



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	7 March 2024
Licensing Ref No:	23/05348/LIPN - New Premises Licence
Title of Report:	428 Edgware Road London W2 1EG
Report of:	Director of Public Protection and Licensing
Wards involved:	Church Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 August 2023		
<b>Applicant:</b>	Mrs Amineh Mohavi		
<b>Premises:</b>	N/A		
<b>Premises address:</b>	428 Edgware Road London W2 1EG	<b>Ward:</b>	Church Street
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises intends to operate as a restaurant.		
<b>Premises licence history:</b>	<p>The premises had the benefit of a time limited licence between 9 April 2019 and 9 February 2020.</p> <p>The premises were granted a new premises licence in 2020 however, the licence lapsed in August 2023 (20/08194/LIPT).</p> <p>A copy of the premises licence can be found at <b>Appendix 4</b> along with the full history which can be seen at <b>Appendix 5</b>.</p>		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Applicant amendments:</b>	Following consultation, the applicant reduced the timings for Late Night Refreshment from Monday to Thursday 23:00 to 01:30 and Friday to Saturday 23:00 to 02:00 to the timings stated at <b>section 1-B</b>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	00:30	01:30	01:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	01:30	01:30	01:30	01:30	02:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	07 February 2024
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"><li>To provide Late Night Refreshments Indoors, at the premises Monday to Thursday between 23.00 to 01.30 hours and Friday to Sunday between 23.00 to 02.30 hours.</li></ol> <p>I wish to make the following representation:</p> <ol style="list-style-type: none"><li>The provision and the hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.</li></ol> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided additional information within the application which is being assessed. Conditions will be proposed by Environmental Health to address the licensing objectives.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	02 January 2024
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <b>428 Edgware Road, W2 1EG</b></p> <p>The application seeks the following licensable activities:</p> <p><b>Late Night Refreshment</b> Monday – Thursday: 23:00 – 01:30 Friday and Saturday: 23:00 – 02:30</p>	

Sunday: 23:00 – 02:30

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

The proposed licensable activities are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The premises is located at 428 Edgware Road, W2 1EG. The Police have concerns that a new premises, which provides Late Night Refreshment outside of core hours, will adversely impact the area. Edgware Road is already saturated by late night licensed premises, which can bring crime and disorder to the area. The police are already struggling to cope with excessive crime levels. The applicant has stated that the premises will be a restaurant. However, they have not provided any conditions to mitigate the risk of crime and disorder, and therefore have not demonstrated how the licensing objectives will be promoted.

Westminster's Statement of Licensing Policy 2021 states under its Restaurant's Policy ("RNT1") section A:

***Applications outside the West End Cumulative Impact Zone will generally be granted subject to:***

- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.*
- 2. The hours for licensable activities being within the council's Core Hours Policy HRS1.*
- 3. The application and operation of the venue meeting the definition of a restaurant as per Clause C:*

***C. For the purposes of this policy a restaurant is defined as:***

- 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.*
- 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.*
- 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.*

The Police request that that the licensing sub-committee take into account all the above points.

<b>Responsible Authority:</b>	Planning Department
<b>Representative:</b>	Avani Raven
<b>Received:</b>	05 January 2024

I refer to the consultation request for a Premises Licence under the Licensing Act 2003, in respect of the above premises.

The authorised use of these premises is considered to be a restaurant (Use Class E(b))

The relevant planning history is listed as follows:

Planning permission was granted on 13 May 2021 under application reference 21/00191/FULL for the following:

*“Erection of single storey rear extension at ground floor level and landscaping of rear garden to provide additional floorspace for restaurant. (part retrospective).”*

The following conditions attached to this permission are of particular relevance:

Condition 4 restricts the use of the roof of the extension; namely not permitting it for sitting out or for any other purposes, except for escape in an emergency.

Condition 5 requires the submission of details of a bio-diversity management plan in relation to the green roof to the extension prior to the commencement of this part of the approval.

Condition 6 states that customers of the restaurant shall not be permitted to use the rear garden for any purpose at any time.

Condition 7 restricts the opening times of the extended restaurant premises to between 11.30 and 23.00 every day.

There is no planning record of details pursuant to condition 5 being discharged, and if the extended part of the restaurant, subject of this planning permission, is in use, then there would be a breach in this condition.

Also of relevance, prior to this, planning permission was granted on 6 June 2018 under application reference 18/02647/FULL for the following:

*“Erection of single storey rear extension at ground floor level and landscaping of rear garden to provide additional floorspace for restaurant. (Class A3).”*

Of particular relevance the following condition was attached to this permission: Condition 6 states that customers of the restaurant shall not be permitted to use the rear garden for any purpose at any time.

