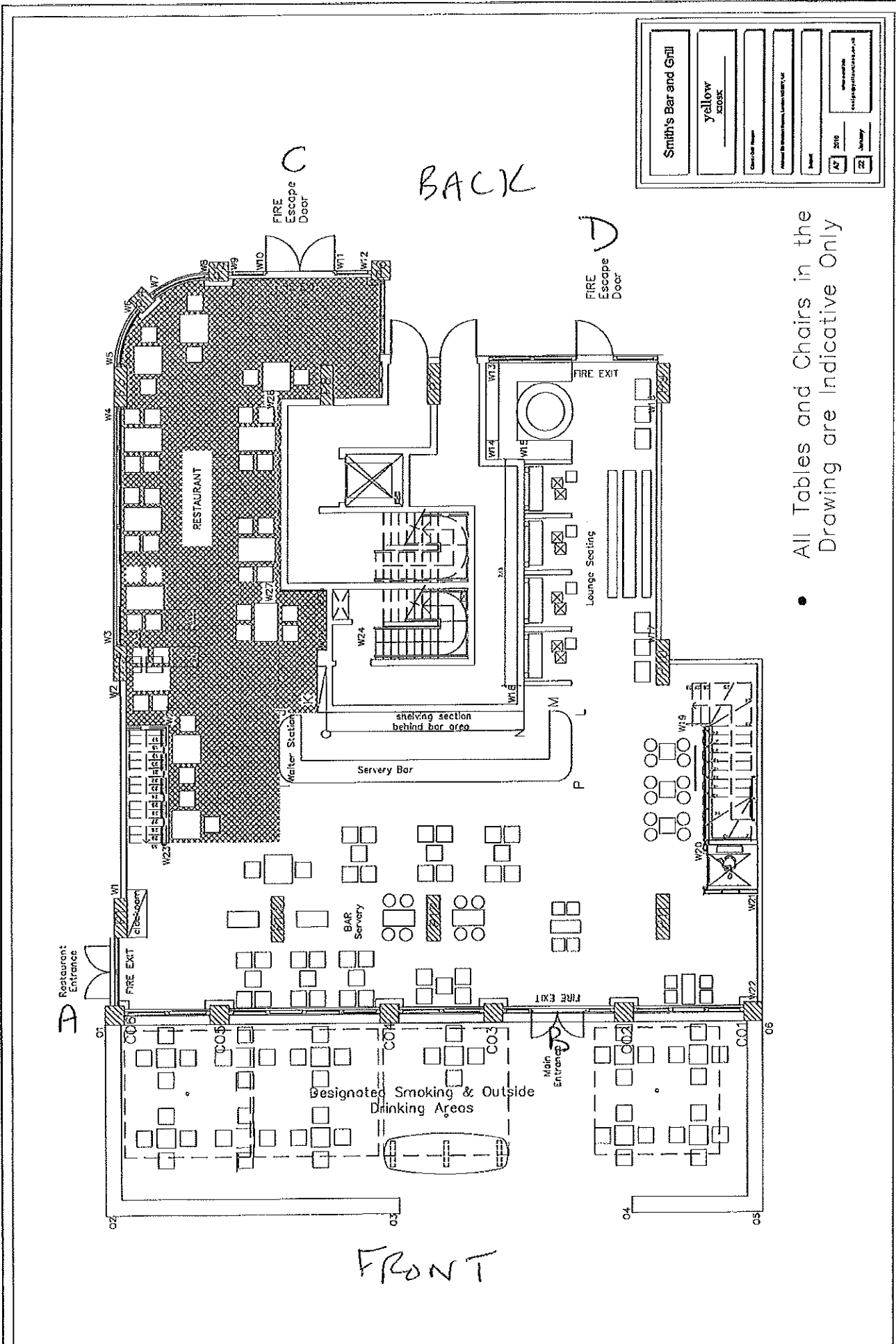


**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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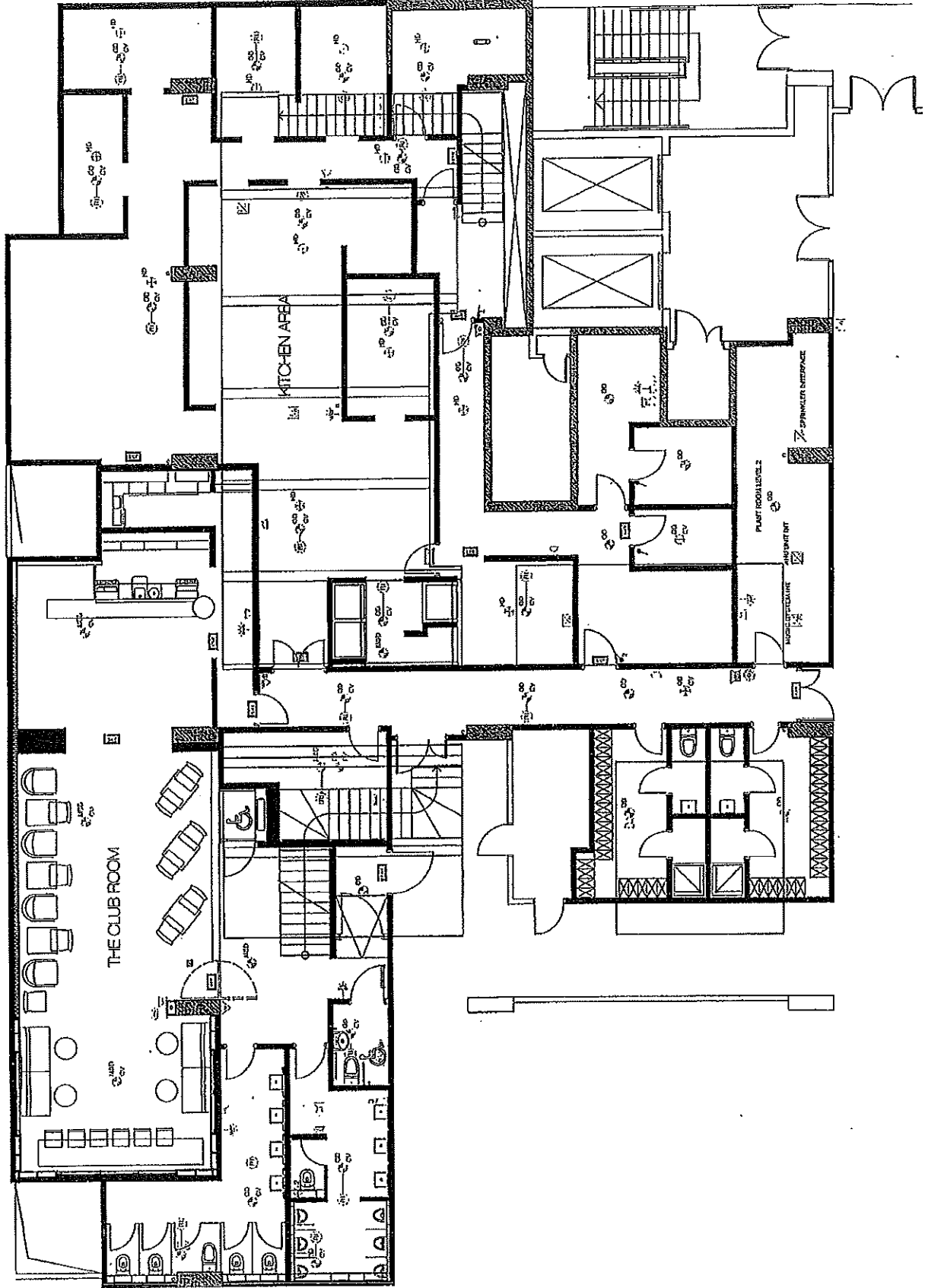
**EXHIBIT 1**

