



REGENERATION AND ENVIRONMENT

Brent Civic Centre, Engineers Way,
Wembley, Middlesex. HA9 0FJ
Tel: (020) 8937 5252
Direct Line 020-8937 5561

Email: ens.noiseteam@brent.gov.uk

Web: www.brent.gov.uk

Date: 13/01/2019

Mr Hashem Belk Mohammadi
Shanzelize
11 Kilburn Bridge
Kilburn High Road
London
NW6 6HT

Your Ref:
Our Ref: SR/14017/18
Contact: [REDACTED]

Dear Mr Hashem Belk Mohammadi,

Environmental Protection Act 1990

11 Kilburn Bridge, Kilburn High Road, London, NW6 6HT

On the 12 January 2019, Officers from Environmental Health noted loud music emanating from the above premises at such a level as to constitute a statutory nuisance within the meaning of the law.

Therefore I am obliged to serve the enclosed Notice under Section 80 of the Environmental Protection Act 1990. This is intended to deal with this matter, not by taking proceedings in respect of this incident, but enabling the Council to take formal legal action should there be any further noise nuisance.

Should further complaints be received, we will investigate by monitoring the situation. Monitoring will either take the form of periodic visits, to be carried out day or night, by officers who will engage in non-intrusive monitoring (i.e. without alerting you prior to the visit) usually by visiting the person making the complaint, and/or the use of remote monitoring equipment which measures and records the noise being complained about.

Contravention of the notice could lead to the instigation of criminal proceedings against you. The maximum fine for each offence currently stands at an unlimited fine upon conviction. The previous maximum fine was £20,000

Please note that there is a right of appeal to the notice. Application has to be made to the Magistrates Court within 21 days. The details are provided on the notes to the notice.

If there continues to be a persistent noise nuisance, the council will also consider applying to the Courts for a warrant in order to seize all audio equipment from your premises.

Accordingly, I would strongly advise that you cease to cause noise nuisance and refrain from playing loud music at such a level as to disturb your neighbours.

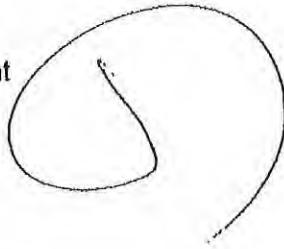
Should you require any further information, please do not hesitate to contact me at the above address.

Yours sincerely,



Brent - building a better borough

Environmental Health Officer
Regeneration and Environment



**Brent - building a better
borough**

LONDON BOROUGH OF BRENT

Environmental Protection Act 1990

Section 80

Abatement notice in respect of statutory nuisance

Mr Hashem Beik Mohammadi
Shanzelize
11 Kilburn Bridge
Kilburn High Road
London
NW6 6HT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Brent being satisfied of the **existence** of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at the premises known as **Neighbouring and nearby residential units to: Shanzelize, 11 Kilburn Bridge, Kilburn High Road, London, NW6 6HT** within the district of the said Council arising from the playing of amplified music and amplified speech.

HEREBY REQUIRE YOU as the occupier and person responsible of the premises from which the noise is or would be emitted **forthwith** from the service of this notice, to abate the same and also

HEREBY PROHIBIT the recurrence of the said nuisance and for that purpose require you to: **Cease or cause to cease the playing of amplified music and amplified speech at such a level as to constitute a nuisance**

IN the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of any offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5,000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 13/01/2019

Signed:



Print Name: [REDACTED]
Regulatory Services
Authorised Officer

Regulatory Services, Brent Civic Centre, Engineers Way, Wembley HA9 0JF

Tel: 0208 937 5252

Email: ens.noiseteam@brent.gov.uk

Ref: EH/18/14017/MW

NB The person served with this notice may appeal against the notice to Brent Magistrates' Court, 448 High Road, London NW10 2DZ within twenty-one days beginning with the date of service of the notice (see notes attached).