I should also advise you that there are several outstanding planning enforcement investigations relating to the premises, including in relation to the use of the premises for shisha smoking (enforcement reference 19/72182/U); and in relation to the breach of condition 6 of planning permission 18/02647/FULL (enforcement ref 20/72335/H).

It is noted in Part 3– Operating Schedule, of the licencing application form, the applicant refers to the general description of the premises as “The ground floor, basement and back yard operate as a restaurant and smoking area, in the back.”

It is advised that the use of the rear garden (or yard) for any use by any customers of the restaurant at any time is restricted by condition 6 of planning permission reference 21/00191/FULL, and therefore the use as stated in Part 3 of the back yard of the premises as a smoking area would be a breach of this condition and that this is also the subject of an outstanding planning enforcement case as set out above.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	9 January 2024		
<p>We object on the following grounds</p> <p>1. The current application, Reference 23/05348/LIPN, seeks an extension of operating hours for the premises at 428 Edgware Road. However, it's imperative to note that a similar application (20/00429/LIPN) for the same premises was previously denied a late-night license. The denial decision on March 12, 2020, based on comprehensive representations from neighbouring residential properties, clearly indicated concerns about the adverse impact on the immediate community, especially [REDACTED]. The decision also imposed strict conditions and warned against potential reviews if the licensed premises' operation jeopardised established licensing objectives.</p> <p>2. Evidence of Breaches and Disregard for Regulations: Further substantiating the objection, there have been observable breaches in the license granted to 428 Edgware Road (20/00429/LIPN). These breaches, highlighted in documented correspondence between council licensing officials and the secretary of [REDACTED] notably pertain to unauthorised late-night shesha smoking in the garden area. Such activities have resulted in significant noise disturbances, clearly violating the terms stipulated in the previous license granted for the premises.</p> <p>3. Detrimental Impact on Neighbourhood Residents: Granting an extension of operating hours under the current application would undoubtedly exacerbate the existing noise disturbances faced [REDACTED], particularly during crucial sleeping hours. The detrimental impact on the quality of life for these residents, especially the young children residing in the vicinity, cannot be understated. This disturbance directly contravenes the essence of the licensing objectives aimed at ensuring community well-being and peaceful coexistence.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	12 January 2024		
<p>This is just outside the boundary of Hyde Park [REDACTED] and as one of [REDACTED] [REDACTED] object to this application as we believe it will not uphold the licensing objectives and fear it may well set a precedent for other premises along Edgware Road and surrounds. We believe it is important to find that balance between residents needs and business. [REDACTED] have sought to keep that balance especially on the Edgware Road.</p> <p>Part of Edgware Road is in a Special Consideration Area and this application needs to be considered in this regard. What happens in one part of the area affects the whole area by the nature of the type of premises on Edgware Road.</p> <p>The LNR hours sought are Mon-Thurs 23.00-01.30 and Fri-Sun 23.00-02.30. States current times are 11.00-23.00 hrs but we note an existing LNR for later hours. Seek clarity of conditions and timings of outside area on new application. As existing LNR ? Need to clarify any deliveries and take-aways. Need to clarify application for indoors only - outside area not included ? Clarification needed on overlooking re back garden area and noise issues. Residential area. We understand there are issues of ASB/crime in this area.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	12 January 2024		
<p>Since this license application mirrors 20/00429/LIPN, we request that you review all documents presented to the Sub-Committee of March 12, 2020, who considered 20/00429/LIPN, including the diagrams and pictures that illustrated the problem of the back extension which is a shack like structure with removable walls via sliding French doors kept open for Shesha smoking along with music.</p> <p>This extension has been built in the back garden bringing it a few feet away from [REDACTED] [REDACTED].</p> <p>We further request that you impose similar restrictions to 23/05348/LIPN as in the previous license 20/00429/LIPN, particularly those in "Section 3, Mandatory Conditions, consistent with the operating schedule" as required by the decision of Licensing Sub-committee No. 2 on March 12, 2020.</p> <p>The restrictions applied to the back extension of the restaurant, restricted music, and usage times, required keeping the sliding doors shut to prevent smoke and noise going into the residential [REDACTED] and the licensing committee limited the opening</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	21 December 2023		
<p>Objecting over noise concerns. 1.30am closure on weekdays is when residents have to work is far too late. Likewise 2.30am on weekends is far too late also. There are residents a few meters away from these suggested plans.</p> <p><b>Further submissions received from the interested party on 21 January 2024:</b></p> <p>I am objecting this planning application due to significant concerns regarding potential noise disturbances stemming from the proposed restaurant/bar operation.</p> <p>[REDACTED], I anticipate being significantly affected by the late operating hours, particularly until 1:30 am on weekdays and even later until 2:30 am on weekends. These extended hours have the potential to cause considerable disruption to the local residential area, and as such, I cannot support the approval of this application.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	11 January 2024		
<p>I write to express my strong opposition to Application Reference 23/05348/LIPN for 428 Edgware Road. My objections stem from:</p> <p><b>1. Previous Restrictions on Identical Application:</b></p> <p>A previous application (20/00429/LIPN) for this location received strict limitations due to written objections from [REDACTED] - and written objections from [REDACTED] of the area also wrote and expressed concern.</p> <p>These concerns, documented with pictures and diagrams, highlighted the close proximity of their homes and potential noise disruption. <u>Relevant evidence and the decision file are attached (licensing objections bundle.pdf &amp; decision.pdf) scroll down to the bottom of this e mail.</u></p> <p>Specifically, restrictions were placed on the rear of the premises under Section 3, Mandatory Conditions, consistent with the operating schedule (refer to the March 12, 2020 decision by Licensing Sub-committee No. 2) regarding 428 Edgware Road.</p> <p><b>2. Persistent Violations of the Granted License:</b></p> <p>Despite these restrictions, documented violations of the previous license (20/00429/LIPN) have occurred:</p> <ol style="list-style-type: none"> <li>1. Unauthorised sheesha smoking and loud music in the back garden, disturbing neighbouring residents during prohibited hours.</li> <li>2. Operation outside permitted hours or outside the restrictions placed on usage of the back of</li> </ol>			