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• All Tables and Chairs in the Drawing are Indicative Only

# BASEMENT



## LEGEND

1	THICK WALL
2	THIN WALL
3	CONCRETE FLOOR
4	CONCRETE SLAB
5	CONCRETE COLUMN
6	CONCRETE BEAM
7	CONCRETE STAIR
8	CONCRETE RAMP
9	CONCRETE CURB
10	CONCRETE FINISH
11	CONCRETE CURB
12	CONCRETE CURB
13	CONCRETE CURB
14	CONCRETE CURB
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47	CONCRETE CURB
48	CONCRETE CURB
49	CONCRETE CURB
50	CONCRETE CURB

**JMS**  
 JAMES M. SMITH ARCHITECTS  
 1000 BROADWAY, SUITE 1000  
 NEW YORK, NY 10018  
 TEL: (212) 512-1000  
 FAX: (212) 512-1001  
 WWW: JMSA.COM

DATE: 06/08/2004  
 DRAWN: JMS  
 CHECKED: JMS  
 PROJECT: JMS  
 SHEET: JMS  
 SCALE: 1/8" = 1'-0"

PROJECT NO.: JMS  
 SHEET NO.: JMS  
 SHEET TITLE: JMS

ARCHITECT: JAMES M. SMITH ARCHITECTS  
 SHEET: JMS  
 SCALE: 1/8" = 1'-0"

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 2**

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14 & 28

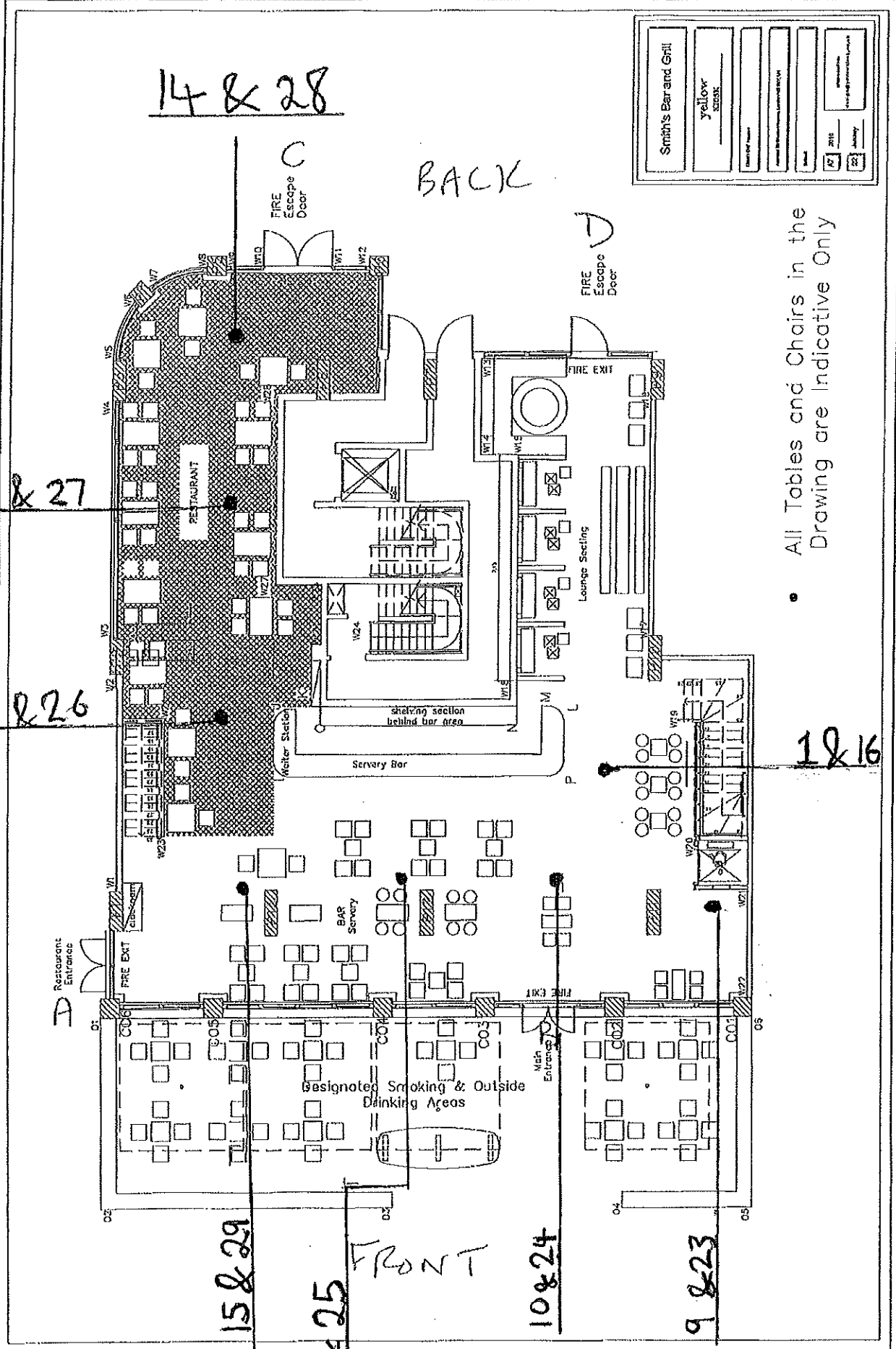
BACK

Smith's Bar and Grill
Yellow SCANS
State of Texas
Professional Seal
Professional Stamp
Professional License No.
Exp. Date
12 2018
12 2019

