended hours if granted, Customers leaving should only leave by the Edgware Rd entrance. Right hand side.
- Large Notice boards at exit points reminding customers to respect neighbours and keep quiet when leaving.
- That music is turned off every night at 23.30 hours.
- Enhanced training to all staff in the key areas of the Licensing Act. Training to be recorded. Training Manual to be established.
- A full 'Occurrence Book' is taken into use with all relevant factors recorded and signed off daily.
- Greater use of posters in toilets re potential drug misuse. Drugs are not perceived to be problem but preventative tactics are always wise in all licensed premises, even well run ones.
- Dispersal policy to be drawn up and adhered to as part of a Management Plan.
- No children to be allowed in the garden after 18.00 hours.

This visit terminated just after midnight I remained in the area overnight on the Edgware Road. This arterial Road seems to remain busy pretty much all of the time. I visited several local premises and a number of food outlets. One premises the Lord High Admiral had a number of drunken customers inside and outside. The level of reported crime at Dar Marrakesh is by any standards extremely low which is in my view testimony and evidence of the management style and close supervision.

### **DAR MARRAKESH SECOND VISIT**

On Friday the 10<sup>th</sup> of April I returned to the premises arriving at 6.30pm, the visit was unannounced as far as the staff were concerned. I stayed in the vicinity until midnight again repeating my recognisance of the premises and the local environment.

Both the Bar area and the garden area were full. It was an extraordinarily warm evening for the time of year and the area was full inside. Also the garden has the benefit of patio heaters. The Edgware Road and Boscobel Street was also busy with pedestrian and vehicle traffic. The noise from the garden was listened to on at least six different occasions during the night. It was not in any way excessive or likely to cause a nuisance to anyone.

On this visit I again interviewed the DPS Mr Derissy (a former Special constable in the Metropolitan Police) this time to carry out a structured thematic check. I used a document entitled Licensed Premises "Good Practice Guidelines" this document provides a RISK and Good Measures guide in respect of the Four Licensing Objectives.

From the answers given, and my observation I am again satisfied the Management of these premises are in good hands and that Mr Derissy and his team are now fully conversant with the Licensing Objectives, the Law and the application of common sense and responsibility necessary to ensure good order.

The Dar Marrakesh customers were well behaved with large numbers of women arriving and departing. All left quietly without any disturbance. I observed two customers getting into a car parked outside, the rest left on foot or got into taxis in the Edgware Road.

This premises is more akin to a restaurant with a bar area, the main emphasis of customers is on food and smoking not drinking which eases the problems possibly anticipated as customers can be advised quietly but firmly of the need to leave quietly.

The issue of parking is not a big issue for the Dar Marrakesh as most customers did not arrive by car. However there are numerous other food outlets and restaurants where customers do leave cars in surrounding streets and may cause problems. However Hatton Street during my visit was full of residential parking, There is a restriction of parking until 10pm for non residents.

Boscobel Street does have some restricted parking, it is narrow and remains extremely noisy throughout the evening, Many, many vehicles come and try and park

near the Diarbakirlal Turkish Restaurant and this does cause problems as does the Pizza Take Away which allegedly had been operating until 4am until recent Westminster Council Action.

## **CONCLUSION**

On the evidence I have seen and with the actions I have advised, I am confident that the extension of hours can be allowed providing the assurances that I have received can be delivered and maintained. I am also confident that allowing non-toughened glasses to be used will not be a problem. I now understand that the police have withdrawn their objection to this part of the application on the basis that two SIA doorstaff are employed on Fridays and Saturdays after 20.00 hours, which is sensible. In addition the premises will have one SIA doorstaff present from 20.00 hours on Sunday to Thursday inclusive. There is no application to extend the hours for alcohol and the current condition re: toughened glasses as drafted is almost certainly unenforceable in any event.

Some of the allegations made by residents do lack credibility particularly the allegation of crime being enhanced i.e. the danger to employees leaving late. The presence of SIA doorstaff should make the area safer for employees and residents alike.

I am particularly impressed with the condition offered by the applicants as follows:  
"No use of interior of premises by patrons after 23.30 hours Sunday to Thursday and 00.00 hours on Fridays and Saturdays, save for access and egress of the premises and to use the toilets."

This condition in conjunction with the condition requiring patrons to use the door leading on to Edgware Road means that all patrons departing after 23.30 hours have to go through the inside of the pub where no licensable activities are taking place before they leave the premises. This means that staff can speak to departing customers before they leave the premises in order to remind them of the need to be quiet outside. It also provides a quiet area where people can wait for taxis. The fact

that the exit door is on the corner of Edgware Road and Boscobel Street means that one of the SIA staff can be placed in a position outside where he or she can see down both roads to check that customers are leaving quietly, though from what I could see almost all customers will leave via Edgware Road.

If the Management continue to maintain their current high standards, then I am confident that with appropriate conditions and continued support they can be trusted to keep good order and provide a facility people enjoy without affecting the peace and tranquillity of others.

**David Seaborn Davies**

## DAR MARRAKESH LICENSING MANAGEMENT PLAN / DISPERSAL POLICY

### Premises Licence:

This document is to be read in conjunction with the current premises licence. All staff should familiarise themselves with the licence and all of the conditions on it.

### Other Policies:

Staff should also familiarise themselves with regard to our health and safety policies, fire safety risk assessments, first aid policy, pre-opening check-list, "Good Practice Guidelines", drug policies, CCTV usage, e.t.c.

