



JOHN LAW INVESTIGATIONS

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Bestville Properties Ltd
78 Kenton Lane
Harrow
Middlesex
HA3 8UD

19 December 20013
Our Ref : WS/PWG/P34013

Dear Sirs

**Starlight Café at Peaches, Peaches Bar/Restaurant @ 177-179 Kenton Road,
Harrow HA3 0EY**

We confirm your instructions concerning the above matter when you asked us to undertake enquiries and surveillance relating to the Starlight Café at Peaches and Peaches Bar/Restaurant

We understand that you would like us to report on the following matters:

- Whether the operations of Starlight café are separate to those of Peaches Bar/Restaurant.
- Is there a noise nuisance created to local residents as a result of the two operations.
- Is there a noise and smoke nuisance to local residents from the operations of Starlight Café.
- Are there any contraventions of the premises licence.
- Is there an abuse of the rear private car park.

Summary of our findings

We confirm that we initially undertook some desk top research and together with two periods of surveillance and report as follows:-

Surveillance was carried out at Peaches Bar/Restaurant, 177-179 Kenton Road, Harrow HA3 0EY on evening/morning of Saturday 26th and Sunday 27th October 2013.

Bill Stevens MABI

• Process Servers • Enquiry Agents • Trace Enquiries • Vehicle Repossessions
Surveillance • Video/Photographic Evidence • Solicitors Agents

The second period of surveillance was carried out at Peaches Bar/Restaurant, 177-179 Kenton Road, Harrow HA3 0EY on evening/morning of Saturday 2nd and Sunday 3rd November 2013.

The full details of the surveillance will be set out later in this report.

General background

The premises are located on a main parade of shops mostly with residential accommodation above on both sides of the road. There are two floors of residential accommodation above Peaches Bar which we have been notified contains eight flats. These flats are accessed via a front door facing the main Kenton Road and next to Peaches entrance. The flats have windows facing both the main road and the side road which are located immediately above the Shisha Lounge and bar smoking area. There are also flats situated across the road named Nash Court and flats to the rear called Evergreen Court. The surrounding area is residential.

Whether the operations of the Starlight café are separate from peaches Bar/restaurant

We located Starlight café on www.shishapot.com/starlight-café-peaches. This website is slightly limited but there is an interesting comment made from a customer which we bring to your attention and we have highlighted the most relevant statements:

“Shisha regular on August 3, 2013 at 9.06pm

The place is done up nicely, comfy seats and really good music, the best music at any shisha place I've tried (urban, hiphop, dubstep remixes and lots of bass) the shisha is ok, not a huge choice of flavours but the classics are there (some were out of stock) We got an ice tip for free when the coal had taken a long time to get to us. **Only downside is the fact peaches and starlight are separate, so the menus are different and to order a red bull means you order from the restaurant, not the lounge,** and a lot of the drinks that were listed weren't even available (most of the coffees don't exist, they only do a plain latte) **and you pay cash for the shisha, not card. The restaurant waiter also demanded the £3 for the redbull on the spot, there is no joint bill at the end.** If you've been to flavas in Ealing, it's the same. The coal could come around a bit more often, the good décor and music makes the place worthwhile. They also have good deals on Wednesdays (free fruit head) which is a nice bonus. **The customer service from Starlight staff is top notch, but the peaches restaurant staff aren't quite keeping up.**

The above webpage is attached, exhibited 'A'

Noise nuisance created as a result of the two operations

During our surveillance we have identified several areas where noise nuisance occurred which are set out below.

There are two sets of doors at the front entrance and we noticed that on both attendances to the premises, that the outer doors were constantly open. The second set, the inner

doors, were constantly in use with customers coming and going which allows loud noise to escape on regular intervals which was audible from the opposite side of the road.

On the first period of surveillance the weather was adverse with heavy rain and winds, but even in the inclement weather, noise levels of people queuing for periods of time throughout the evening was loud. This noise is intermittent when the inner doors are open and closed as people came and went.