13 & 27

12 & 26

1 & 16



All Tables and Chairs in the Drawing are Indicative Only

15 & 29

11 & 25

10 & 24

9 & 23

**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 3**

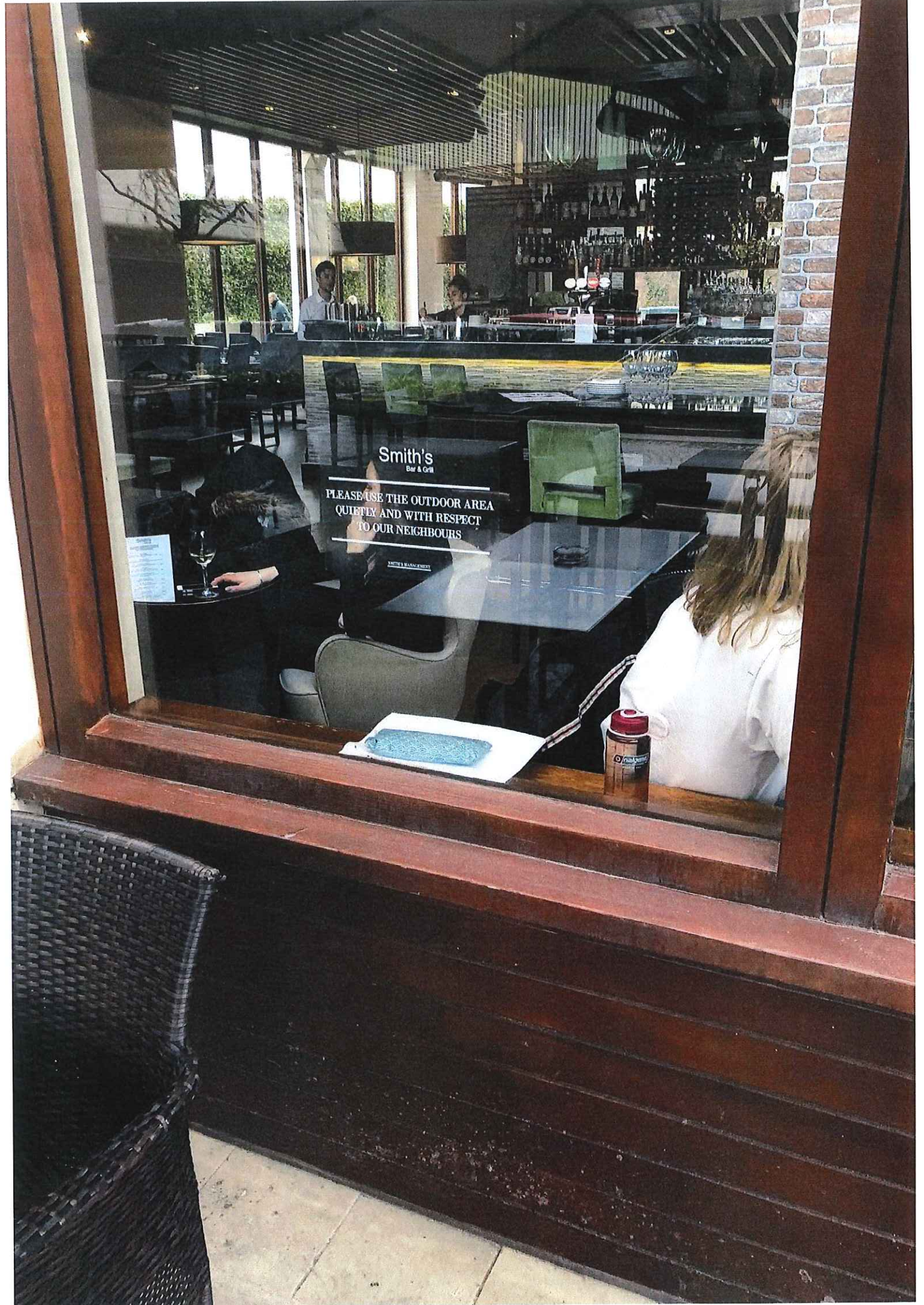
---



Smith's  
Bar & Grill

PLEASE USE THE OUTDOOR AREA  
QUIETLY AND WITH RESPECT  
TO OUR NEIGHBOURS

Office supplies including binders and a stapler.



Smith's  
Bar & Grill

PLEASE USE THE OUTDOOR AREA  
QUIETLY AND WITH RESPECT  
TO OUR NEIGHBOURS

SMITH'S MANAGEMENT







Smith's  
Bar & Grill

PLEASE USE THE OUTDOOR AREA  
QUIETLY AND WITH RESPECT  
TO OUR NEIGHBOURS

SMITH'S MANAGEMENT

PLEASE  
LEAVE  
QUIETLY

**NO SMOKING  
BEYOND THIS  
POINT**

**Smith's**  
Bar & Grill

**AFTER 22:00  
FIRE EXIT ONLY**

SMITH'S MANAGEMENT

PLE  
LEA  
QUIE

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

---

**EXHIBIT 4**

---

## Fwd: Smiths New Years Eve noise 2017

Wednesday, 4 January, 2017 10:10

From: "Tanya Dias" [REDACTED]  
 To: "licensing licensing" [REDACTED]  
 Cc: "Andrew MacConnal-Mason" [REDACTED]

1 Files 4 MB  
 MOV 4 MB

Video.MO  
 V

Save

Dear Mr Brown,

It seems that it was Smiths who again this New Year's Eve had an all night party, exactly the same as last year with the same issues for residents living above them.

This year I called the noise team twice and you see their rather aggressive response. The noise teams regular denial, ineffectiveness, defensiveness and lack of responsibility over the last decade was why I didn't call the previous year (it wasn't worth the aggravation on top of the noise nuisance to deal with) and why my two neighbours called them instead and went forward with their 2016 licence review of Smiths with yourself. Since your joint license action last year hasn't improved the situation and Smiths flouts what was agreed under the terms of their license, I would like to go ahead with a license review this year.

For the record when I got a call from the noise team after my first call I said the noise had stopped temporarily at the precise moment of the call and that it would likely start again. The person at the end of the call (who didn't name themselves) said he would visit. It turns out he didn't visit till after my second call two hours later, as per his email below. I didn't get a confirmation call of the visit on New Year's Eve. The visit (if it had happened) was ineffective as the party continued till 1am. The noise was as loud as last year's party and was followed by a fireworks display right between the building and canal on my neighbours side of the building. I took a video from my flat of it.

Regards,

Tanya

Sent from my iPhone

Begin forwarded message:

From: "Richardson, Steve: WCC" [REDACTED]  
 Date: 4 January 2017 at 8:20:26 am GMT  
 To: Tanya Dias [REDACTED]  
 Subject: Re: Smiths New Years Eve noise 2017

Good Morning Mrs Dias,

I don't understand. If you telephone the service and I carry out a visit, I don't see how your call was ignored. You will remember that the facts relating to your call at 21:31 are as follows: I telephoned you back at 21:57 and you told me that the noise had stopped. You will understand that we don't visit if noise has stopped, but I offered to try to attend, bearing in mind that this was New Years Eve.

As events transpired, I had to prioritise calls where noise was continuing until you made your follow up call. I got to Sheldon Square and walked the Square, I did not hear any music or other noise in the square but went to Smiths with Sheldon Square security. I went round to the canal entrance to Smiths and spoke to the DPS at 01:15. At that time, music from Smiths was just audible outside and I did not consider that a statutory nuisance was likely. No formal action is planned by the noise team as a result but as I say, the licensing team will also be following up and will respond separately.

Regards

Steve Richardson  
 24 Hour Noise Team

From: Tanya Dias [REDACTED]  
 Sent: 03 January 2017 13:03:06  
 To: Richardson, Steve: WCC  
 Subject: Re: Smiths New Years Eve noise 2017

Mr Richardson, thank you for emailing me. The noise had continued as you can see from my second email to Mr Bannister after my follow up call at 11.30pm on the same noise issue. As the noise issue continued till 1am (from around 8.30pm) my original call from 9.30pm had been ignored. Your visit did not make any difference to the noise continuation or volume. Why was that?

Sent from my iPhone

> On 3 Jan 2017, at 12:20 pm, Richardson, Steve: WCC [REDACTED] wrote:  
 >  
 > Hello Mrs Dias,  
 > Thanks, Mr Bannister has explained his position in this and so I will respond to you directly.  
 > Note your call was not ignored. I informed you that I would visit and I did so.  
 > All visits to licensed premises are followed up by the licensing team, and this is one of the addresses from New Years Eve that I have referred to them. I'm waiting for them to come back to me once this is done. Either myself or the licensing team will come back to you again shortly.