### OTHER KEY POINTS:

#### Admission:

All customers to be smartly dressed, no entry to under 18's after 18.00 hours.

#### Security:

After 20.00 hours, one SIA doorstaff to be engaged Sunday to Thursday and two SIA doorstaff to be engaged after that time on Fridays and Saturdays.

#### Drugs:

We operate a zero tolerance policy with regard to all forms of illegal drugs.

#### Challenge 25:

We operate Challenge 25 which means that anyone who looks as if they could be under 25 years old must provide suitable ID if they want to buy alcohol.

#### Occurrence Book:

This is to be filled in daily whether or not anything of note needs to be recorded.

Noise Nuisance:

Our licence is our business. Any risk of noise nuisance of any kind but particularly from patrons must be avoided at all costs.

All staff to be vigilant at all times regarding customer noise in the garden. Anybody making too much noise to be asked to leave immediately.

Notices to be placed in the garden asking patrons to be quiet.

No alcohol to be served in the garden (or elsewhere) after 23.30 Monday to Thursday, 22.30 on Sundays or midnight on Fridays or Saturdays.

Recorded music to be turned off at 23.30 on all evenings at the latest.

To ensure that customers leave in an orderly and quiet fashion the following policy will be adhered to:

Dispersal Policy:

1. At least one SIA door supervisor will be located at the Edgware Road entrance in order to ensure customers departing via either Edgware Road or Boscobel Street are supervised at all times after 8 p.m.
2. Customers will be encouraged to leave via taxi or mini-cab which will be pre-booked inside the premises. Once the taxi arrives, the customers will be escorted from the premises to the taxis. Taxis and minicabs to collect from Edgware Road not Boscobel Street and not to use horn on arrival - liaison with local firms. If black cabs are used, staff to hail them.
3. Door supervisors to wear yellow florescent jackets to identify themselves as Dar Marrakesh security.
4. Large notices to be placed near the exit reminding customers of the need to leave quietly.
5. Customers waiting for taxis who have finished their refreshment in the garden to wait inside the premises.
6. Staff to be aware of nightbus times, stops and routes - the N16 departs every 20 minutes. Wherever possible, staff will use the London Transport text service to advise customers when buses are coming so that they are waiting at the stop for the minimum amount of time.
7. Staff to be aware of latest Edgware Road trains -  
Circle Line 00.00 West 00.23 East  
H & C 00.43 West 00.42 East  
District 00.20 West (East last stop).
8. Music turned off at 23.30 hours every night.

9. Records to be kept of all staff trained in this dispersal policy.
10. Restriction on entry one hour before closing.
11. Patrons to depart in small groups.
12. The inside of the premises not to be used for licensable activities after 23.20 hours Sunday to Thursday or midnight on Fridays and Saturdays so as to create a quiet zone for patrons departing the garden to pass through before exiting the premises.
13. Resident's hotline telephone number to be manned throughout the evening hours of operation.
14. Access and egress by patrons to be only through the Edgware Road doorway save in the case of emergency.

STATEMENT OF ZAKARIAH DERISSY:

I am the owner of the business known as "Dar Marrakesh" and the Premises Licence Holder.

I am 58 years old and originally from Morocco. I have had a varied business career and took over the pub known as the Portman Arms on the Edgware Road a few years ago. At that time, it was an Irish pub but unfortunately its trade was falling away and there had been problems at the premises to the extent that the police saw fit to ask for a condition requiring toughened glasses to be used at the premises.

I realised that the venue was never going to be a successful business as a normal pub and set about making it into an upmarket Moroccan bar / restaurant with shisha smoking in the garden. This was clearly the right move as it has become a popular venue with regular repeat customers - we know most of our customers, many of whom come from the locality. Some are Moroccan but many are local English people who enjoy our different cuisine and like to try smoking shisha.

I brought my two sons (one of who was a Special Constable) into the business and Moulay obtained a personal licence and became the DPS.

Generally, we did not attract complaints or problems with the licensing authorities.

Some time last year, a new licensing inspector, Francis Keegan took over. He pointed out his opinion that we needed a new smoking canopy in order to make it compliant with the smoke free regulations. The previous inspector had never mentioned this before but I realised that the only way forward was to work with Mr.Keegan rather than against him and therefore I arranged for a new canopy to be put up in accordance with the plan he had drawn out.

Some of our customers complained at having to drink from toughened glasses - we like to serve good wine and it does not taste the same from toughened glasses as from normal glasses; the same applies to hot drinks such as mint tea. We simply do not have problems with violence at the premises and in any event we employ doorstaff who would take care of any problems in the highly unlikely event of any problems. Therefore we have applied to be able to use non-toughened glasses and I am pleased to see that the police have agreed to this.

Our customers also asked to be able to stay in the garden a little later, especially on Friday and Saturday evenings. This would help our business very considerably. I realised that this would take careful management but given the fact that we are in a very noisy area due to the traffic, did not see that this would be a problem. I recognised the need to engage the services of acoustic consultants and a top security / licensing professional as I was anxious to ensure that we did everything absolutely correctly.

I notice that nobody living in the large block of flats behind the garden or to the side of us on Edgware Road has objected to the application.

We have asked nearby neighbours for letters of support for our application and I am very pleased to say that they have provided them.

I would be happy to show the committee my food and shisha menus.



