

**From:** Joshi, Ketan  
**Sent:** 17 May 2019 17:40  
**To:** Business Licence <business.licence@brent.gov.uk>  
**Cc:** Wood, Martin <Martin.Wood@brent.gov.uk>  
**Subject:** CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Business Licence:

The Nuisance Control Team have considered this application to vary a premises licence for premises: 5-7 Wembley Hill Road, Wembley, HA9 8AF.

I wish to make representations that the likely effect of the approval of the Temporary Event Notice is detrimental to the Licensing Objectives with regards to the prevention of public nuisance. Representation is made on the grounds that public nuisance is likely to be experienced by the occupiers of neighbouring and nearby residential units from:

- The noise caused by airborne entertainment noise from regulated entertainment
- The noise caused by patrons exiting the premises at noise sensitive hours
- The noise associated with patrons or people associated with patrons congregating on Ecclestone Place during the opening hours of the premises and engaging in noise-generating anti-social behaviour

The representation is justified by consideration of the type of entertainment proposed, the hours during which it will take place and the time the premises will disperse of guests.

Based on our records about previous complaints received, it is our opinion that the venue is inappropriate for this type of entertainment due to the close proximity of residential dwellings.

It does not appear that the venue has been purpose designed to hold such events and the sound breakout is likely to result in complaints from local residents.

The Nuisance Control Team hold records detailing: enforcement action for statutory noise nuisance caused by loud amplified music; making application for a formal review hearing before a licensing sub-committee for breach of a licence condition; advisory visits and letters; and, records of complaints relating to loud amplified music from the premises and nuisance and anti-social behaviour associated with the actions of patrons on Ecclestone Place at noise sensitive times.

Since regulated entertainment (recorded music) was removed from the licence, the premises has functioned as a restaurant only and we have not received any further complaints from local residents in the last two years.

This application should not be granted in its current state. If the committee is minded to grant this application, it is recommended that the following conditions are attached to the premises licence to ensure that the licensing objective relating to public nuisance is upheld:

1. Details of the scheme of sound insulation at the premises shall be submitted to the Council for inspection and approval by the Nuisance Control Team prior to commencement of regulated entertainment.
2. All doors and windows shall remain closed during the regulated entertainment activities.
3. Designated site personnel shall monitor the boundary of the premises for any excessive sound breakout and take immediate action to remedy the situation.
4. When the turns out, a staggered dispersal strategy shall be employed to ensure minimal noise disturbance to local residents.
5. Signs shall be displayed in prominent areas informing guests of the residential nature of the area and to conduct their behaviour and moderate noise accordingly.

Regards

Ketan Joshi  
Environmental Health Officer

**From:** hi issa

**Sent:** 22 May 2019 20:34

**To:** Business Licence <business.licence@brent.gov.uk>; Wood, Martin <Martin.Wood@brent.gov.uk>

**Subject:** Re: CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Dear Martin,

Thank you for the email. In response, I wanted to make the following observations and some corrections.

1. Regulated entertainment was not removed from the license, the only change that has happened to the license was change in hours. This application is not to get regulated entertainment but to increase the hours, an hour and a half extension on weekdays, and two and a half hours on the weekends. We're not asking for the same hours as last time.
2. As you kindly mentioned, we have not had any complaints in the last two years, despite the fact that we have regulated entertainment. Further still, in the last two years, we have held more than 20 private events with regulated entertainment through temporary event notices. We have not had any complaints at all.
  - a. This is because we always keep the doors closed.
  - b. Our staff have been trained to disperse our customers, and remind them that this is indeed a residential area.
  - c. We have clear signage informing our customers that this is a residential area.
  - d. You made the point that *"the sound breakout is likely to result in complaints from local residents"*. This has not happened once in the last two years. If the issue is that the building itself is unfit, then why did we not get any complaints?
3. The noise complaints that you mentioned were more than three years ago. Since, we have had sound insulation installed. You are more than welcome to come and see for yourselves.

All of the conditions that you mentioned are extremely reasonable and we have, independently , implemented them. And it seems to be working. We're prepared to work with the noise control team and make this work.

I look forward to hearing from you.

I hope this helps alleviate any misunderstandings.

Regards,

Hamida

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**From:** Joshi, Ketan

**Sent:** 23 May 2019 13:04

**To:** hubi

**Cc:** Wood, Martin <Martin.Wood@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>

**Subject:** Re: CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Dear Hamida

In response to your comment: ***"This application is not to get regulated entertainment but to increase the hours, an hour and a half extension on weekdays, and two and a half hours on the weekends."***

***We're not asking for the same hours as last time***" – I make reference to your application in which it appears that you are also requesting regulated entertainment. Please clarify if this is not the case.

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

I would like to propose a variation to change our opening and closing hours along with the ability to play live music.

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)

The restriction of operating hours in the Licence review effectively "removed" a portion of the regulated entertainment from your premises licence. This has been highlighted as a positive change which has contributed to your premises operating without further complaints from local residents. By making this representation, our objective is to maintain the status quo.

If you are proposing an extension without regulated entertainment, we will re-consider your application. However, we do still have concerns about the dispersal of your patrons at noise sensitive hours so we may still make representation. I will check with the Licensing Team as you may be required to make another application which correctly states what you are requesting.

I await your response confirming your position regarding this application.