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

> Regards  
> Steve Richardson  
>  
> -----Original Message-----  
> From: Tanya Dias [redacted]  
> Sent: 03 January 2017 12:06  
> To: Richardson, Steve: WCC  
> Cc: Bannister, Ian: WCC  
> Subject: Re: Smiths New Years Eve noise 2017  
>  
> Permission given. My emails to Mr Bannister were straight after my calls to the council noise team.  
>  
> Regards,  
>  
> Tanya  
>  
> Sent from my iPhone  
>  
>> On 3 Jan 2017, at 11:25 am, Richardson, Steve: WCC [redacted] wrote:  
>>  
>> Hello Ian,  
>> I've had no direct request from Mrs Dias since our dealings on New Years Eve so before I email can I ask in what capacity are you enquiring on behalf of Mrs Dias? Does she give permission for me to pass on information to you? Perhaps you could clarify.  
>> Thanks  
>> Steve Richardson  
>> 24 Hour Noise Team  
>>  
>> -----Original Message-----  
>> From: Bannister, Ian: WCC  
>> Sent: 03 January 2017 11:08  
>> To: Noise Team: WCC  
>> Cc: Tanya Dias  
>> Subject: Smiths New Years Eve noise 2017  
>>  
>> Hi There,  
>>  
>> I trust that you are well and Happy New Year to you.  
>>  
>> I have just come back from annual leave to see that I have received a couple of emails from a resident complaining about the noise and indeed raising the issue that when they contacted the noise unit, unfortunately no action was taken.  
>>  
>> Could you kindly look into the issue and copy me in to your response to Tanya please as whilst it is entirely understandable that revellers wont to celebrate the New Year, it must surely not be at the expense of other members of our community of course.  
>>  
>> Thanking you in anticipation  
>>  
>> Very Kind Regards  
>>  
>> Ian Bannister  
>> Sports Development Officer - Progression Sport, Leisure and Wellbeing  
>> The Pavillion Paddington Recreation Ground Randolph Avenue Maida Vale  
>> London  
>> W9 1PD  
>> Westminster Sports Unit  
>> Sport & Leisure Delivery Unit  
>> City of Westminster  
>> Using the Power of Sport to inspire, empower and provoke change.  
>>  
>> [redacted]  
>>  
>> Join us on Facebook: [Facebook.com/Active-Westminster](https://www.facebook.com/Active-Westminster)  
>> Follow us on Twitter: [@ActiveWCC](https://twitter.com/ActiveWCC)  
>> Visit: <http://www.westminster.gov.uk/sport>  
>>  
>>  
>> \*\*\*\*\*  
>> \*\*\*\*\* Look out for your electoral registration form in the  
>> post. It's important you respond to ensure you remain on the electoral  
>> register even if you're  
>>  
>> -----Original Message-----  
>> From: Tanya Dias [redacted]  
>> Sent: 31 December 2016 23:35  
>> To: Bannister, Ian: WCC  
>> Subject: Re: Smiths New Years Eve noise 2017  
>>  
>> The party noise and DJ on loudspeaker is still going on and it's been  
>> 3 hours. The Council noise team have simply ignored the issue. I found  
>> out when I just called again 😞  
>>  
>> Sent from my iPhone  
>>  
>>> On 31 Dec 2016, at 9:41 pm, Tanya Dias [redacted] wrote:  
>>>  
>>> Unfortunately this year's New Year's Eve is also noisy and I don't know if it's Smiths again. I have called Westminster noise team. I started 2016 badly because of Smiths loud music and party and I don't intend to have 2017 spoiled at the start exactly in the same way as 2016. This is a residential area, not Piccadilly Circus.  
>>>  
>>> Sent from my iPhone  
>>>  
>>>> On 30 Nov 2016, at 3:45 pm, Bannister, Ian: WCC [redacted] wrote:

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>>>>  
>>>> Hi Tanya,  
>>>>  
>>>> I trust that you are well and thanks for your email.  
>>>>  
>>>> It's good to hear that there are some positive outcomes and I've passed your comments onto the Licencing team.  
>>>> I've also asked them for an update in respect of your previous  
>>>> feedback and as soon as they come back to me, I'll let you know!  
>>>>  
>>>> Very Kind Regards  
>>>>  
>>>> Ian Bannister  
>>>> Sports Development Officer - Progression Sport, Leisure and  
>>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph Avenue  
>>>> Maida Vale London  
>>>> W9 1PD  
>>>> Westminster Sports Unit  
>>>> Sport & Leisure Delivery Unit  
>>>> City of Westminster  
>>>> Using the Power of Sport to inspire, empower and provoke change.  
>>>>  
>>>>  
>>>>  
>>>>  
>>>> Join us on Facebook: [Facebook.com/Active-Westminster](https://www.facebook.com/Active-Westminster)  
>>>> Follow us on Twitter: @ActiveWCC  
>>>> Visit: <http://www.westminster.gov.uk/sport>  
>>>>  
>>>>  
>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*\*\*\* Look out for your electoral registration form in the  
>>>> post. It's important you respond to ensure you remain on the  
>>>> electoral register even if you're  
>>>>  
>>>>  
>>>> —Original Message—  
>>>> From: Tanya Dias [redacted]  
>>>> Sent: 29 November 2016 15:09  
>>>> To: Bannister, Ian: WCC  
>>>> Subject: Re: Smokers outside Smiths Bar and Grill  
>>>>  
>>>> Hi Mr Bannister,  
>>>>  
>>>> October to New Years Eve tends to be when there are smokers outside our block entrance. Since 1st January 2016 when Smiths  
>>>> had a New Years party till 4am and a licence review took place, Smiths I think have been trying to behave, with occasional lapses.  
>>>> I've been in the middle of taking smokers photos on occasions  
>>>> recently when a Smiths staff member came out to move people away,  
>>>> pointing out that my photos will be all over social media in a few  
>>>> minutes. The smokers ran away quickly. That was a pleasant  
>>>> experience, like Christmas coming early. Long may it continue! 😊  
>>>>  
>>>> Tanya  
>>>>  
>>>> Sent from my iPhone  
>>>>  
>>>>>> On 24 Oct 2016, at 9:13 am, Bannister, Ian: WCC [redacted] wrote:  
>>>>>>  
>>>>>> Hi Tanya,  
>>>>>>  
>>>>>> I trust that you are well and thank you for your email.  
>>>>>>  
>>>>>> I've identified the Council Licencing strategy team who I believe would be best placed department to act and have forwarded on  
>>>>>> your email to them.  
>>>>>>  
>>>>>> I trust that this is in order,  
>>>>>>  
>>>>>> Very Kind Regards  
>>>>>>  
>>>>>> Ian Bannister  
>>>>>> Sports Development Officer - Progression Sport, Leisure and  
>>>>>> Wellbeing The Pavillion Paddington Recreation Ground Randolph  
>>>>>> Avenue Maida Vale London  
>>>>>> W9 1PD  
>>>>>> Westminster Sports Unit  
>>>>>> Sport & Leisure Delivery Unit  
>>>>>> City of Westminster  
>>>>>> Using the Power of Sport to inspire, empower and provoke change.  
>>>>>>  
>>>>>>  
>>>>>>  
>>>>>>  
>>>>>> Join us on Facebook: [Facebook.com/Active-Westminster](https://www.facebook.com/Active-Westminster)  
>>>>>> Follow us on Twitter: @ActiveWCC  
>>>>>> Visit: <http://www.westminster.gov.uk/sport>  
>>>>>>  
>>>>>>  
>>>>>> \*\*\*\*\*  
>>>>>> \*  
>>>>>> \*\*  
>>>>>> \*\*\*\*\* Look out for your electoral registration form in the