## DAR MARRAKESH LICENSING MANAGEMENT PLAN / DISPERSAL POLICY

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### Other Policies:

Staff should also familiarise themselves with regard to our health and safety policies, fire safety risk assessments, first aid policy, pre-opening check-list, "Good Practice Guidelines", drug policies, CCTV usage, e.t.c.

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7. Staff to be aware of latest Edgware Road trains -  
Circle Line 00.00 West 00.23 East  
H & C 00.43 West 00.42 East  
District 00.20 West (East last stop).
8. Music turned off at 23.30 hours every night.

9. Records to be kept of all staff trained in this dispersal policy.
10. Restriction on entry one hour before closing.
11. Patrons to depart in small groups.
12. The inside of the premises not to be used for licensable activities after 23.20 hours Sunday to Thursday or midnight on Fridays and Saturdays so as to create a quiet zone for patrons departing the garden to pass through before exiting the premises.
13. Resident's hotline telephone number to be manned throughout the evening hours of operation.
14. Access and egress by patrons to be only through the Edgware Road doorway save in the case of emergency.

#### STATEMENT OF MOULAY DERISSY:

I am the son of the owner of the business known as "Dar Marrakesh" and the DPS. My brother also works in this family business.

I repeat and endorse everything which my father, Zakariah, says in his statement.

I have been a Special Constable and therefore believe that I am well placed to understand the concerns of the police and licensing authority.

With regard to the "toughened glasses" condition, in fact the last time our licence was printed, this condition was somehow missed off and we have been advised that it would be difficult to enforce against us as it is badly drafted but we still recognise the need to do things properly and therefore have applied to have it removed. I am pleased that the police have endorsed that application. They have asked us to have two SIA staff on duty from 8 p.m. on Fridays and Saturdays and we are happy to comply with that request. We also have an SIA staff member on duty from 8 p.m. on other nights of the week.

Since we took over the premises (which used to be known as the Portman Arms) a few years ago, we have turned it into an upmarket Moroccan bar restaurant with shisha smoking. Shisha smoking is the one thing which makes our business unique and in fact makes it viable; we spend a small fortune on gas for patio heaters every year but it is worth it as that is what our customers want. However trade is not very easy and there is a real demand for customers to be able to stay in the garden a little later into the evening.

We do believe that we have turned a rough pub into a desirable venue in the locality and this is borne out by the low number of residential objections we have had to the application and the support we have received for it.

Together with Dai Davies, I have been involved in developing our management and dispersal policy. I recognise that if this application is to succeed, it is paramount that there are no noise nuisance problems from the garden or from departing patrons.

Fortunately we do attract a great deal of regular customers. They are generally relatively affluent and well behaved people who do not want to cause trouble. Many are local. We are already vigilant about the risk of noise nuisance and if we are able to operate outside to a later hour, no doubt it will be doubly important to ensure that neighbours are not disturbed by people in our garden. Although we are in a noisy area, we will continue to operate regular checks outside the garden wall and upstairs throughout the evening to ensure that noise in the garden is not a nuisance to others.

As it happens, shisha smoking is a relatively quiet affair in any event. Our prices are high and people like to savour their smoking, whilst enjoying soft drinks and food. The absence of alcohol during the later hours is important as people who are not drinking alcohol are so much less likely to cause disturbance, not that our clientele are the sort of people who would anyway.

Since lodging the licence variation application, I have decided to offer some further conditions:

1. Two SIA staff to be engaged at the premises after 8 p.m. on Fridays and Saturdays and one SIA staff to be engaged at the premises after 8 p.m. Sunday to Thursday inclusive.

2. Recorded music to be turned off at 23.30 hours.
3. To operate a dispersal policy as part of the management plan.
4. No children in the garden after 18.00 hours.

I may wish to expand on this statement at the hearing.

I very much hope that the committee will see fit to grant our application.

MOULAY DERISSY

## Patterson, Susan

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**From:** Howard Timms <howardtimmers@wainwrighttimms.com>  
**Sent:** 05 May 2015 23:36  
**To:** Patterson, Susan  
**Cc:** Sarah Le Fevre  
**Subject:** Dar Marrakesh - Letters of Support  
**Attachments:** CCF05052015.pdf; CCF05052015\_2.pdf; CCF05052015\_3.pdf; CCF05052015\_4.pdf; CCF05052015\_5.pdf; CCF05052015\_6.pdf; CCF05052015\_7.pdf

Dear Sue

Further to my previous email, please enclose the attached letters of support in the report.

I look forward to receiving the report.

Regards

Howard Timms, Partner  
Wainwright Timms LLP Solicitors  
Tallis House  
2 Tallis Street  
London EC4Y 0AB  
Tel: 02035894099  
Email: [howardtimmers@wainwrighttimms.com](mailto:howardtimmers@wainwrighttimms.com)  
Website: [www.wainwrighttimms.com](http://www.wainwrighttimms.com)

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We are regulated by the Solicitors Regulation Authority

My name is Syed Aziz, I have been living at my address for 3 years now. I am in support for Dar Marrakesh extending there hours as I have been living upstairs for a long time and have never had an issue with the bar or garden area. The place is very nice and the family who own it are very kind and considerate.

Sincerely Syed Aziz

422 Edgware Road, W2 1EG

Syed.A

I Don't mind if Dar Marrakesh opens to Zam on Friday and Saturday and 12 at night Sunday to Thursday. I have been at the address for a year now and even though I sleep early because I work early mornings I have never lost a wink of sleep. The customers who come there are mature and look well to do which is nice. I wish them all the best, Mr Zak and his wife and all his family.