We witnessed loud music being played within the premises. On the second period of surveillance there were two DJ's playing music in the main area and a further male speaking on the microphone on occasions. We noticed the microphone was very loud which obviously overtook the music that was being played. Later in the evening the music changed from 'garage' to 'drum and bass', which would no doubt be causing vibrations and disturbance to the residents above the bar.

We observed some incidences outside the premises. This resulted in scuffle, loud shouting and usage of abusive language. On one occasion an argument was happening directly outside the entrance to the residential flats above and on another occasion we noted the time was 2.31am. This resulted in a disturbance within the vicinity and clearly audible from across the road.

Throughout the night we witnessed nuisance being created by people leaving in various degrees of intoxication and/or happiness. On the first period of surveillance, people were leaving the premises in large quantities from 1.45am until the bar closed at 2.40am. the noise levels were excessive and in our opinion, unacceptable to local residents.

The noise level at closing time, which is early morning, with a large congregation of people was very loud. On the first night there appeared to be around 100 people who had left the bar and were standing around talking and laughing. On the second night, the closing of the club started around 2.35am and went on until 3.15am.

In our opinion, to have such a large congregation of people, some rowdy, in the early hours of the morning outside the bar must interrupt and intimidate residents above and the surrounding area.

Smoke and noise pollution created as a result of Starlight Café

As you will see in our second period of surveillance, the land to the side of the bar is used extensively for people smoking, talking, drinking and socializing. We were restricted from entering into the Shisha tent as we were informed it was fully booked. At this time we estimated there were around 50 people in the tent area and a large number of people in the smoking area.

These areas were used until the early hours of the morning. We observed people in this area until 2.00am and staff advised us that they usually got everyone out by 2.00am.

These areas, the smoking area and Shisha tent are partially covered and partially open to the elements. They are not sound proofed. They do play music outside and when you add the sound of a large number of people, the noise levels rise rapidly. People were observed laughing, talking loudly and a number of them appeared to have consumed a reasonable amount of alcohol, which obviously, increases the noise levels.

On both nights, the volume of the noise levels, and the smoke that is created, would be a nuisance to residents and anyone living in flats above and nearby – especially as it is allowed to go on until 2.00am.

In better weather conditions, such as the summer, we anticipate that the noise levels will rise dramatically because there will be a large amount of customers outside.

During the course of our surveillance, there were large numbers of people in the garden area/smoking area, which is a place where people were socializing, gathering and talking loudly; although understandable, this creates severe nuisance to local residents.

The aroma and smoke arising from the Shisha lounge and the side smoking area was witnessed from the side pavement and no doubt would also effect the residents living above the bar as their windows are directly above this area.

Contraventions of premises licence

We can confirm, in our opinion that Peaches Bar and Starlight café are in breach of the following condition of the premises licence.

Condition 16

The conditions states “noise and vibration shall not be allowed to emanate from the premises so as to cause nuisance to nearby premises”

From the surveillance the noise nuisance we observed together with photographic evidence, in our opinion, we can state that the noise omitted from the nightclub and the shisha cafe would affect the nearby properties and indicates that the premises may be in breach of condition 16.

Condition 24

The conditions states “no shisha to be served after 00:00hrs, Monday –Sunday”

We were notified by staff at the premises that they usually got everyone in by 2:00am. We further witnessed the continued operations of the shisha lounge up until 1:00am at which time there was still customers present.

Our research on Starlight Café website 'www.myshisha.co.uk/starlightcafe.htm' reveals they are advertising the following opening times:

Open 7 days a week
Sunday –Thursday: 2pm – 1am
Friday & Saturday: 2pm – 2am

The above concurs with information provided by staff, which indicates that the premises are in breach of conditions 24.

Condition 25

The conditions states “a maximum of 20 people will be allowed to smoke cigarettes without a drink in the beer garden up to 00:00hrs, Monday- Sunday”

We witnessed the use of the beer garden as a smoking area until the premises closed on both days of surveillance.

We witnessed that at times there were around 30 people smoking in the beer garden.

We further note that from our search of the Starlight Café that the advertised capacity is 100 people.