15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>>>> post. It's important you respond to ensure you remain on the  
>>>> electoral register even if you're  
>>>>

>>>> -----Original Message-----

>>>> From: Tanya Dias [redacted]  
>>>> Sent: 21 October 2016 19:02  
>>>> To: [redacted] Bannister, Ian: WCC  
>>>> Subject: Smokers outside Smiths Bar and Grill  
>>>>

>>>> Here is a photo I took just now of smokers outside Smiths Bar and Grill. Terms of their license includes no smoking zones. The smokers are ignoring the no smoking signs and there is no bouncer from Smiths to move the smokers on.  
>>>>

>>>> Please do a License Review.  
>>>>  
>>>>  
>>>> \_\_\_\_\_  
>>>>

>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*

>>>> \*\*\*\*\* Did you know, your two-year-old could qualify for up  
>>>> to

>>>> 15 hours of free childcare a week? Apply now at  
>>>> [www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
>>>>

>>>> Keep making a Real Change to the lives of rough sleepers in  
>>>> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
>>>> REALCHANGE plus the amount you wish to give to 70500, or visit  
>>>> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
>>>>

>>>> How will you quit smoking this Stoptober? Join Stoptober and find that support that's right for you.  
>>>>

>>>> Join the conversation on childhood obesity by completing the Great  
>>>> Weight Debate survey and tell us what can be done to tackle this  
>>>> growing problem <https://www.westminster.gov.uk/great-weight-debate>  
>>>> \*\*\*\*\*

>>>> \*  
>>>> \*\*  
>>>> \*\*\*\*\* Westminster City Council switchboard: +44 20 7641 6000.  
>>>> [www.westminster.gov.uk](http://www.westminster.gov.uk)  
>>>> \*\*\*\*\*

>>>> \*  
>>>> \*\*  
>>>> \*\*\*\*\* This E-Mail may contain information which is  
>>>> privileged, confidential and protected from disclosure.  
>>>> If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

>>>> You should not disclose the contents to any other person or take copies.  
>>>> \*\*\*\*\*

>>>> \*  
>>>> \*\*  
>>>> \*\*\*\*\*

>>>> \*\*\*\*\*  
>>>> \*  
>>>> \*\*\*\*\* Did you know, your two-year-old could qualify for up  
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>>>>

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>>>>

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>>>> \*\*\*\*\*

>>>> \*  
>>>> \*\*\*\*\* Westminster City Council switchboard: +44 20 7641  
>>>> 6000.  
>>>> [www.westminster.gov.uk](http://www.westminster.gov.uk)  
>>>> \*\*\*\*\*

>>>> \*  
>>>> \*\*  
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>>>> \*\*\*\*\*

>>>> \*  
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>>>> \*  
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>>>> 15 hours of free childcare a week? Apply now at



15/01/2018

Fwd: Smiths New Years Eve noise 2017 - 'Yahoo Mail'

>> [www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
 >>  
 >> Keep making a Real Change to the lives of rough sleepers in  
 >> Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
 >> REALCHANGE plus the amount you wish to give to 70500, or visit  
 >> [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
 >>  
 >> Join the conversation on childhood obesity by completing the Great  
 >> Weight Debate survey and tell us what can be done to tackle this  
 >> growing problem <https://www.westminster.gov.uk/great-weight-debate>  
 >> \*\*\*\*\*  
 >> \*\*\*\*\* Westminster City Council switchboard: +44 20 7641 6000.  
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 >> \*\*\*\*\*  
 >> \*\*\*\*\*  
 >>  
 >>  
 >> \_\_\_\_\_  
 >> \*\*\*\*\*  
 > Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week? Apply now at  
[www.westminster.gov.uk/information-childcare](http://www.westminster.gov.uk/information-childcare)  
 >  
 > Keep making a Real Change to the lives of rough sleepers in Westminster. Report their location via [www.streetlink.org.uk](http://www.streetlink.org.uk), text  
 REALCHANGE plus the amount you wish to give to 70500, or visit [www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
 >  
 > Join the conversation on childhood obesity by completing the Great Weight Debate survey and tell us what can be done to tackle this  
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 > \*\*\*\*\*

\*\*\*\*\*  
 Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week? Apply now at  
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[www.westminster.gov.uk/real-change](http://www.westminster.gov.uk/real-change)  
 Join the conversation on childhood obesity by completing the Great Weight Debate survey and tell us what can  
 be done to tackle this growing problem <https://www.westminster.gov.uk/great-weight-debate>  
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**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 5**

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On 1 Jan 2018, at 7:51 am, Tanya Dias [REDACTED] wrote:

The 10.24pm Noise Team call reference was 17/42473/ENC45.

[https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn\\_ZnuWM03WGUUpwa352v78aVXCnrG76fWyGX1W0okxgJNfEwuaBrALj...](https://mail.yahoo.com/neo/b/message?search=1&s=zam2IWc4YaMbQn_ZnuWM03WGUUpwa352v78aVXCnrG76fWyGX1W0okxgJNfEwuaBrALj...) 5/8

15/01/2018

Re: Smiths Bar and Grill New Years Eve party 2017-2018 - 'Yahoo Mail'

The Smiths noise stopped at 12.30pm. They started at 6.30pm. That's six hours of partying. An average working day for a permanent employee is typically eight hours. That's almost a full working day of Smiths harassing their neighbours. That's unacceptable and an inappropriate violation of the human rights of the residents above them. I assume Westminster licensing gave Smiths permission for this six hour event and both parties failed repeatedly to communicate that to residents when I made a direct request (see the beginning of this email thread 8th December 2017 onwards).

For the last three years in a row, I've typically got one or two hours sleep on New Year's Eve and woken up tired and angry for my early start on New Year's Day.

Westminster CAB and Licensing, do not suggest compromise with Smiths. Both Smiths and Westminster Council has shown contempt towards residents in this matter and the Council approval of weekly planning applications for even more 'vibrancy' in the immediate vicinity (aka resident harassment and privacy and human rights violations).

Did the Noise Officer even turn up last night and how long did he spend inspecting Smiths? On both his calls to me he told me identical spiel he was busy attending an alarm and reeled off a list of priority calls the bottom of which was my call, giving me a clear indication of the low priority Westminster Council and it's Noise Team categorise my calls. The Noise Officer told me he arrived within one hour of my first call at 6.50pm. I told him his voicemail to me was at 9.40pm, almost three hours after my call and I was keeping a video and email log. He knows the videos are up on YouTube and his 'nothing was happening' statement is proven false.

Is Westminster Council in the payroll of these commercial premises? Is it on the pay of Smiths? Smiths tried to bribe me with the installation of an air conditioning unit in my flat in return for silence some years ago. They aren't above bribery and corruption. Westminster Council and the Noise Team have never ever acted as an independent party in this instance...both Smiths and Westminster licensing have acted repeatedly with contempt towards me and other residents for almost a decade.

Tanya

Sent from my iPhone

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 6**

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15/01/2018

RE: Smiths installation of Air Conditioning in [REDACTED] - 'Yahoo Mail'

[REDACTED]

---

From: Odil Raupov [REDACTED]  
To: Tania Dias Gunasinghe [REDACTED]  
Cc: Cummings Kay [REDACTED], Shuhrat Djurakulov [REDACTED], 'Kamila Shuha' [REDACTED]  
Sent: Monday, 2 April 2012, 13:47  
Subject: Re: Smiths installation of Air Conditioning in [REDACTED]

Hi Tania,

Sorry for a late respond I've been taking instructions.