Many thanks,

Mohammed Chihab

422 Edgware Road, W2 1EG

M.C



To whom this may concern,

I am a resident of 422 Edgware Road W2 1EG and have been living above dar marrakesh for more then 2 years. I also previously worked there as a bartender. I am very happy for Mr zakaria and his family to be awarded an extension of there hours in the garden to midnight on weekdays and 2am on weekends because they manage the place very well and have never been bothered by there noise levels even when they have been open really late during temporary event notices over the years. Also because the place feels more like a restaurant then a pub you don't get any anti social behaviour or drunkenness as you would expect in a traditional pub.

Kind regards,

Radu Ciobanu

422 Edgware Road, W2 1EG

A handwritten signature in cursive script, appearing to read 'R. Ciobanu', is located below the typed name.

To whom this may concern,

I am writing in regards to Dar Marrakesh  
422 Edgware Road W2 1EG. Since its opening  
it has had nothing but a positive effect to  
our community. As the old pub there was lots of  
trouble and noise coming from the pub. It is now a  
relaxed and safe environment for even me to visit. They  
have security everyday who make sure it is a safe place  
I'm happy to support Dar Marrakesh in what ever  
way I can.

Kind regards,

Asma Saad

17 MORDEEN House  
NW1 6NR

07810470720

To whom this may concern

I am writing in regards to Dar Mawakeesh  
422 edgware road W2 1EG. upon opening this establishment  
has been a pillar of the local area. It is a  
very welcoming place for all types of people & is  
one of the most multi-cultural places I've been to.  
The staff are extremely friendly & the environment  
feels very safe, with security always visible & friendly.  
I am more than happy to support Dar mawakeesh  
in whatever capacity I can.

Regards

Aminah AZIM

30 Stottingham Hoe-SE

NW1 5NY

To whom this may concern

I'm writing in regards to Dar Manakesh.  
I was not a very socialable person, when entering Dar  
Manakesh the friendly & polite environment made  
me feel right at home. I have made many  
acquaintances whom I consider friends now,  
from many different backgrounds. Everyone from security,  
waiters, Bar tender & manager make me feel welcome  
& I'm sure I can speak for everyone else who  
comes here as customers. That this place is very  
respectful & welcoming, not to mention safe. I  
have never encountered any trouble.  
This is confirmation of my support for Dar manakesh.

Regards.

Acuti ~~ASAA~~

FUT 52 BREWERY  
London W 2 LR

07728447601

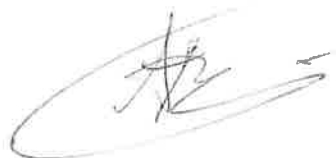
To whom this may concern

I am writing in regards to supporting Dar manakesh  
422 edgware road W2 1EA. Since opening i have  
been a customer that's been very satisfied with  
with how its transformed the local area.  
People who once intimidated me are now people  
I socialise with at Dar manakesh. The friendly  
environment & welcoming staff make this place  
a brilliant establishment where people of all  
backgrounds can interact & get along. The visible  
~~the~~ security always makes this place safe <sup>when</sup> coming  
& leaving the premises.

Regards.

Helen Wintana

Flat 4  
Weyhouse  
London NW8 5PY



## **Patterson, Susan**

---

**From:** Lewis, Bryan  
**Sent:** 06 May 2015 09:56  
**To:** Stephen Thomas  
**Cc:** Patterson, Susan; Premises Licensing  
**Subject:** RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx

OK thanks, Police objection withdrawn

Bryan

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

**From:** Stephen Thomas [mailto:st@stephenthomaslaw.co.uk]  
**Sent:** 05 May 2015 17:16  
**To:** Lewis, Bryan  
**Cc:** Drayan, Anil; Premises Licensing; Patterson, Susan  
**Subject:** RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx  
**Importance:** High

Dear Bryan,

Thank you for the application. In these circumstances I am instructed to agree the conditions in their entirety. I have copied in licensing. Can you confirm that the police objection is now withdrawn,

Kind Regards,  
Stephen

Stephen Thomas LAW

T. 01732 321114 M. 07774 612651 F. 01732 321078 e-mail st@stephenthomaslaw.co.uk  
website: stephenthomaslaw.co.uk

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

From: Lewis, Bryan [mailto:blewis1@westminster.gov.uk]  
Sent: 05 May 2015 11:39  
To: Stephen Thomas  
Cc: Drayan, Anil; Premises Licensing; Patterson, Susan  
Subject: RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx

Stephen

This premises in heart of the stress area. The concierge would be expected to act as security in the event of an intoxicated person attempting to gain entry, if an ejection has to be undertaken or to prevent access to possible theft suspects. It is therefore essential that the concierge is licensed SIA. Most prominent hotels in Westminster already deploy licensed security, either in-house or contracted-in. I am not asking for anything unusual or disproportionate. Two months is not acceptable, the training course is usually no longer than a week. As a matter of interest current training also covers dealing with vulnerable persons, child exploitation, restraint training etc. In short I not able to compromise on this matter, as I have on other conditions proposed.

regards

Bryan Lewis PC4161CW  
Westminster Police Licensing Team  
Westminster City Hall  
4th Floor, 64 Victoria Street  
London SW1E 6QP  
0207 641 3347

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

From: Stephen Thomas [mailto:st@stephentomaslaw.co.uk]  
Sent: 05 May 2015 09:09  
To: Lewis, Bryan; Drayan, Anil  
Cc: Watson, Ian; Patterson, Susan  
Subject: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx  
Importance: High

Dear Bryan,

I have now heard from my client who has been on leave. The conditions proposed are accepted subject to one practical rider. John advises we have no SIA security staff.