We also witnessed people in the beer garden\smoking area with alcoholic drinks

The above indicates that the premises are in breach of conditions 25

A copy of the licence conditions are exhibited marked “B”

Abuse of the rear private car park

We have provided several photographic evidence of up to five cars within the private car park of Evergreen Court at the rear of the club.

We noted that these cars blocked access to resident’s bins and did not appear to be associated with the residents of Evergreen Court due to the way they were parked on yellow lines and not in the bays available to the residents.

We now set out attached to this report, the events of the two periods of surveillance for your information

If you have any queries, please do not hesitate to contact us. If you would like any of the information in statement format for use in court, please do not hesitate to contact

us. We also confirm that our operative would be available to attend court if the need arises.

We enclose with this report the invoice for your kind attention

Yours faithfully



John Law Investigations

"A"

What people are saying...



1. *Shisha Lover* on July 11, 2013 at 1:28 pm #

This place is so beautiful!!!! i've become a solid regular since it opened. Love the shisha, Love the customer service and love the cafe it looks awesome. DEFFO MUST!!!

[Reply](#)



2. *ShishaRegular* on August 3, 2013 at 9:06 pm #

The place is done up nicely, comfy seats and really good music, the best music at any shisha place I've tried (urban, hiphop, dubstep remixes and lots of bass), the shisha is ok, not a huge choice of flavours but the classics are there (some were out of stock). We got an ice tip for free when the coal had taken a long time to get to us. Only downside is the fact peaches and starlight are separate, so the menus are different and to order a red bull means you order from the restaurant, not the lounge, and a lot of the drinks that were listed weren't even available (most of the coffee's don't exist, they only do a plain latte). And you can only pay by cash for the Shisha, not card. The restaurant waiter also demanded the £3 for the redbull on the spot, there is no joint bill at the end. If you've been to flavas in Ealing, it's the same. The coal could come around a bit more often. The good decor and music makes this place worthwhile. They also do good deals on Wednesdays (free fruit head) which is a nice bonus. The customer service from the starlight staff was top notch, but the peaches restaurant staff aren't quite keeping up. Overall it's a 6/10. I would return, only for the music and change of scene.

[Reply](#)

Let us know your thoughts...

Name (required)

Mail (will not be published) (required)

Website

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[Jumeirah Shisha Garden \(Harrow\)](#)

Jumeirah Shisha Garden in Harrow serving various house mixed flavoured shisha with drinks.

Licence Conditions

177-179 Kenton Road HA3 0EY

- 1 CCTV shall be installed and maintained in a working condition and every possible and practicable step shall be taken to ensure the system is fully operational when the premises are open to the public.
- 2 All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested (subject to the Data Protection Act 1998).
- 3 Staff will be instructed that persons who look under 21 years must be asked for identification before they will be sold alcohol.
- 4 Promotions that promote irresponsible drinking shall not be permitted.
- 5 Every possible and practicable step shall be taken to prevent customers bringing open or sealed bottles on to the premises.
- 6 Every possible and practicable step shall be taken to prevent customers taking open containers of alcohol off the premises.
- 7 The consumption of alcohol shall be restricted to those parts of the premises identified on the plan submitted to and approved by the Licensing Authority.
- 8 A minimum of two door staff shall be employed from 21:00 hours in a ratio of at least 1 to every 50 customers on any day when an event is held.
- 9 A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
- 10 The total number of people permitted on the premises including staff and performers shall not exceed 200, this figure will not be exceeded without the express permission of the Licensing Authority.
- 11 A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
- 12 Substantial food and non-intoxicating beverages (including free drinking water) shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.
- 13 Notices shall be placed at each public entrance which clearly states the premises policy on admission and searching.