I regret to say that perhaps it must have happened in just a period of few seconds. As matter of urgency I'm putting out some red circled non smoking signs on the windows to a lower level so it's visible to our patrons.

Tania we are doing everything possible to keep your block entrance clear of our patrons and we will continue to do so. We will take further steps if required to have the security to work Wednesdays just to make sure the area is monitored. Regardless of who smokes at the entrance of your block we clean it every night so that when residents coming out they don't feel that smiths causing all the mess even though it can simply be the residents smoking. But sometime I feel that you are a bit too harsh and unfair. During any day if you spend a little bit of time to see what happens under those trees and at the entrance of your block, then maybe you would understand my point. Please see attached images from just Friday last week and 1 from last year. There is a resident, construction worker, lady just passing by puffs her cigarettes and few other people who just decided to smoke there.

Our financial position is effected dramatically, so it's not that we looking to boost the profit, we just trying to get ourselves back into a break even point, In the event of continuation of the trade at this stage can cause the company going under which you can appreciate is the last thing we would want.

We would love to have meetings from time to time and please let me know if the residents committee feels that we should have a meeting I will arrange the owners to be available too.

It is unfortunate that you have decided to withdraw our offer, however if you do re-consider your position we will be more than happy to proceed. Engineer was booked for the 3rd Tuesday which I have cancelled now.

Regards

Odil Raupov  
Smith's Bar & Grill  
[REDACTED]

On 28 Mar 2012, at 21:21, Tania Dias Gunasinghe [REDACTED] wrote:

Hi Odil,

I got home today at 8.45pm and saw two Smiths patrons come out of the corner bar door, casually walk around (as if they were following their usual route) to our block door, perch their wine glasses on the window ledge and pull out their cigarette packets. I was standing 30cm away from them, watching their movements closely and pointed out the Smiths 'No smoking' notices. I explained to them that there are residents in flats above them. They said they hadn't seen the notice. This is because the notices are placed above head level where your patrons can't see, unless they look up. The window ledge where they had perched their wine glasses is covered in glass/bottle/mug stains.

There were also three people sitting under the trees with wine glasses. I saw no Smiths staff around.

After careful thought, I withdraw my agreement to Smiths offer of installing a permanent air conditioning solution in my flat. I've lived years without it and can continue to do so, like the rest of my neighbours. I've emailed too long and hard to have our block entrance and the area under the trees clear of Smiths patrons, their cigarette smoke and butts. I think it is a good thing that the smoking area was moved to the current location. It may not optimise Smiths revenues, but it is in everyones best interests that the solution currently in place remains.

I kindly ask that you cancel the engineer visit on Monday to my flat, not resurrect this 'air conditioning offer' again and that I get no further individual meeting requests by text (or email). I am happy to meet Smiths in a group with the other residents.