Regards

Ketan Joshi  
Environmental Health Officer  
Regulatory Services

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**From:** hi issa  
**Sent:** 23 May 2019 22:20  
**To:** Joshi, Ketan <Ketan.Joshi@brent.gov.uk>  
**Cc:** Wood, Martin <Martin.Wood@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>  
**Subject:** Re: CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Hi Ketan,

We have regulated entertainment at the moment, and we're asking for an extension in the hours. The dispersal of our patrons has not been a problem, not once, in the past two years despite the fact that we have held a large number of temporary event notices, birthday parties and Eid parties.

Regards,

Hamida

**From:** Joshi, Ketan

**Sent:** 24 May 2019 16:45

**To:** hi issa

**Cc:** Wood, Martin; Business Licence

**Subject:** RE: CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Dear Hamida

Further to our telephone conversation, I write to offer advice on your application and provide a summary of our discussion:

### **Findings**

- You stated that you have upgraded the sound insulation. We would need verification of your scheme of sound insulation and we would need to inspect and approve it before we can recommend regulated entertainment into the early hours of the morning. You have stated that your sound insulation was not professionally installed i.e. by a suitably qualified acoustician – and you are unable to provide any documentation that would verify that your sound insulation has been upgraded. You stated that you do not have the funds to professionally upgrade the sound insulation and you are unwilling to upgrade it again. You believe that your current sound insulation is sufficient. You have invited Officers from the Nuisance Control Team to inspect your sound insulation and carry out a noise assessment. You have agreed to provide sample music for the purposes of the assessment. I asked you how you would control the volume levels in your day-to-day running of the business; you were unable to provide an answer.
- You have requested regulated entertainment until 3am on Fridays and Saturdays. I am still of the opinion that this proposal is unsuitable due to the proximity of residential units to your premises. You explained that you have made some improvements in the management of the premises. As a compromise, I asked you to consider 1am as a terminal time for your premises. You declined and stated that you want regulated entertainment until 3am on Friday's and Saturday's. I'm afraid I cannot consider this proposal until we are confident that the level of your sound insulation is sufficient. An additional concern is the dispersal of patrons from your premises at 3am is likely to cause a noise disturbance to local residential properties.
- You were reminded of the issues that led to your licence being reviewed. The review was welcomed by local residents and no further complaints were received after the review. I expressed my concern that by allowing regulated entertainment until 3am at your premises is likely to result in further complaints being raised again.
- You stated that live music would be on an ad-hoc basis, subject to bookings. You were unable to provide an approximation of how regular you receive bookings for live music.

### **Recommendation**

- You may consider commissioning a noise survey carried out by a suitably qualified acoustician to determine the effectiveness of your sound insulation and submit it to us for review
- As a compromise, a terminal hour of 01:00 Monday-Saturday, 00:00 on Sundays
- Temporary Events Notices to be used for ad-hoc live music bookings

A recommendation of the following conditions would still be made to the committee:

1. Details of the scheme of sound insulation at the premises shall be submitted to the Council for inspection and approval by the Nuisance Control Team prior to commencement of regulated entertainment.
2. All doors and windows shall remain closed during the regulated entertainment activities.
3. Designated site personnel shall monitor the boundary of the premises for any excessive sound breakout and take immediate action to remedy the situation.
4. When the turns out, a staggered dispersal strategy shall be employed to ensure minimal noise disturbance to local residents.
5. Signs shall be displayed in prominent areas informing guests of the residential nature of the area and to conduct their behaviour and moderate noise accordingly

Please advise whether or not you are willing to agree with my recommendations.

Regards

Ketan Joshi

Environmental Health Officer

**From:** hi issa

**Sent:** 25 May 2019 22:12

**To:** Joshi, Ketan <Ketan.Joshi@brent.gov.uk>

**Cc:** Wood, Martin <Martin.Wood@brent.gov.uk>; Business Licence <business.licence@brent.gov.uk>

**Subject:** Re: CONSULT: Variation - Hiddo Restaurant, 5-7 Wembley Hill Road, HA9 8AF - 15914

Hi Ketan,

Thank you for the email. For the past three years, none of the complaints were from inside the premises. And I think all the records that the council hold (as well as the noise team) will testify to this. The complaints were about the noise outside the building, not inside the building.

We installed Earthwood Acoustic Roll (with a 100 mm thickness) on the whole sealing, and welcome the council to come and inspect it. With regards to having it professionally installed once again, we absolutely cannot afford to, particularly at this conjunction.

We're installing a metal door at the back, much more heavy duty to prevent the noise escaping. We have also began to take proactive steps to ensure that our noise levels do not exceed the limits. For instance, we recently ordered a sound level meter for staff to use to gauge how loud our music is in different spots of the venue.

Ultimately we're trying to run a business. And we've worked with the council over the past two years to do everything in our part, that was asked of us. The business is struggling. And your suggestion that we should change the hours to 1am, while kind, misses the entire point why we're applying for this extension. We're asking for this extension because we're struggling as a business. And half an hour extension will make no tangible difference.

Your suggestion that we should continuously apply for TENS every time we have an event booked also gets something vitally wrong about TENS. TENS are not supposed to be used like that. They're a temporary mechanism for organising events. And there's a cap on how many you can apply for in any 12 months. We want to be able make long term plans, and strategise, and we can't do that if every single event needs to be signed off by three separate agencies in local government. It's just not realistic.

That said, we accept all the other recommendations as they are extremely reasonable. And we have a lot of these policies already.

Regards,

Hamida