- 14 Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Licensing Authority:
- Dry ice and cryogenic fog
 - Smoke machines and fog generators
 - Pyrotechnics including fireworks
 - Motor vehicles
 - Lasers
 - Explosives and highly flammable substances
- 15 Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- 16 Noise and vibration shall not be allowed to emanate from the premises so as to cause nuisance to near by properties.
- 17 Under 18's shall not be permitted on the premises if the style of entertainment offered or operation is not conducive.
- 18 No entry or re-entry shall be permitted after 02:00 hours any smokers leaving for that purpose shall be checked out and back by door supervisors.
- 19 The Licensee shall undertake a risk assessment of any significant promotion or event, using the Metropolitan Police Service Promotion/Event Risk Assessment Form (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council's Licensing Unit not less than 14 days before the event is due to take place.
- 20 Where an event has taken place the licensee shall complete a Debrief Risk Assessment Form (Form 696A) and submit this to the Metropolitan Police and Brent Council's Licensing Unit within 3 days of the conclusion of the event.
- 21 The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars and pads whilst the public are on the premises.
- 22 The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).

- 23 A fire shutter shall be fitted where the kitchen serving hatch is within the exit route. The fire shutter will automatically close when the fire alarm is activated
- 24 No shisha to be served after 0000 hrs Mon-Sun
- 25 A maximum of 20 people will be allowed to smoke cigarettes without drink in the beer garden up to 0000 hrs Mon-Sun

Date:

26 OCTOBER 2013

Time: Remarks & Relevant Information:

01 – 2200 Further to instructions, our operatives set up surveillance at Peaches, 177-179 Kenton Road, Harrow. The premises appeared to be relatively quiet. Three doormen were observed working. Weather conditions were poor. There were no queues outside the premises.



02 – 2215 One operative entered Peaches, 177-179 Kenton Road, Harrow. Three doormen are confirmed to be working at the entrance. They informed our operative the doors are closed at 0030hrs, with no further admissions after that time. No searches are made by the doorman on entry, however ID was checked and a £10.00 entry was made. There were two sets of door entering the property. The front door remained open which led into a small hallway. This area is where the doormen stood and where the admission fee is paid. As the second door was opened the loud music could be heard from across the road. Peaches was quiet inside with not many customers. 'R and B' style music was playing and was considered loud enough to cause a noise nuisance to local residents.



- 03 – 2220 Our operative walked past the outside of Starlight Café, along Nash Road. People were overheard talking loudly and music is overheard from within the bar area. This area is situated directly below residential flats and the noise and smoke would be disturbing the residence.
- 04 – 2243 The clientele appeared predominantly Asian at this time, R and B music continued to play.
- 05 – 2245 Our operative was told by bar staff that last entry was 1am. Majority of the customers appeared to be of late 20's within the bar.
- 06 – 2248 A small queue formed outside the bar. They could be heard talking and laughing, however, the queue soon died down with the doorman allowing the queue to flow within. The outside doors remained open and the inner doors were constantly opening and shutting allowing the noise and loud music from the bar to be heard from outside the premises.



Poor weather conditions continued..

- 07 – 2317 A higher rate of customers were entering the bar. A queue was forming outside though waiting times were small. The doorman allowed entry at a steady rate which caused greater disturbance as the inner door was being continually opened and closed. Our operative inside the club reported that music was still being played at the same level and was a mix of music including R&B and house. The noise from the bar can be heard from across the road as the doors are open to let customer enter on a regular basis.
- 08 – 2330 Our operative outside did not observe any customers exiting the front of the premises to smoke and it looked as if it was contained to the side of the beer garden. However, as the smoking area is situated directly below the residential flats and noise and smoke would disturb the residence until the bar closed.
- 09 - 2332 Our operative outside observed a male dressed smartly speaking with the doorman. He was believed to be the manager who was in charge of Peaches. Noise levels outside remained as noted earlier, which again could be heard from the other side of the road.



10 – 2337 On walking past the outside of starlight Café, our operative reported noise from the smoking area from a crowd of people talking and laughing and shouting.

11 – 0010 A small queue was forming outside the bar. However, the noise caused by the people waiting to enter and the music heard from the doors constantly being opened to allow access would be a nuisance to the local residents.



12 – 0041 Noise, talking and laughing, is clearly heard coming from the smoking area of Peaches from a group of people. Music remained at similar high levels. Shisha smoke could be smelt, which was seen to travel upwards towards the windows of the flats situated above.

Admittance was also still allowed but customers entering had now slowed considerably.

Peak time for entering Peaches was noted from between 2300 - 0000 hrs. We did not see anyone being turned away.