It will take a little time to book staff into a course bearing in mind that we have to arrange sufficient courses for staff to provide full cover.

Bryan would you be prepared to agree a period of grace for SIA accreditation - not sure what period should be but would 2 months from grant of licence be acceptable?

Alternatively, given that this is a hotel where we have a concierge on duty 24 hours is there a proportionate need for the staff to be SIA registered?

I look forward to hearing from you.

Kind Regards,  
Stephen

Stephen Thomas LAW  
T. 01732 321114 M. 07774 612651 F. 01732 321078 e-mail [st@stephentomaslaw.co.uk](mailto:st@stephentomaslaw.co.uk)  
website: [stephentomaslaw.co.uk](http://stephentomaslaw.co.uk)  
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Westminster City Council: [www.westminster.gov.uk](http://www.westminster.gov.uk)

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Schedule 12  
Part A

WARD: Church Street  
UPRN: 100022747556

# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence

Regulation 33, 34

**Premises licence number:**

14/08715/LIPVM

**Original Reference:**

05/10547/LIPC

### Part 1 – Premises details

#### Postal address of premises:

Dar Marrakesh  
422 Edgware Road  
London  
W2 1EG

**Telephone Number:** Not supplied

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

Not applicable

#### Licensable activities authorised by the licence:

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  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

##### Performance of Live Music

Monday to Thursday: 09:00 to 23:30  
Friday to Saturday: 09:00 to 00:00  
Sunday: 09:00 to 22:30

##### Playing of Recorded Music

Unrestricted

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

Monday to Thursday: 09:00 to 23:30  
Friday to Saturday: 09:00 to 00:00  
Sunday: 09:00 to 22:30

##### Late Night Refreshment

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

*For times authorised for New Year see conditions at Annex 1 & 3*

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

**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:**

Mr Zakariah Derissy  
422 Edgware Road  
London  
W2 1EG

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

Not applicable

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

**Name:** Moulay Mahdi Abdellah Derissy

*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:** 614842  
**Licensing Authority:** London Borough Of Brent

**Date: 29 October 2014**

**This licence has been authorised by Ryan Peermamode on behalf of the Operational Director - Premises Management.**

## 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.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

10. There shall be no entry to the premises one hour before the end of all licensable activities.
11. No adult entertainment paid for by the company of a nude physical nature shall be permitted on the premises.
12. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
13. Free drinking water shall be available to all customers.
14. Notices shall be displayed around the premises asking patrons to leave quietly.
15. Deliveries shall be conducted during daytime to control noise nuisance.

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

16. Alcohol may be sold or supplied:
- (a) On Monday to Thursday, 10:00 to 23:30
  - (b) On Friday and Saturday, 10:00 to 00:00
  - (c) On Sundays, 12:00 to 22:30
  - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

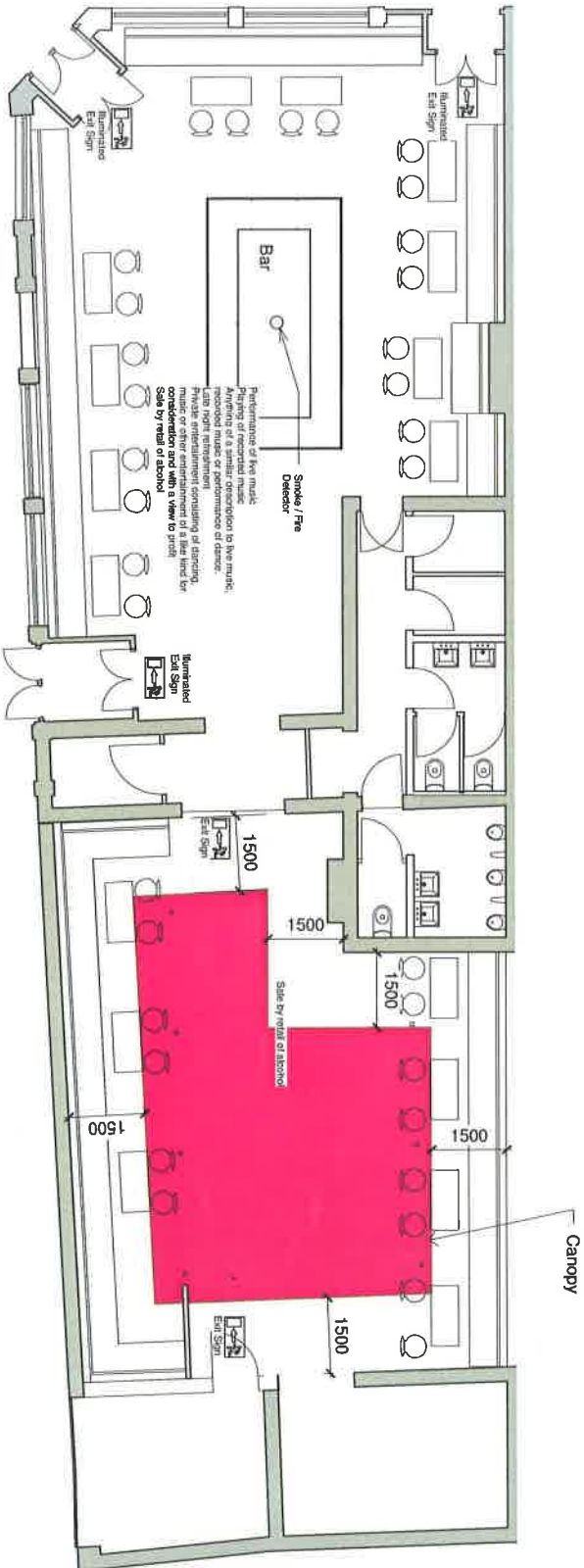
17. All persons under 18 years of age to be off the premises by 21:00 hours unless accompanied by an adult and partaking in a table meal.
18. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, the street 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.
- (i) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing.
  - (ii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998).
19. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby property.
20. The external doors and windows shall be kept closed after 23:00 except for immediate access and egress of persons.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