If you require further information or have a query in respect of this notice, please call [REDACTED]
[REDACTED]

23-40 hrs

The Notice Of Violation Is A Copy Was Served By	
Me On The 13th Day Of	
JAN. 2018	
At THE NAMSD	
By Officer @ 23:40 hrs	
Of The Premises	
By Sending The Notice To The Addressed	
To The Premises Address Or To The Notice For	
Received Delivery No. 5555555555555555	
Signed [Signature]	
Designation C-10	

APPENDIX 2 – FRONT OF PREMISES



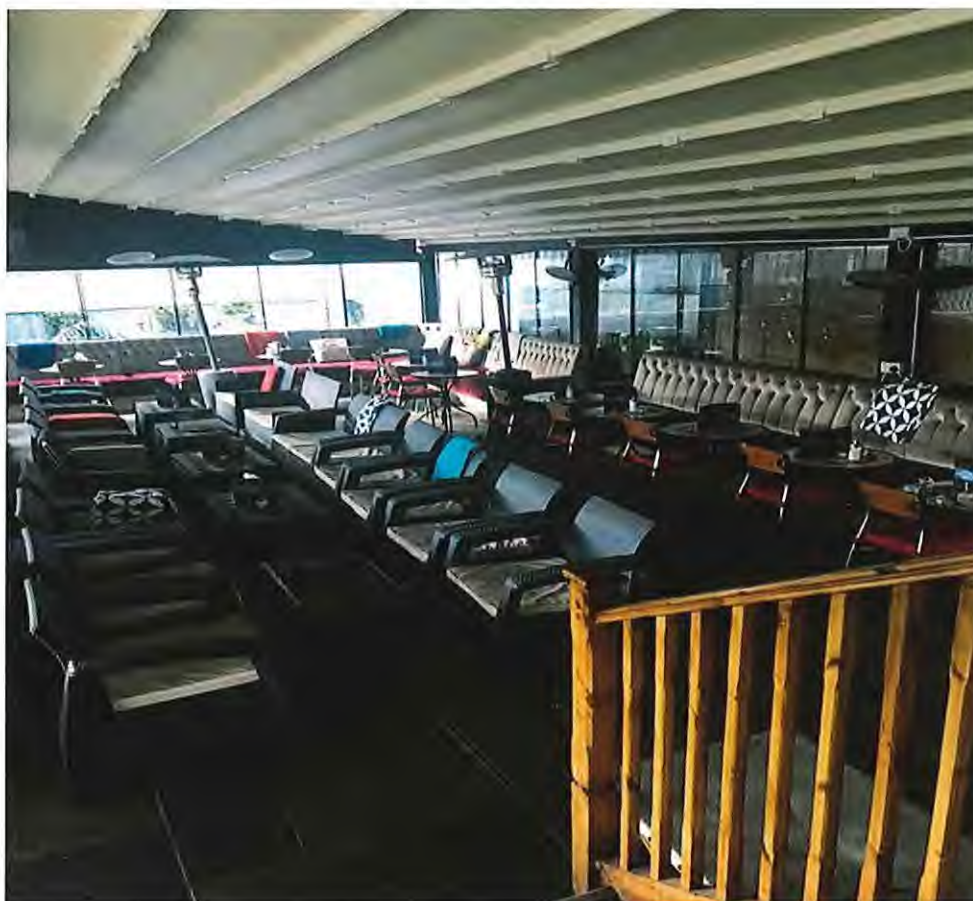
APPENDIX 3 – LICENSED AREA – MAIN RESTAURANT/BAR



APPENDIX 4 – UNLICENSED AREA – REAR SEATING AREA



APPENDIX 5 – UNLICENSED AREA – REAR SEATING AREA



APPENDIX 6 – LARGE TV & SPEAKERS IN REAR SEATING AREA



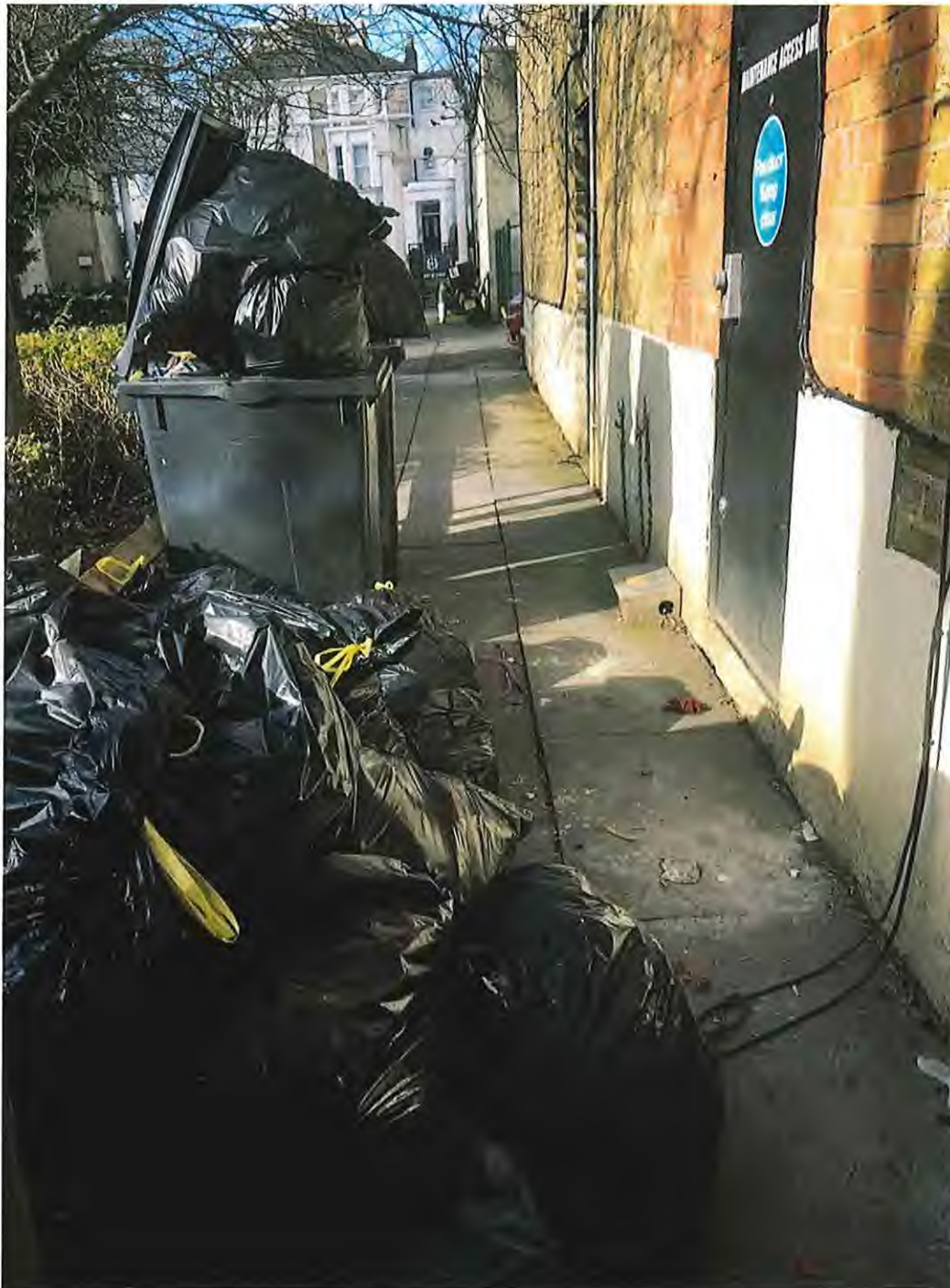
APPENDIX 7 – REAR FIRE EXIT OBSTRUCTED



APPENDIX 8 – CHARCOAL BRAZIER TO PRODUCE HOT COAL FOR
SHISHA LOCATED BY REAR FIRE EXIT



APPENDIX 9 – RUBBISH LOCATED OUTSIDE REAR FIRE EXIT ROUTE





Hashem Beik Mohammadi
Shanzelize
11 Kilburn Bridge
Kilburn High Road
London
NW6 6HT

22nd February 2019

Our Ref: 0394

Dear Mr Mohammadi,

**Licensing Act 2003 – Noise Complaint / Unlicensed Areas
London Local Authorities Act 1990 & Amendments – Street Trading
Re: Shanzelize, 11 Kilburn Bridge, Kilburn High Road, London, NW6 6HT**

I am writing to confirm my visit at the above premise with Chris Pearce, Public Safety Officer on Tuesday 19th February 2019 to carry out a routine inspection and discuss matters concerning the premises.

Conditions Embedded on the Premise Licence

1 Door supervisors shall wear clothing that can be clearly and easily identified on CCTV.
Comment: You must ensure that all door supervisors wear clothing such as high visibility jackets, vests and armbands that can be clearly and easily identified on CCTV at all times.

2 Door supervisors of a sufficient number and gender mix, shall be employed from 21:00 hours on any day when the premises are open for the sale of alcohol with music either live or recorded and the facilities for dance or the performance of dance past midnight.

Comment: You confirmed that you have two male door supervisors and you have recently employed a new company but you did not have the company details at time of my visit. You stated that your door supervisors are on duty from 18:00hrs until midnight. You must ensure that a sufficient number of door supervisors are employed at the specified time until the closing hour. The role of the door supervisors is to ensure effective dispersal of patrons from the premises at the end of the night.

3 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.

Comment: You were unable to show me the register/log at the time of visit. You must maintain a register of the door supervisors on duty on any occasion they are employed at the premises.