13 - 0052 Customers were seen occasionally leaving the premises and hurriedly walking away. This could have been due to the poor weather conditions. Both sets of doors used to enter the bar were then closed.

14 – 0054 A white bald male is seen having an argument with the door staff outside in the street. This could be heard from across the road and did cause a nuisance to local residents. A friend moved him on and the situation was defused.



- 15 – 0100 Our operative from inside the bar reported this to be its busiest time of the evening. Inside, music was kept at the same loud level but reported noise has risen due to the number of people inside.
- 16 – 0119 Our operative inside Peaches reported that people were queuing inside to exit the bar and smoke in the smoking area outside. Approximately 130 people were inside the bar at its busiest point.
- 17 – 0144 An argument broke out between a doorman and an Asian customer and a group of his friends. The doorman was seen pushing the customer away. This argument was happening directly outside the entrance to the residents' flats above and would no doubt directly affect the residents residing above, who would probably be in bed at this time.





24 – 0231

An Asian male customer is observed arguing with doormen. He was persistently shouting and swearing at them and was seen being pushed by a doorman. A large number of customers exited the bar and were waiting around outside. They appeared to be intoxicated, behaving boisterously and speaking and shouting very loudly, which could be heard from across the road. Some of the customers were also standing directly outside the entrance to the flats above and this would have caused a nuisance to the occupants.





18 - 0240

The bar closed and customers left the bar, standing in the street outside. Approximately 100 people left the bar and were seen standing around and talking outside the bar; with this many people hanging around at 2.45am, which caused a nuisance to local residents.





26 - 0258 All customers had now left the area outside the bar. No one was left and noise levels were at a minimum.

27 - 0307 All staff left quietly and walked away turning left on to Nash Road.

Nothing further to report; surveillance was discontinued.



Reports Ends

Date:

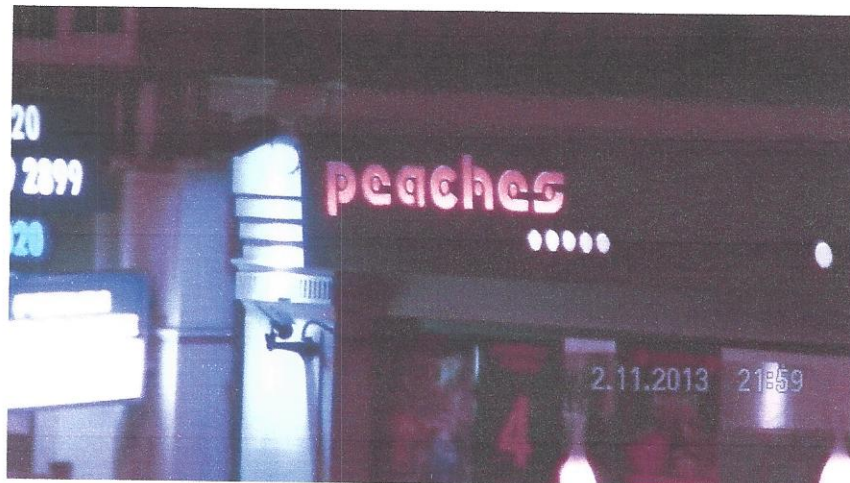
2ND NOVEMBER 2013

Time:

Remarks & Relevant Information:

01-2158

In accordance with your further instructions our Agents, AM & JB arrived in the vicinity of Peaches, 177 – 179, Kenton Road, Harrow for the purpose of carrying out a further check of the premises and, in particular, to obtain the answers to your specific questions.



Upon arrival at the above address, our agents noticed that the doors were open and that there were 2 doormen standing at the door to the club. Doorman (1) is described by our agents as, a black male, bald, of large build and dressed in dark clothes. He displayed an SIA badge. Doorman (2) is described as 30 years old, Eastern Europe

with short dark hair, clean-shaven. He also displayed the appropriate SIA badge.