22. No rubbish including bottles will be moved, removed or placed outside between 23:00 hours and 07:00 hours.
23. A sound limiting device shall be located in a separate and remote lockable cabin form the volume control and must be fitted to the musical amplification system to be set at a level determined by and to the satisfaction of an authorised officer of the environmental health services community protection department 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 an officer 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.
24. No alteration or any modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the environmental health services.
25. There are to be no more than two live musicians at any one time.
26. The beer garden is to be cleared of patrons by 23:00.
27. The inner door and all windows at the premises are to be kept closed at all times when licensable activities are taking place.
28. When a customer chooses to pay by credit/debit card, he/she shall be presented with an itemised bill upon final payment showing details of all drinks and food purchased.

**Annex 4 – Plans**

Attached



Rev	Date	Comments	By	Chk
			0	5
				10 m

# Arta Architectural

A Chartered Architectural Practice  
 Portland House  
 51 Colney Hatch Lane  
 Muswell Hill  
 London  
 N10 1LJ

e: info@arta-architectural.com  
 w: www.arta-architectural.com  
 t: 0845 299 3402  
 f: 020 8 883 9904

## Licensing Plan

Scale As indicated  
 Issued May 2014



Chartered Institute of  
 Architectural Technicians

Client **Mr Z Derissey**  
 Project **Bar Marrakesh**  
 422 Edgware Road  
 W2 1EG  
 Drawing No. **BAR Ca 01 B**

---

**TO** Miss Susan Patterson  
**REFERENCE** 15/00928/LIPV

---

**FROM** EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
**REFERENCE** 15/004698/EHCT  
**BEING DEALT WITH BY** Anil Drayan  
**TELEPHONE EXT.** 1774  
**DATE** 26 February 2015

---

**DAR MARRAKESH, 422 EDGWARE ROAD, LONDON, W2 1EG**

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

**The applicant is seeking the following variation to licensing activities:**

1. To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings and thereby remove condition 26 - "the beer garden is to be cleared of patrons after 23.00".
2. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden.
3. To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises".

**I wish to raise following representations:**

1. The proposed extension of the terminal hour for Late Night Refreshment in the garden may have the likely effect of causing an increase in Public Nuisance in the area.
2. The proposed request for Late Night Refreshment on Sunday may have the likely effect of causing an increase in Public Nuisance in the area and may adversely impact on Public Safety.
3. The proposed request for the removal of condition relating to 'Toughened drinking glasses' may adversely impact on Public Safety

The premises have been the subject of visits by licensing inspectors for nuisance and other complaints and further details on these shall be provided in due course..

Additional conditions and undertakings have been offered in the operating schedule in mitigation of the proposed variation but these are considered to be insufficient to allay Environmental Health concerns.

The applicant is therefore requested to contact the undersigned to arrange a site visit and to discuss these issues.

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

**Anil Drayan**  
**Environmental Health Officer**  
**Environmental Health Consultation Team**

**Patterson, Susan**

---

**From:** Janes, Toby  
**Sent:** 25 February 2015 09:39  
**To:** howardtimms@wainwrighttimms.com  
**Cc:** idoxlicensing; Patterson, Susan  
**Subject:** Application 15/00928/LIPV - Dar Marrakesh, 422 Edgware Road, W2

Dear Sir,

**Application 15/00928/LIPV – Dar Marrakesh, 422 Edgware Road, W2**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application as it is our belief that if granted the application would undermine the Licensing Objectives.

I will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email, [tjanes@westminster.gov.uk](mailto:tjanes@westminster.gov.uk)

Yours sincerely,

Toby Janes

PC Toby JANES 1275CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 3179

## Details of public representations relating to 15/00928/LIPV

### Comments received electronically via PublicAccess:

- **Stephen Fletcher - 9 The Old Aeroworks, 17 Hatton Street, LONDON**  
**Received: 22 Feb 2015**  
**OBJECTION**

*I reside in (and am the owner of) a third floor flat at The Old Aeroworks, 17 Hatton Street, which overlooks the rear of the Dar Marrakech bar.*

*We already suffer from late-night noise (banging of car doors/raised voices etc) shortly after closing-time, particularly at weekends. Extending the opening hours is only likely to interrupt residents' sleep even more. I therefore strongly object to this application.*

- **N Schoerner - 19 Hatton Street, London , NW8 8PI**  
**Received: 6 Mar 2015**  
**OBJECTION**

*I am a neighbour of the above mentioned premises.*

*In my opinion, if the extension to their licensing hours goes ahead it will be an increased disturbance and hence problematic for residents.*