Kind Regards,

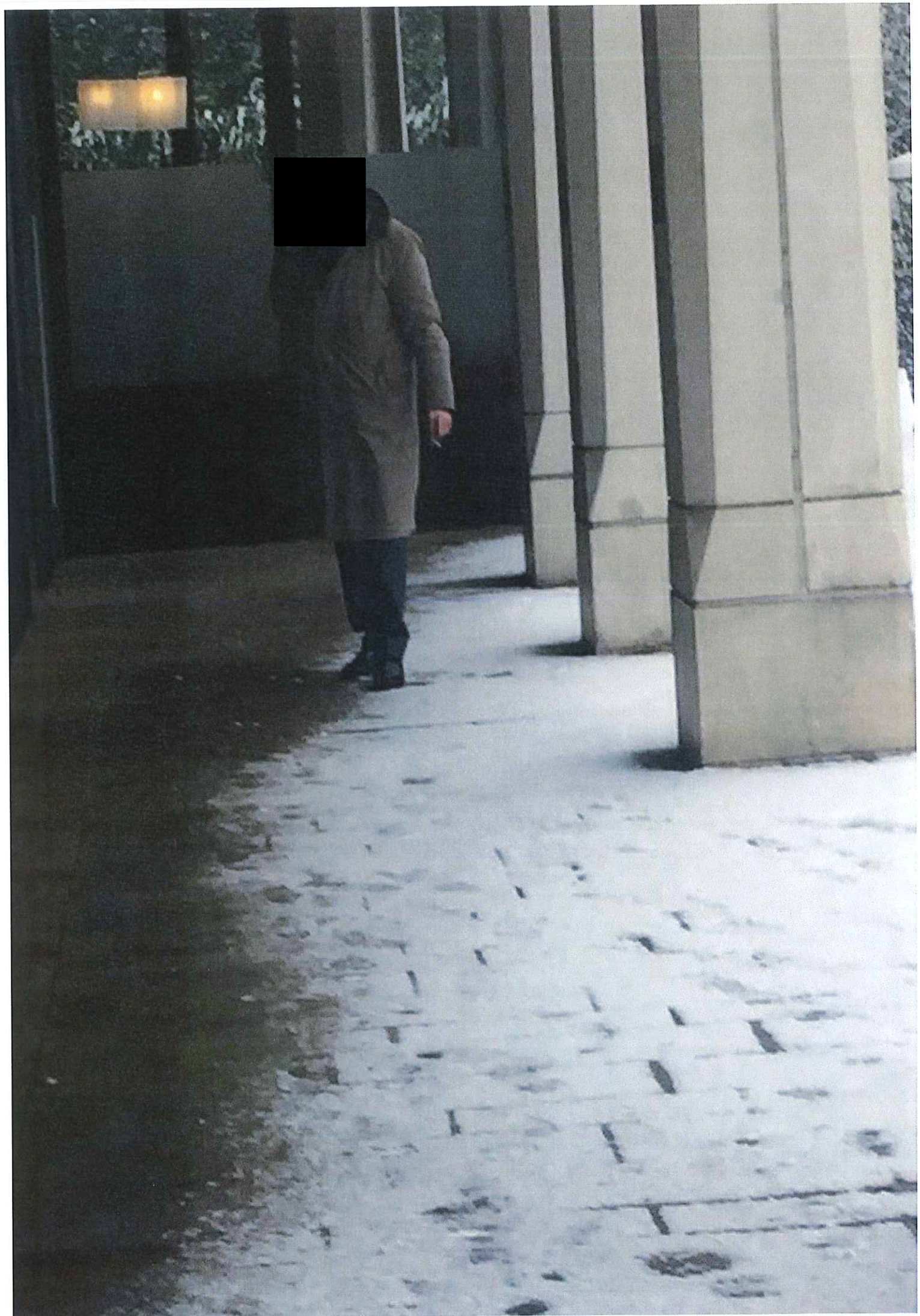
Tania Dias

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

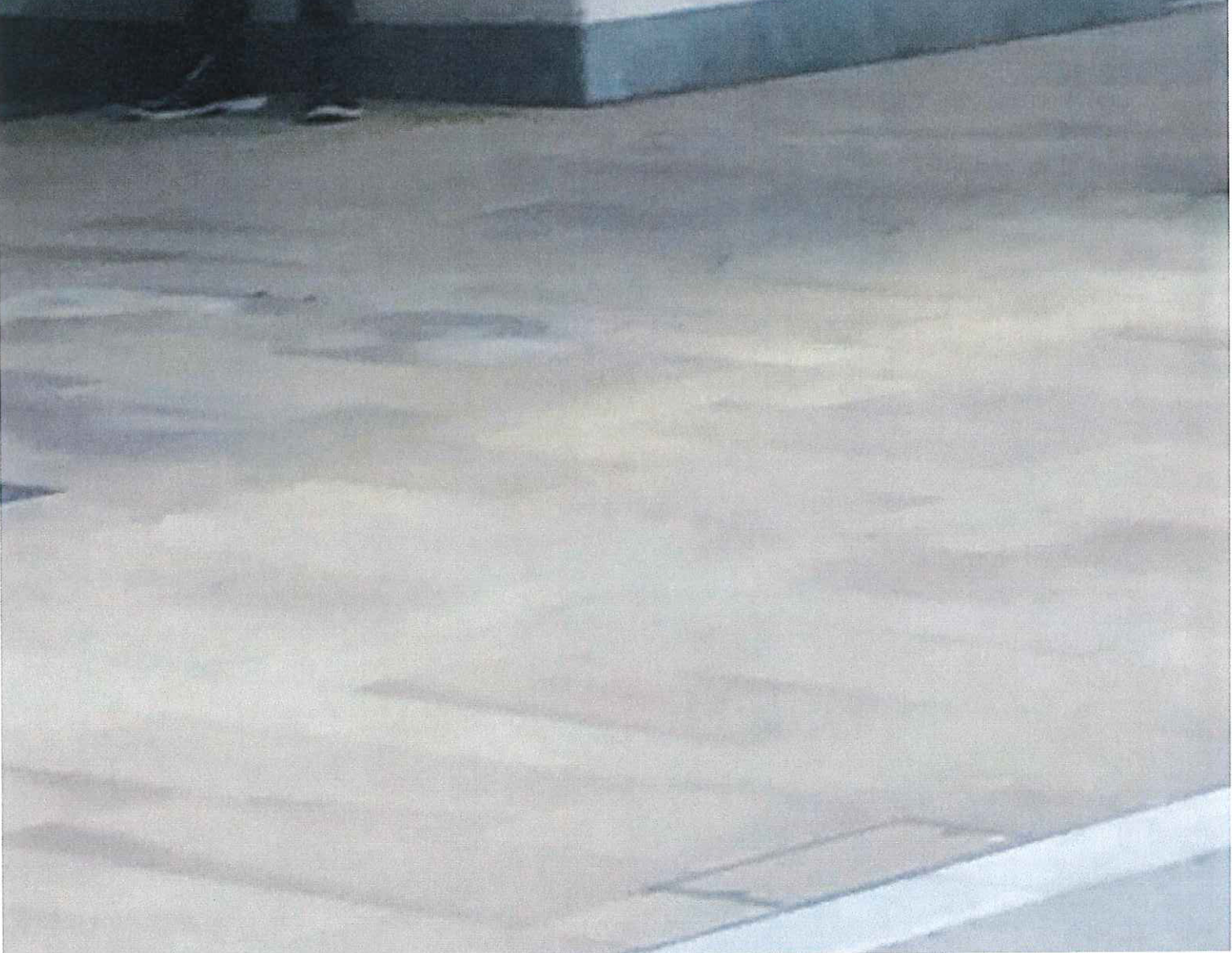
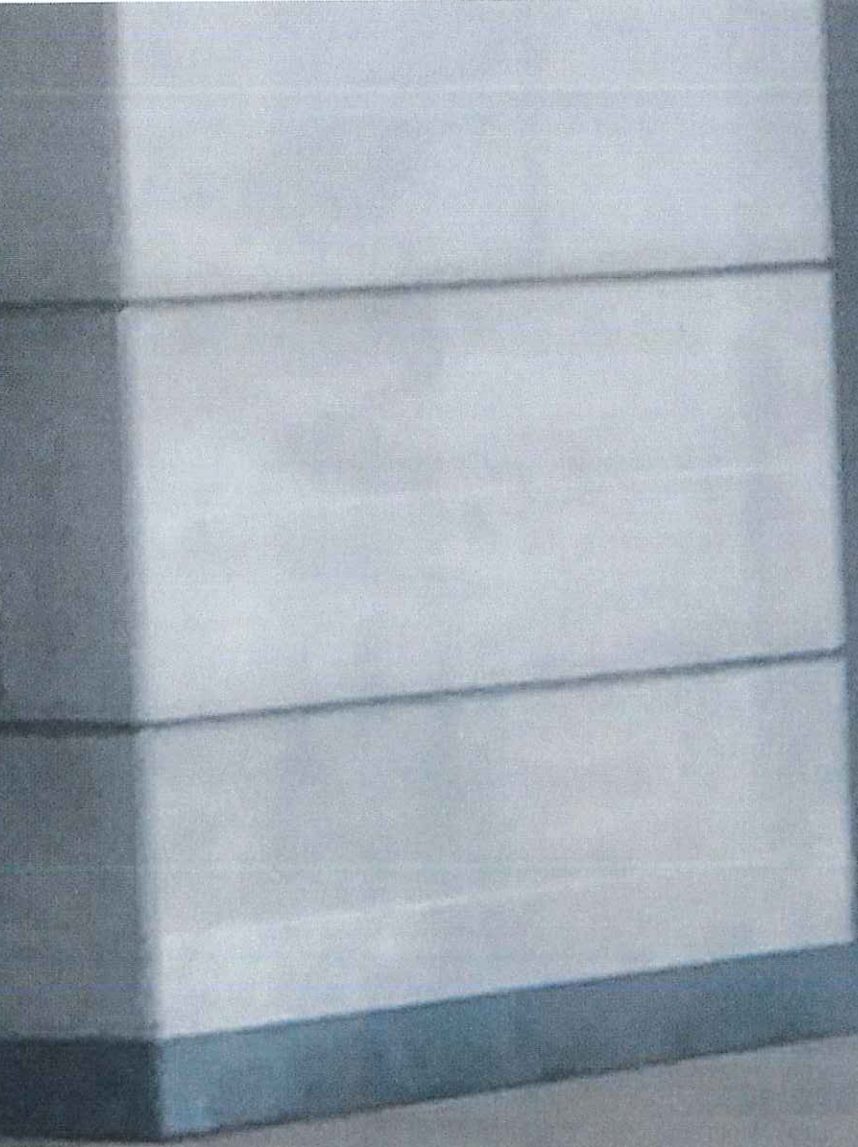
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**EXHIBIT 7**

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**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 8**

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## ACOUSTIC TECHNICAL MEMORANDUM

To: Robert Botkai (WSLaw)

Date: 1<sup>st</sup> March 2018.

CC:

From Peter Rogers (SAL)

Ref: 18-0038-0 Acoustic Review  
Memorandum - ATM1.0 - Smiths Bar,  
Sheldon Place

SUBJECT: SMITHS BAR ACOUSTIC REVIEW MEMO (ATM01) – SMITH’S BAR, PADDINGTON, LONDON

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## 1. INTRODUCTION

This Acoustic Technical Memo (ATM) sets out the acoustic review of Smith’s Bar, Sheldon Square, Paddington. A visit and investigation took place on Sunday the 25<sup>th</sup> February 2018, which included trialing the existing set-ups of the sound systems for the basement and ground floor, and visits to two residential flats that are located above the bar. The results of this investigation are set out in this memorandum ahead of a Review which has been called by a resident at [REDACTED]

## 2. CREDENTIALS

I am a registered Expert Witness in Acoustic matters related to Entertainment noise, with a combined experience of over 25 years in enforcement and consultancy.