4 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.

Comment: You confirmed that CCTV recordings are kept for more than 31 days and you demonstrated recordings are linked to your mobile phone. You must ensure that CCTV cameras are installed to Home Office Guidance.

5 A CCTV camera shall be installed to cover the entrance of the premises.

Comment: You must ensure that the CCTV system is capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

6 Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

Comment. It has been noted that both the 'front external seating area' and the rear 'shisha lounge' are not defined on the current plan linked to premise licence. As a result, you were made aware that these areas must not be used at any time to provide licensable activities.

Front External Seating

In terms of the front external seating area you must apply for a **street trading licence and **vary the premise licence** to include this area for licensable activities. You must remove the tables and chairs from the front of the premises until the relevant licence(s) is in place.**

Rear Shisha Lounge

You advised me that you have applied for planning permission for the use of this area, which you are awaiting decision. However, as mentioned above, you are not permitted to use this area to provide licensable activities including the supply of alcohol and regulated entertainment until this area is approved by submitting a **variation application to update the plan.**

***The issues with the plan were also explained to your representative 'Saeed' on the telephone.**

7 Customers shall not be permitted to take open containers of alcohol off the premises.

Comment: You must ensure customers do not take open containers of alcohol off the premises.

8 The total number of people permitted on the premises including staff and performers shall not exceed 200.

Comment: You reminded that you must not exceed the above capacity. A capacity specific assessment should be conducted and approved by the Licensing Authority This assessment shall be completed by a competent person and show all calculations used to reach the final capacity and reference the guidance used to achieve this figure. This assessment shall be appraised annually or at the time of any building or layout structural works.

9 A "Challenge 21" policy shall be adopted and adhered to.

Comment: You advised me that you have adopted an age verification policy, however there were no customer notices on display at the bar or around the premises to make your customers aware of this policy. Furthermore, you were unable to show me the training documents to prove your staff members are trained to challenge customers that appear to look under 21 years old.

10 A refusal book shall be kept and maintained.

Comment: This was not available to view at the time of my visit. You must record any refusal of entry to the premise and refusal of the sale of alcohol.

11 The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

Comment: This was not available to view at the time of my visit. Recordable incidents should include:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any incidents of disorder**
- (e) all seizures of drugs or offensive weapons**
- (f) any faults in the CCTV system or searching equipment or scanning equipment**
- (g) any refusal of the sale of alcohol**
- (h) any visit by a relevant authority or emergency service.**

12 No alcohol shall be available for any customer when the premises are open for primarily for use by persons under the age of 18.

Comment: You must ensure that alcohol is not available for any customer when the premises are open for primarily for use by persons under the age of 18.

13 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.

Comment: It was noted that Part B of the premise licence was not displayed. You must display Part B of the premise licence in accordance to the above condition. Part A of the premise licence should be made available for the Police or Council Officials to see upon request.

14 A suitable intruder alarm complete with panic button shall be fitted and maintained.

Comment: You confirmed that you have an intruder alarm which is in working order.

15 No entry or re-entry shall be permitted after 24:00 hours.

Comment: you were reminded that you must not permit entry or re-entry after 24:00hrs.

16 Notices requesting customers to leave quietly shall be displayed at each exit.

Comment: Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

17 Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.

Comment: You stated that there is a minicab firm near the premises, however you must display notices in a prominent position advertising the number of a local licensed taxi service.

18 Facilities within the premises shall be made available for customers to await taxis.

Comment: You must ensure that there are appropriate facilities within the premises where customers can wait for a taxi.

19 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.

Comment: It was addressed by Mr Pearce that the rear exit is not a suitable 'emergency exit' as it is not indicated on the plan and it does not meet health and safety standards.

20 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.

Comment: It has been noted that the socket outlets are not protected by a RCD. You stated that you are currently not providing music. However, it has been noted that TV screens and large speakers were located in the 'rear shisha lounge' which suggest that regulated entertainment is provided. May I remind you that this area is not approved on the plan linked to the premise licence, therefore you must not supply any licensable activities.

Noise Complaints

I have been made aware that the Council's Nuisance Control Team have received complaints related to noise nuisance in the form of loud music emanating from the premises.

I would strongly suggest that you review your operations to ensure you are not contributing to the above matters.

If further evidence comes to our attention which indicates that you are undermining the licensing objectives, your premise licence will be reviewed and you may also be prosecuted.

If you are interested in applying for a street trading licence and vary your premise licence, please contact me. I will send you the information and application forms.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

CC: Brent Licensing Police