*I don't think the issue is necessarily noise coming from their garden etc. - but it will arise from customers parking nearby, playing car stereos and "hanging out" when they leave at night, once the place is closed (which is already an issue with current hours). I don't think that the owners are able to police that sort of behaviour.*

- **James Ankerson - The Old Aeroworks, 17 Hatton Street,**  
**Received: 2 Mar 2015**  
**OBJECTION**

*I have been informed that Dar Marrakech on the Edgware Road has applied for a later opening times and later closing of the garden*

*Dar Marrakesh 422 Edgware Road London W2 1EG 05/02/2015 Variation Premises Licence 15/00928/LIPV To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind. 08/03/2015*

*I am a resident of The Old Aeroworks, 17 Hatton Street, directly behind Dar Marrakech. I would like to object to this application. The streets are already clogged around Hatton Street making it near impossible to park and this will increase this issue. Also it is a residential area, the bar backs directly onto housing and later night opening will present a noise issue.*

- **Mr Nigel Smith - Upper Flat, 125 Boscobel Street, NW8 8PS**

**Received:**

*Until very recently, the pub normally took an hour or more after official closing time to empty and even those customers who left relatively quietly were causing sufficient disturbance until after 12.00, 1.00 or 2.00 am to wake people up. Even after the doors were shut, gangs of noisy, sometimes rowdy people would arrive, particularly on Friday and Saturday nights, knocking on the doors to try and get access, sometimes with success. My lodger, Ms Piancek complained to both the Police and the Noise Team on different issues several times but as most of these individual nuisances are over within twenty minutes, this is to little effect. Finally, the Dar Marrakesh staff have habitually taken the empties out at these times, against a condition of their licence and this is also noisy.*

*Though I accept the application does not include an extension of alcohol availability and there has been a greater observance of the existing licence since this application has been made, I contend that the Dar Marrakesh practice of consideration for residents has not been impressive generally and that in any case, even moderate behaviour from its customers would still cause a nuisance at these later times. Apart from my immediate neighbours, the pub and street is overlooked by Mole and Westmacott houses, both five-storey blocks occupied mostly by families, many with young children who will be similarly disturbed. Therefore I request that the Dar Marrakesh should recognise that this is a residential, not a trading street and that the present opening hours are the maximum that are conducive to our reasonable comfort and peace and quiet.*

*Yours faithfully,  
Nigel Smith*

*PS I would like an email confirmation that this has been received please.*

- **Glenys Arthur - 131 Morris House, Salisbury St , NW8 8QD**

**Received: 6 Mar 2015**

**OBJECTION**

*The Church Street Ward Planning & Licensing Group wishes to object strongly to the proposed extension of trading hours. This establishment is in a crowded residential area and, despite the claims that there are no requests for extended use of music or alcohol sales, the inevitable disturbance from entry or departure of customers either on foot or in cars at these proposed late hours will seriously interfere with the peace and quiet of the many families in the surrounding flats. You will no doubt know that individual local residents have already voiced their concern. We would ask that serious consideration be given to the above objection as the wellbeing of families in this crowded area of the ward should not be sacrificed for projected commercial gain.*

*Glenys Arthur  
Chair: Church Street Ward Planning & Licensing Group*

*131 Morris House, Salisbury St NW8 8QD*

- **Mohammed Belayet Hussain - 9 Mole House, London , NW88HG**

**Received: 6 Mar 2015**



## **OBJECTION**

*Sub: Complain about extending opening hour of Dar Marakash, 422 Edgware Road London W2 1EG for late night refreshment*

*I Mohammed Belayet Hussain of 9 Mole House and my family are against the extending hour of above Premises, because it is very close of us and all night people are shout and fight in the street. When they see police car coming towards them then they change their attitude as a result I think police do not take action against them. If the above premises extend their opening time then people will gather and fight and they might carry alcohol with them and drink in the street , because now a days I saw after closing time of above premises people drink in street that drink they carry themselves.*

*As a result we are against extending hour for late refreshment of the above premises, we have children to go to school early morning and they have to sleep. Also some elderly people live in this building they have to sleep as-well.*

*There for I hope that you will not allow them extending hour of business of Dar Marakash and thus oblige*

- **Mr Mike Stowell - Farrells, 7 Hatton Street , London**  
*Received: 23 Feb 2015*  
**OBJECTION**

*I am the Managing Partner at Farrells - an international architect-planners practice. Our offices are located at 7 Hatton Street, London NW8 8PL. I am particularly concerned about our staff, many of whom work late and may experience a rise in noise levels with late night customers visiting the bar, which will be a nuisance whilst they are trying to work. I also have concerns for the safety of our female employees leaving late in the evening.*

### Comments received via other means:

- **Mr Nasir Khan - 6 Windrush House, London, NW8 8HE**  
*Received: 13 Feb 2015 by Interested Party*  
**OBJECTION**
- **Toby Woffenden - Flat 3, 95 Frampton Street, London, NW8 8NA**  
*Received: 3 Mar 2015 by Interested Party*  
**OBJECTION**
- **Miles Barbar - The Old Aeroworks Management Ltd, 15 The Old Aeroworks , 17 Hatton Street**  
*Received: 19 Feb 2015 by Interested Party*  
**OBJECTION**
- **Terry Farrell - Sir Terry Farrell CBE, Principal, Farrells**  
*Received: 20 Feb 2015 by Interested Party*  
**OBJECTION**