the restaurant as per ,  
(20/00429/LIPN) further violating established conditions.

3. Evidence is provided for the licensing committee in the forwarded emails from Westminster officials with this email.

Here I urge the licensing committee not to legitimise these licensing breaches by diluting restrictions imposed by (20/00429/LIPN) and to impose similar restrictions on 23/05348/LIPN.

We urge Westminster Council to look to their previous records on 428 Edgware Rd and neighbouring commercial properties (who have created smoking areas in their back gardens as extensions to their Restaurants) as evidence of the environmental impact on residential dwellings located a few feet away.

### **3. Exacerbated Impact on Neighbourhood Residents:**

Granting a new license without addressing past concerns, violations, and their detrimental impact would significantly worsen existing disturbances for [REDACTED], especially during critical sleep hours. This disproportionately affects young children and shift workers.

1. Therefore, I urge you to: Deny Application 23/05348/LIPN as the intention is to use the back of the Restaurant extension in the garden, in breach of previous license conditions for shisha smoking with large open French doors, the Restaurant has this arrangement to the detriment of [REDACTED] because the law requires smoking in commercial premises to be partially in the open.

2. Consider that the open air back of the restaurant used for smoking, [REDACTED], please see diagrams in the pdf file attached. The new application states the extra opening hours are required for the restaurant smoking areas in the restricted as per back extension refer to the decision of (20/00429/LIPN)

3. Conduct a thorough review of the existing license (20/00429/LIPN) due to persistent breaches and their impact.

4. Impose, at minimum, the same strict conditions on the new application as the previous decision (20/00429/LIPN), particularly regarding the back garden restrictions under Section 3 and the operating schedule.

My objection prioritises community well-being.

Past decisions, documented violations, and their consequences cannot be ignored. I implore you to consider the evidence and protect Westmacott House residents.

The interested party has provided additional submissions which can be seen at **Appendix 3**.

### 3. Policy & Guidance

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

#### Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> <li>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</li> <li>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</li> <li>3. <b>Hotels:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</li> <li>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</li> <li>5. <b>Outdoor Spaces:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</li> <li>7. <b>Qualifying Clubs:</b> Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>8. <b>Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> </ol> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p>