2 - 2230

Our first agent entered the club, his driving license was scanned as was everyone else's. He paid the £10.00 entry fee. He also noted as he entered that there was a rogues' gallery on an electronic display (believed to have been banned from the club or possibly other local venues) There were signs displayed as you enter asking customers to "please leave the premises quietly". The doorman was asked at what time people are no longer allowed to enter and our agent was informed that they stop letting people in at 12.30am.

Our Agent purchased a drink at the bar and noted that there were 5 Asian males and 1 Asian female serving or working at that time behind the bar

In the main area there were about 100 customers of whom about 98% were of Asian descent. The age group was about mid/late 20s – early/mid 30s.

The music was loud within the premises and there were 2 DJs playing in the main area and a further male occasionally speaking on the microphone which

was very loud so people could hear him over the music. The music was of a "garage type".

As you exit to the beer garden smoking area and Shisha café, there was a Black male bouncer of mid/late 30s, 5'10" tall with short dark hair standing by the door. Our operative was allowed to leave via the door leading to the Shisha tent with a glass containing alcohol. Outside in the beer garden there were 12 people smoking and drinking.

In the Shisha tent there was music being played through speakers. It was noted to be of a softer tone than within the club but would still be loud enough to be heard in the residential flats above. There was also a television on however there was no sound. There were approximately 25 people sitting within the tent at that time generally in small groups. Our agent noted that someone walked out into the tent carrying a selection of food which was given to a small group already in the Shisha area. This person was believed to have been a member of staff.

Our agent on the outside heard a lot of noise, and music as he walked along the side of the Shisha tent/smoking area. The music level increased dramatically when the door from Peaches was opened.

Parked and unattended, blocking easy access to the bins, within the private car park of Evergreen Court located along Nash Way, were 5 vehicles that did not appear to relate to the block due to the way they were parked (not within marked bays)



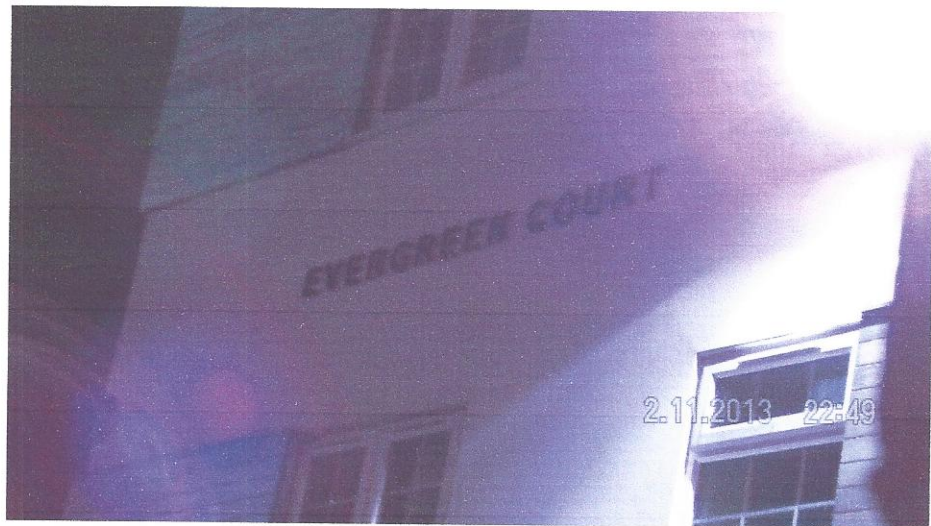
2230-0130

A few people exiting the main area and entering the garden/Shisha area were seen to take drinks with them (our agent being one of them); When he went outside he also noted that there were a few people with drinks.

At the busiest times, we observed approximately 50 people within the Shisha area and around 30 people in the beer garden/smoking area.

The garden/Shisha area was not shut at 12 midnight. It was still being used for smokers, a few of whom had drinks outside. The Shisha bar was still open at 1.30am. Enquiries made with staff confirmed that it was usual to get everybody inside by 2am.





03 - 2259

The DJ within Peaches was now playing "drum & bass" type music. The music was loud and the vibrations from the music would be a nuisance to the residential flats above the bar.

04 - 2327

A queue of about 15-20 people started to form outside.