- **Nia Morris - Flat 3 The Old Aeroworks, 17 Hatton Street,**  
*Received: 20 Feb 2015 by Interested Party*  
**OBJECTION**

**Patterson, Susan**

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**From:** Nisar Khan <rosemnk@googlemail.com>  
**Sent:** 13 February 2015 14:39  
**To:** Premises Licensing  
**Subject:** complaint against the dar marakash 422 edgware road london w2 1eg

this is to inform you that dar marakash already making disturbances in the area in afternoon and evenings. druken peoples roming around shouting, swearing, singing till 0300 hours. the whole flates in surrounding areas can,t sleep at all. framton st and bascobell st full with cars. traffic james always. if you extend their licence further there will be more problums in the area. therefore requested not to accept their lincence. thanks  
best regards.

sinslerly yours  
nisar khan  
6 windrush house  
nw8 8he

## **Patterson, Susan**

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**From:** toby woffenden <tobywoffenden@hotmail.com>  
**Sent:** 03 March 2015 07:35  
**To:** Premises Licensing  
**Subject:** 15/00928/LIPV - Dar Marrakesh, 422 Edgware Rd. W2 1EG

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### **15/00928/LIPV - Dar Marrakesh, 422 Edgware Rd. W2 1EG**

Dear Sir / Madam.

I am writing with regard to the above late licencing application. I am a local resident, of flat 3, 95 Frampton Street. NW8 8NA.

I oppose the increase in hours on the grounds of the public nuisance caused by customers' cars leaving late at night. The majority of Dar Marrakesh's late customers appear to use the premises to smoke in the garden and are then able to drive home. The youngsters involved seem to enjoy loud music in these cars and even louder cars. Much of the parking is on the back streets around Hatton Row and this disturbance would be highly unwelcome to us at after midnight through the week and then after 2am on weekends.

Yours Faithfully,

Toby Woffenden.

## Patterson, Susan

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**From:** Patterson, Susan  
**Sent:** 23 March 2015 13:40  
**To:** Patterson, Susan  
**Subject:** FW: Dar Marrakesh 422 Edgware Road London W2 1EG

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**From:** Miles Barber [<mailto:miles@miljam.co.uk>]  
**Sent:** 19 February 2015 15:52  
**To:** Keegan, Francis  
**Cc:** 'MonikaPalwowska'; 'GLENYS ARTHUR'; 'FlossSwales'; 'SaraGibson'; 'JohnKirkwood'; Grahame, Barbara (Cllr); TimForrest  
**Subject:** Dar Marrakech

Dear Francis

I went into Dar Marrakech yesterday and note that the "garden space" is not tented but has a permanent structure over it in which customers are smoking. The space is definitely not outside but fully protected from the weather.

I wonder if proper permission has been applied for to extend this large structure into the "garden" and with this application below would like to strongly object about extension to the hours of opening. If the extension to their hours goes ahead it will be detrimental to all the residents in this area as there is considerable noise, especially in the summer, when the place closes anyway and disruption from cars etc on the street.

I wonder if you could look into to it for us.  
Thanks

Kind regards  
Miles Barber

The Old Aeroworks Management Ltd  
15 The Old Aeroworks 17 Hatton Street London NW8 8PL  
Telephone: +44 (0)20 7723 5858

Dar Marrakesh 422 Edgware Road London W2 1EG	05/02/2015 Variation Premises Licence 15/00928/LIPV	To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.
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## Patterson, Susan

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**From:** Sir Terry Farrell's Office <tfoffice@terryfarrell.co.uk>  
**Sent:** 20 February 2015 11:55  
**To:** Premises Licensing  
**Subject:** From Sir Terry Farrell RE: Dar Marrakech, 422 Edgware Road, London W2 1EG

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Francis,

I am writing to lodge a strong objection to the proposed application to extend the opening hours at Dar Marrakech, 422 Edgware Road, London W2 1EG.

I live in Hatton Street and believe that this would be bad news for myself and my neighbours. It will mean more noise late at night with customers leaving the bar, and as most park their cars close to Hatton Street, I envisage further problems for local residents particularly in the summer months.

Yours,

Terry Farrell.

**Sir Terry Farrell CBE**

Principal

Farrells | 7 Hatton Street | London NW8 8PL | [tfoffice@terryfarrell.co.uk](mailto:tfoffice@terryfarrell.co.uk)

T: 020 7258 3433 | DD: 020 7878 6008 | [www.terryfarrell.co.uk](http://www.terryfarrell.co.uk)

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**Patterson, Susan**

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**From:** NIA MORRIS <niamorris@me.com>  
**Sent:** 20 February 2015 12:21  
**To:** Premises Licensing  
**Subject:** Dar Marrakesh

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I refer to the application below:

Dar Marrakesh 422 Edgware Road London W2 1EG	05/02/2015 Variation Premises Licence 15/00928/LIPV	To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.	08/03/2015

I am resident at Flat 3, The Old Aeroworks, 17 Hatton Street which is just round the corner from Dar Marrakesh (near enough to hear the noise from departing customers). I strongly object to the application to extend the terminal hour particularly in the garden. My principal concern relates to late night noise in a residential area (either from the garden or due to people leaving the pub after closing). 0200 hours is not an acceptable time to be woken by this sort of noise. The roads immediately adjacent to the pub (other than Edgware Road itself) are almost exclusively residential.

Nia Morris  
07966635743  
0207 2580834