	<ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

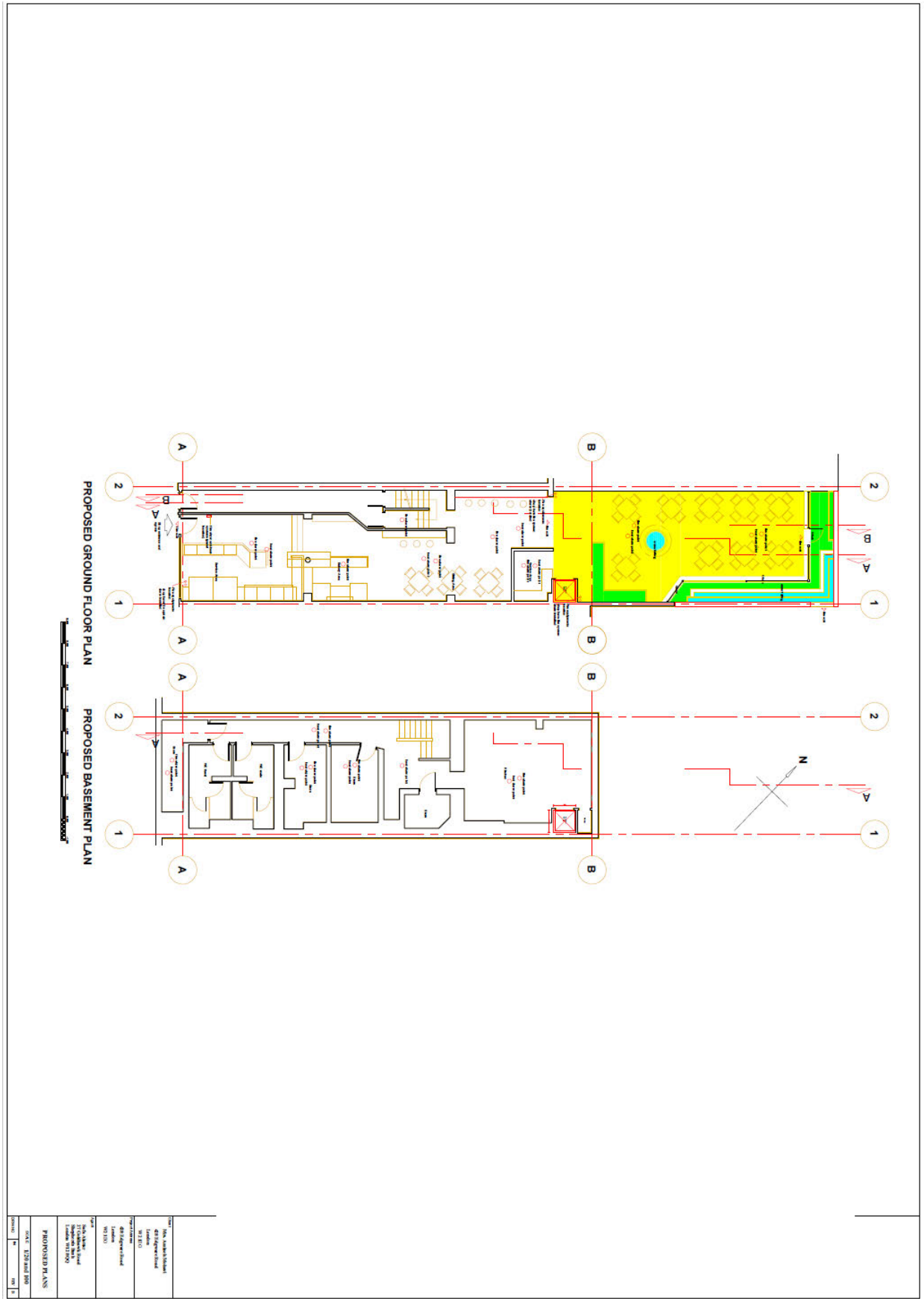
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Submission from Interested party 5
<b>Appendix 4</b>	Lapsed premises licence 20/08194/LIPT
<b>Appendix 5</b>	Premises history
<b>Appendix 6</b>	Proposed conditions
<b>Appendix 7</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Environmental Health Service representation	07 February 2024
<b>6</b>	Metropolitan Police Service representation	02 January 2024
<b>7</b>	Planning Department representation	05 January 2024
<b>8</b>	Interested party representation (1)	09 January 2024
<b>9</b>	Interested party representation (2)	12 January 2024
<b>10</b>	Interested party representation (3)	12 January 2024
<b>11</b>	Interested party representation (4)	21 December 2023
<b>12</b>	Interested party representation (5)	11 January 2024



Client	Mr. & Mrs. Subash Subash
Address	177, Kumbharwadi, Wairath Road, Wairath, Thane - 401 303
Project Name	Wairath Apartment
Location	Wairath, Thane - 401 303
Scale	1:100
Date	17/04/2024
Drawn by	Mr. Subash Subash
Checked by	Mr. Subash Subash
Project No.	WSP/24/001
Sheet No.	01 of 02
Scale	1:100
Project Name	Wairath Apartment
Location	Wairath, Thane - 401 303
Date	17/04/2024
Drawn by	Mr. Subash Subash
Checked by	Mr. Subash Subash
Project No.	WSP/24/001
Sheet No.	01 of 02

**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents from the applicant.

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 12th March 2020*

Membership: Councillor Tim Mitchell (Chairman),  
Councillor Louise Hyams and Councillor Maggie Carman

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne  
Policy Officer: Kerry Simpkin  
Presenting Officers: Kevin Jackaman

Objections: Environmental Health Service, [REDACTED], 32 local residents, mainly from [REDACTED]

Present: Mr Ismail Balin (on behalf of the Applicant), Maxwell Koduah (Environmental Health Officer).