05 - 2345

It was noted that there was still a continual queue outside and at that time there were about 20/25 people queuing to get into Peaches. The doormen were letting in girls, as they were short of girls inside. The men in the queue had to wait until other people left. Their talking could be heard from across the road and, no doubt, would be heard in the residential flats above the bar.



06 - 2358

One of the doorman was heard to say that they let people in usually until 12.30am; however as they were short of female customers they would let females in up to about 1am. However, the queue of men continuing to wait outside the bar could be heard talking, laughing and generally socialising.

07 - 1230

There were people noted to be still smoking Shisha at 12.30am in the Shisha tent. There were also drinks on the tables.

The noise from the people smoking and the smoke itself would be a nuisance to the residents in the flats above the bar.



09 - 0107

It was noted that now also parked at the rear of the club (within the private car park of Evergreen Court, in front of the bin area) there was a white BMW index B16 SLX.



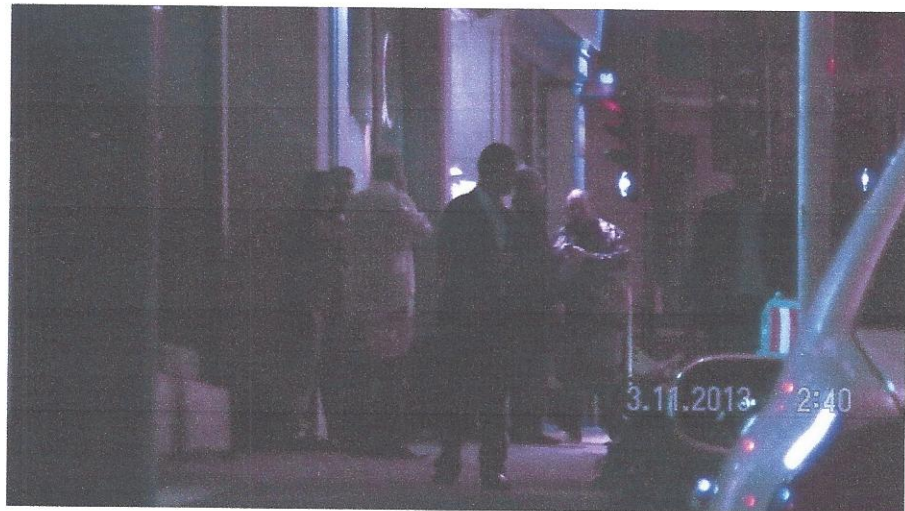


- 10 - 0110 There were still people within the Shisha bar and the smoking area outside. The noise level was fairly loud from inside the bar and could be heard from outside which, by now, must be very frustrating for the residents above.
- 11 - 0121 There was no one standing outside at the front. There were however, people still standing about in the garden area smoking.
- 12 - 0130 The Shisha Lounge was in darkness and there was no one within this area. There were still about 13 smokers outside in the smoking area.
- 13 - 0140 There was an altercation outside the club between a bouncer and a group of 4 people, one in particular. There was a slight scuffle and shouting.
- 14 - 1.59am A group of females were seen to leave and noted to be very loud. There were screams and loud voices which could be heard from a distance of at least 100 meters away.
- 16 - 2.12am A steady flow of customers were seen to start leaving.



17 - 0234

There was a group of about 12 people hanging around outside for at least 15 minutes before they disbursed. Although they were not shouting, they could be heard talking loudly.



18 - 0249

A large group of around 30 or 40 people congregated outside as the

club appeared to start shutting. The noise on the streets outside was now becoming louder as more people left the club, talking and laughing.



19 - 0253

There was a group of 3 people (2 black males and 1 black female) standing on the corner opposite the club who were talking and shouting

quiet loudly. Their voices were raised rather than shouting at each other. All were very friendly but very loud.



20 - 0314

Some customers were still hanging around talking and laughing.

21 -0344

An adult female and adult male were seen to come out of the club that was shut.

22 - 0345

Doorman out (2)





23 - 0400

There being no further changes, our agents left the area. There were a few staff members standing within the premises at the bar area. They appeared to be socializing after work.



REPORT ENDS