<b>428 Edgware Road, London, W2 1EG ("The Premises") 20/00429/LIPN</b>	
<b>1.</b>	<b>New Premises Licence</b>
	<b>Late Night Refreshment: Indoors, outdoors or both:</b> Indoors  Monday to Thursday 23:00 to 00:30 Friday to Saturday 23:00 to 01:30 Sunday: 23:00 to 00:30  <b>Seasonal variations/ Non-standard timings:</b> None
	<b>Amendments to application advised at hearing:</b> None
<b>2.</b>	<b>Decision (including reasons if different from those set out in report):</b>  Mr Jackaman introduced the item advising that the Sub-Committee had before it an application for a new premises licence from Zayouna Ltd (the Applicant). He advised that the application had received representations from the Environmental Health Service, 33 local residents, [REDACTED] and the Met police. It was noted that the Met Police representation was withdrawn on 26 February 2020 after the agreement to additional conditions. Mr Jackaman indicated that further submissions had been made by Environmental Health on 6 March 2020 and that the submissions were reviewed and circulated to all relevant parties.  <b>The Sub-Committee heard the Applicant's Case</b>  Mr Ismail addressed the Sub-Committee advising that his premises was a



restaurant and it intended to operate as a restaurant which also provided the option of Shisha. He informed the Sub-Committee that in June 2019 he applied for a licence and was granted a time limited licence between 9 April 2019 and 9 February 2020. Mr Ismail informed the Sub-Committee that he had made a mistake on the application and was now applying for a full premises licence. He advised that he was now applying for indoor Late-Night Refreshments, between the hours of 23:00 to 00:30 on Sunday to Thursday and 23:00 to 01:30 on Friday to Saturday. He explained that he would be selling alcohol free drinks and hot food.

**Comments from the Licensing Sub-Committee:**

The Sub-Committee asked Mr Ismail to describe the garden building and basement plans for the premises, and also queried the licensable area for the application. Mr Ismail confirmed that the application and licensable area was for the entire building and the external area to the rear. The Sub-Committee confirmed with Mr Ismail that conditions 14-28 had been agreed with the police and conditions 11-13 agreed with Environmental Health services. The Sub-Committee also sought further clarity regarding how smoking will be managed at the premises and how conditions 12 and 13 will work and whether smoking would be allowed at the front of the premises. Whilst viewing photographs of the premises, the Sub-Committee noted the large screens in the ceiling, confirming with Mr Ismail that no noise should be emanating from the premises.

The Sub-Committee were concerned that noise coming from the premises may travel from opened windows and doors and queried what time Mr Ismail considered reasonable to close doors and windows. The Sub-Committee also sought further information regarding the style and nature of the premises and queried the late opening hours for food and not for Shisha. In response to the Sub-Committee's queries, Mr Ismail advised that he had agreed to all conditions proposed by EH and the Police. He confirmed that the garden area will be closed at 23:00 (in accordance with planning requirements), and that there would be no smoking at the front of the premises (apart from smoking by those temporarily leaving the premises to smoke which would be restricted to an area directly in front of the premises) and all smoking including shisha would cease at 23:00.

**The Sub-Committee heard from Environmental Health Services:**

Mr Koduah addressed the Sub-Committee and confirmed that the Environmental Health Service had maintained their objections on the grounds that the provision of late-night refreshment and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the Edgware Road Cumulative Impact area. Mr Koduah felt that there was insufficient information to address the concerns of Environmental Health and the granting of this application as currently presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Road Cumulative Impact area.

	<p>The members noted, however, that the premises were not situated within the Cumulative Impact Area.</p> <p>Mr Koduah advised the Sub-Committee that three complaints had been made regarding the premises, the last one was on 1 January 2020 at 01:35 when the premises was supposed to be closed and was in breach of the terms of the premises licence. Mr Koduah advised that he had concerns regarding the Applicant's ability in being able to operate the premises in accordance with the licensing objectives. Mr Koduah advised the Sub-Committee that condition 13 ensures that all window and doors are closed at 23:00.</p> <p>In response to Mr Koduah statements, Mr Ismail advised the Sub-Committee that there had been no complaints between June and December 2019. The other incidents were mistakes and he had worked very hard with residents to ensure that they were not disturbed by any noise. He noted that not one of the 32 local residents had attended the hearing.</p> <p><b>Chair Summing Up</b></p> <p>The Sub-Committee thanked everyone for their submissions. The Sub-Committee noted the written submissions and concerns of the local residents at [REDACTED] and also the photographic evidence presented by [REDACTED]. There had clearly been some errors on the part of the applicant regarding compliance with the Health Act 2006 and also complaints from local residents regarding noise escape from the external area. The applicant had confirmed that the external area would cease to operate from 11 pm but, in granting the application, the Licensing Sub-Committee decided to add a further condition requiring all smoking (including Shisha) to cease at 11 pm.</p> <p>The Licensing Sub-Committee decided that the granting of the application, subject to the additional conditions agreed or imposed on the licence, would promote the licensing objectives. It was clear that there had been problems in the past and the applicant was warned that, if there were any breaches of the licence or if the operation of the licensed premises did undermine the licensing objectives, there would be the potential for local residents to review the licence. The applicant was also warned about the need to fully comply with the terms of any planning permission issued for the premises, including any permission relating to the rear external area.</p>
<p><b>3.</b></p>	<p><b>Hours Premises Open to the Public:</b></p> <p>Monday to Thursday 12:00 to 01:00  Friday to Saturday 12:00 to 02:00  Sunday: 12:00 to 01:00</p> <p><b>Seasonal variations/ Non-standard timings:</b> None</p>
	<p><b>MANDATORY CONDITIONS</b></p>

	<ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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.</li> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>4.       <ol style="list-style-type: none"> <li>(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.</li> <li>(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—           <ol style="list-style-type: none"> <li>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;               <ol style="list-style-type: none"> <li>(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</li> <li>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ol> </li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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).</li> </ol> </li> </ol> </li> <li>5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</li> <li>6.       <ol style="list-style-type: none"> <li>(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.</li> </ol> </li> </ol>
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- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

10. A minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the Premises Licence is in operation.

11. Amplified music shall **NOT** be played at the premises at any time.

12. There shall be no smoking (including shisha) in the rear extension and within the garden area shown hatched on the plan attached to the licence from 23:00 on Sunday to Thursday to 01:00 on the following day and from 23:00 on Friday and Saturday to 02:00 on the following day.

13. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises to smoke, including SHISHA, shall be restricted to the area directly in front of the premises along Edgware Road.
14. All windows, external doors and shutters shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any visit by a relevant authority or emergency service.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

	<p>23. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.</p> <p>24. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.</p> <p>25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.</p> <p>26. After 23:00 Sunday to Thursday and 00:00 hours Friday and Saturday, the premises shall only operate as a restaurant:</p> <ul style="list-style-type: none"><li>(i) in which customers are shown to their table,</li><li>(ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,</li><li>(iii) which do not provide any take away service of food or drink for immediate consumption.</li></ul> <p>27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.</p> <p>28. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.</p> <p>29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.</p>
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To  
Kevin Jackaman  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department  
Westminster City Council  
15th Floor - 64 Victoria Street  
London SW1E 6QP

**RE: Renewal of a licence to Zayouna Ltd 428 Edgware Road. Application  
Ref 20/00429/LIPN**

Dear Mr Jackaman

We are [REDACTED] with Zayouna  
Ltd 428 Edgware Road.

We are all responding to the letter sent to us by the Westminster licensing team manager, on  
the 13 January 2020 regarding the above.

Please find enclosed our thirty two individual objection letters, to the application for licensing for  
Zayouna Ltd 428 Edgware Road. Application Ref 20/00429/LIPN

There is one additional objection with a photograph, from a resident of [REDACTED].

All these objections are all separate and are all individually addressed to Yourself &  
Westminster Council. Please pass these on to the licensing team.

In addition, As a resident of [REDACTED], I enclose my own detailed objection to  
application Ref 20/00429/LIPN.

This is supported by photographs and other documents.

Yours Sincerely.

[REDACTED]

5 February 2020

*Sent by RM Special Delivery*



To

Kevin Jackaman  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department  
Westminster City Council  
15th Floor - 64 Victoria Street  
London SW1E 6QP

**RE: Renewal of a licence to Zayouna Ltd 428 Edgware Road. Application Ref 20/00429/LIPN**

Dear Mr Jackaman

1. As you can see from the photograph (*Exhibit 1*) the facade of [REDACTED], [REDACTED] of 428 Edgware Road.
2. The distance to the [REDACTED], are less than 15 meters to the [REDACTED] of Zayouna Ltd Restaurant. Loud music from Zayouna echoes and reverberates on the facade of the building causing a nuisance.(Exhibit 2)
3. [REDACTED], on most nights I hear the loud constant boom boom boom of music, singing and partying from the structure built in the garden of 428 Edgware Road.
4. The other residents of [REDACTED] are also disturbed by the noise, with thirty one residents writing to you individually to object to licence application Ref 20/00429/LIPN.
5. Please refer to a letter from the Director of Westminster Development planning Reference 18/02647/Full addressed to [REDACTED] of 428 Edgware Road, Dated 6 June, regarding permission for development (conditional) for the site. This letter is enclosed ( *see Appendix A in the attached bundle* ) and will be referred to hereafter as the '**Planning Permission letter**'
6. In the Westminster Planning Permission Letter, conditions were imposed, some of the reasons given were to protect the environment of neighbouring occupiers. This is set out in S9 and S32 of the Westminster City Plan (November 2016) and ENV 6 of the Unitary

Development Plan that was adopted in January 2007. (R11AC). And will be referred to hereafter as ‘**protecting the neighbouring occupiers**’.

7. On 6 June 2018 the owners of 428 Edgware Road were granted conditional permission, by the ‘planning permission letter’ (paragraph 6) to extend their restaurant into their garden by erecting a single storey rear extension.

7.1. The conditions were “*not to use the rear garden for any purpose at any time*” The reasons were ‘protecting the neighbouring occupiers’.

7.2. Zayouna Ltd the occupants of 428 Edgware Road have disregarded the above restriction by building a structure that not only extends their restaurant but occupies the whole of the garden space. (See *Photograph Exhibit 5*) The owners use the extension space and the whole garden, as a Shisha smoking area, and have built an open structure missing two walls (See *Photograph Exhibit 2*). This usage of the garden for any purpose any time is in violation of the ‘Planning permission letter’ (paragraph 6)

7.3. ‘The Planning permission letter (Paragraph 3) has a requirement that “all new work outside the building must match the original work in terms of choice of material, method of construction and finished appearance” In our opinion Zayouna has not conformed to this planning requirement. *Please refer to photograph exhibit 5* . You will agree the structure has an appearance of a third world shanty as viewed from Westmacott House. **We object to a licence by Westminster council for activities in a building which has not complied with Westminster planning regulations.**

7.4. It should be noted that an application was previously made for 428 Edgware Road REFERENCE 15/05876/FULL | For use as a smoking shelter. This application was withdrawn.

8. As per the planning letter (paragraph 6) customers were “not permitted within the extended restaurant premises before 11:00 AM or after 23:00 PM each day” the reasons for this were protecting the neighbouring occupiers.

8.1. If it is accepted the Shisha smoking structure in the garden is indeed an extension, the restrictions on ‘not allowing customers into the extension after 23:00’ has not been complied with. The extension has customers occupying it after 11PM each day, with the playing of loud music up to 3AM. (See *Photograph Exhibit 6*)

8.2. Evidence of the above is with the Westminster noise team, obtained on a visit (due to a complaint from residents) of [REDACTED]. The

Westminster noise team found customers in the restaurant extension, and loud music emanating from it at 3AM.

- 8.3. It is important to note that at the Zayouna restaurant, the Westminster licencing notice is placed at the entrance of the Shisha extension in the garden. The licence notice gives a misleading impression that the extension is also licenced as for the hours specified. Whereas the licence notice pertains only to the restaurant. (See *Photograph Exhibit 8*)
  - 8.4. Complainants from [REDACTED] have had it pointed out to them by management, at Zayouna, that the licence on the wall applied to the whole of the restaurant including the structure in the garden. This is misleading information. Zayouna, on the basis of their licence for the main restaurant, has misled complainants by informing them it applies to the Shisha smoking extension without walls, which stays open late and from which loud music emanates.
9. In the permission letter for application for Class 3 usage, had a prior requirement to install self closing doors to the rear extension to quote "*You must not leave these doors open except in an emergency or to carry out maintenance*" reason given was to 'protect residents from noise nuisance'.
    - 9.1. The owners of 428 Edgware Road have not installed self closing doors, but instead for the purpose of smoking regulations which require an open space, built a structure with two missing walls. Activities taking place without walls are in effect in the open air. This defeats the planning requirement of having self closing doors permanently shut.
    - 9.2. The doors to the outside do not exist while smoking and music activities take place - there is no insulation from noise that walls would give, in this situation there is nothing to protect the [REDACTED] (See *Photograph Exhibit 2, Exhibit 3, Exhibit 7*)
  10. In Part 3 - Operating Schedule Application for a Premises Licence under the Licensing Act 2003
    - 10.1. The licence application for Zayouna Ltd 428 Edgware Road. has not mentioned in this section that Zayouna operates a purpose built Shisha smoking area in the rear extension with music and that this extension is without walls. That this extension faces [REDACTED] from where there have been several complaints regarding noise nuisance.
    - 10.2. This piece of important information, useful for a decision regarding 'protecting the neighbouring occupiers, has been omitted from the licencing application.

11. Please see section P of the Zayouna licence application  
*Describe the steps you intend to take to promote the four licensing objectives: a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)*
  - 11.1. The applicant Mr Balin Ishmail says to quote *“As we already have experience in having a late night refreshment, and not having any objections for 7 months, we will be taking the same steps as we’ve done”*
  - 11.2. We wish to state that contrary to what Mr Balin Ishmail says on the application, a representative of [REDACTED] has complained directly to him on two occasions regarding the noise disturbing the residents [REDACTED]. On another occasion a complaint was made to [REDACTED] who said he was the owner of Zayouna Ltd.
  
12. The Westminster noise team has also interviewed the management of the restaurant following noise complaints from residents [REDACTED]. This is a list of some of the complaints to the Westminster noise team. There are residents [REDACTED] who have complained about the noise that are not listed.
 

12.1.	Sun 8 September	Time unknown	—	Case CAS 87108 R9C3H0
12.2.	Sat 30 November	22:52 Hours	—	Case CAS 002087 B7S5B4
12.3.	Sun 1 December	00:55 Hours	—	Case CAS 002099 G3S7P9
12.4.	Sat 21 December	00:55 Hours	—	Case CAS 008364 Q4R6F3
12.5.	Wed 1 January	01:38 Hours	—	Case CAS 010655 W6T3C1
12.6.	Thur 16 January	23:08 Hours.	—	Case CAS. 0160171 Q1V8V5
12.7.	Sat January	23:08 Hours	—	Case CAS 016532 C5H9N9
12.8.	Sun 8 September	22:30 Hours	—	Case 87105 P5C5R8
  
13. Zayouna 428 Edgware Road is a popular restaurant for Shisha smoking, with reviews on the internet, and social media like facebook, Tripadvisor reviews have praised the Shisha smoking garden.
  - 13.1. We have evidence that the restaurant is advertised on the Internet as a Shisha smoking Lounge. (See attached photographs from the internet)
  - 13.2. The business model of this Shisha smoking Lounge is playing loud music and parties as evidenced by the constant noise. This is the main reason in our opinion, why noise complaints [REDACTED] have been ignored by the Zayouna restaurant.
  - 13.3. This noise will likely increase as the popularity and customers of the Zayouna grow.

13.4. Refer to Westminster Council's own advice to the public at <https://www.westminster.gov.uk/shisha> : Residents have expressed concerns for their children's health and well being. Please refer refer to Exhibit 1, where the [REDACTED] are less than ten meters from the Shisha smoking structure. Where more than a dozen Shisha pipes emits smoke. On still summer nights [REDACTED] the Shisha smoke drifts [REDACTED].

I hereby object to the granting of a licence to applicant Zayouna Ltd, granting permission to play music and entertainment, I in addition object to the restaurant's opening later than 11:30 PM or before 8AM to customers because of all the reasons in this letter.

I object to any licence for any permission being given to the Shisha extension without walls in the open air, which is de facto an activity in the garden and for reasons set out in this letter and paragraph 7.

Because of the noise nuisance see paragraph I object to the Shisha extension to be used by customers, unless the whole area is enclosed, **with solid noise insulating walls, doors and windows** and these are kept permanently shut, to be opened only in case of emergency. Measures should be taken that Shisha smoke does not escape to pollute [REDACTED], refer to paragraph 13.4 ,

I object to any music or entertainment in the extension and the whole restaurant for reasons given in this letter.

Because of the close proximity [REDACTED], The playing of loud music and the previous complaints to Westminster noise team, *I rely on, in support of my objections. on S9 and S32 of the Westminster City Plan (November 2016) and ENV 6 of the Unitary Development Plan that was adopted in January 2007. (R11AC).*

Yours sincerely

[REDACTED]

Dated 4 February 2020

[REDACTED]

# EXHIBIT

1

ZAYOUNA SHISHA  
SMOKING AND  
ENTERTAINMENT  
EXTENSION/STRUCTURE  
BUILT WITHOUT WALLS  
IN THE GARDEN

ZAYOUNA SHISHA  
SMOKING  
STRUCTURE

# EXHIBIT 2



AT LEAST FOUR WALL TELEVISIONS SPEAKERS, AS PART OF THE SOUND AND ENTERTAINMENT SYSTEM

NO WALL AND AN OPEN AIR GAP BETWEEN THE SMOKING STRUCTURE AND THIS BROWN PLYWOOD PARTITION

NO WALL AND [REDACTED] 15M AWAY. NO SOUND INSULATION AND NO PROTECTION FROM SHISHA SMOKE

# EXHIBIT

3



**[REDACTED]**  
THE FULL  
BLAST OF FOUR  
TELEVISION  
SPEAKERS.  
ENTERTAINMENT,  
CHEERS AND  
CLAPPING,

2ND MISSING WALL,  
PLYWOOD PARTITION  
SEVERAL FEET AWAY,  
ZAYOUNA CLASSIFIES  
THIS AS A OPEN AIR  
GARDEN LOUNGE, TO  
MEET INDOOR  
SMOKING BAN.

NON SOLID  
TEMPORARY  
ROOF