I am also a Fellow of the Institute of Acoustics, and in totality can be considered to be a suitably qualified acoustician to offer an independent assessment of the noise control systems currently operating in Smith’s Bar.

## 3. BACKGROUND & VISUAL INSPECTION

The bar has two main areas, the basement and the ground floor.

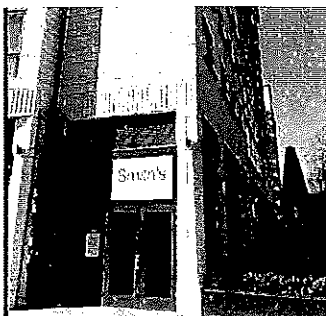


Photo 1 : External façade with flats above



Photo 2 : Ground floor bar

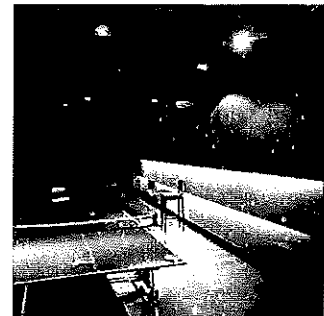
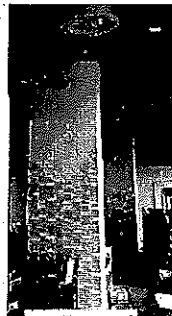
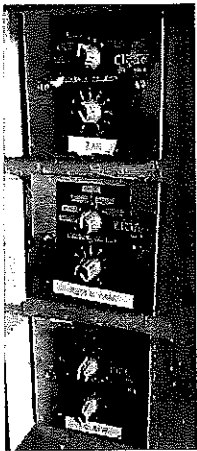


Photo 3 : Basement area



### Zoning of Sound System

These floors have separately zoned sound systems. The top floor is understood to be served with ambient music to support trading, and has volume controls behind the bar.

ground floor with music that is a focus of entertainment, such as DJ's. This is a higher level of music.

There is a DJ plug in point in the basement and the upstairs bar.

The upstairs plug in is understood to only used for TEN events, which tend only to be for New Year parties, which is the period of particular interest from the resident of Flat 14.

Photo 4: Ground floor user volume controls

### Noise Conditions

Conditions 18, 20 and 21 relate to the control of music on the licence.

Condition 18 requires that regulated entertainment is provided in the basement of the premises.

Condition 20 requires "a noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses". It goes on to say "The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service."

Condition 21 requires "Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device".

Condition 18 is the case, except when a TEN's suspends the conditions for the New Year party.

Condition 20 compliance is explored further below.

Condition 21 is satisfied as inspection showed that all devices run through the sound limiting device.

### Acoustic Limiter

Condition 21 makes clear that a sound limiting device must be used, and located in a secure location, and set up to levels that have been checked by Environmental Health.

Inspection revealed the sound rack to be located in a loft space, located above the basement, which was only accessible via a password locked door. It is difficult to access, and only staff with the door code could do so. The front of the amplifiers are fitted with tamperproof plates, with security screws. This seems to reasonably satisfy the requirements of the condition. Photo 6 shows the rack with the plates in place, and compression limiter indicators in the red oval, showing that it is active.



Photo 5 : Punch code lock on door to area with limiter

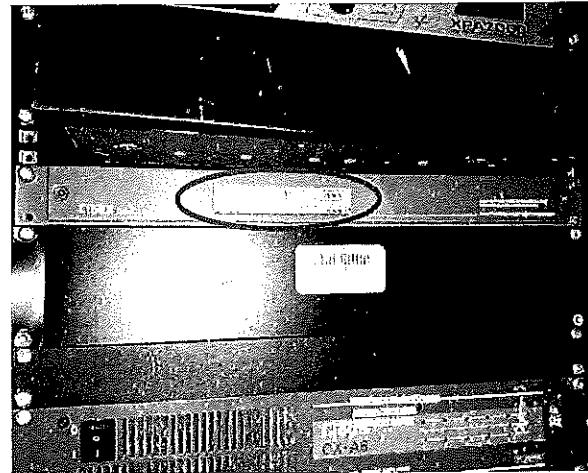


Photo 6 : Zonal amplifiers EQ with compression limiter

In the basement it is possible to switch between the on line music content (Channel 4), and the DJ feed (Channel 3) to enable music to be played when the DJ feed is not in use.

#### 4. INSTRUMENTS & METHODOLOGY

Measurements were made using an NTi XL2 Class 1 Sound Level Meter (SN:A2A-08136-E0), in each octave band simultaneously between 63Hz and 8kHz, which in the range of interest. The meter was calibrated before and after measurements without significant drift.

Measurements were taken as special averages, over a minutes duration in each location of interest. The music used was heavy in bass and with a good range of vocals. The locations and configurations included:

- A - the basement with music on maximum output through the DJ desk (channel 3),
- B - the basement with music on maximum output through online musical content (channel 4)
- C – the ground floor bar with music planning through online musical content (channel 4)

Maximum output from the users controls was used in all cases.

##### Flats

Listening tests were performed in flat 10, which is directly above the bar at the front of the venue, and flat 9 which was above the bar and closest to the stairs of the basement. No access was possible to flats in the area of Flat 14, although flats 10 and 9 encountered a worst case noise exposure from the basement and ground floor bar.

Measurements were made inside flats 10 and 9. Where some music was audible at full output for each configuration checked then the levels were reduced until it was not (or barely) audible in the living areas, and the sound levels measured in the space where the speakers were set to full output (via the controls of the sound limiting device).



## 5. RESULTS

### Sound Source

Position	L <sub>AMax</sub> dB(A)	L <sub>Aeq</sub> dB(A)	Octave centre band frequency, Hz								Comments
			63	125	250	500	1k	2k	4k	8k	
A-Basement average	<b>95.6</b>	<b>89.4</b>	98.6	93.6	88.1	84.0	85.8	80.2	76.4	73.7	DJ Channel 3 limiter setting, heavy bass
Top of basement stairs	<b>76.7</b>	<b>66.7</b>	75.5	63.2	62.2	61.0	63.9	58.8	51.9	45.5	Noise breakout to ground floor from basement, with noticeable bass element
B - Ground floor	<b>94.5</b>	<b>87.2</b>	72.3	84.7	85.1	82.2	84.7	77.7	73.2	72.9	Setting 10 to all zones
C – Basement Average	<b>92.0</b>	<b>87.7</b>	93.5	90.6	87.0	80.1	81.8	80.4	79.2	76.4	Channel 4 output is below DJ Channel 3 output
C – Basement Average	<b>95.9</b>	<b>89.7</b>	86.9	91.7	81.0	84.2	85.6	83.6	78.1	72.4	Reshaped output for not audible in Flat 10
B - Ground floor	<b>89.4</b>	<b>82.8</b>	66.7	81.6	81.2	77.2	79.4	74.5	70.3	68.8	Reduce level in bar so not audible in flat 9 to setting 7 in all zones

Table 1 : Noise Source measurements for different configurations, measurements over 1 minute

### Sound Receivers

Position	L <sub>AMax</sub> dB(A)	L <sub>A90</sub> dB(A)	L <sub>Aeq</sub> dB(A)	Octave centre band frequency, Hz								Comments
				63	125	250	500	1k	2k	4k	8k	
Flat 10 Lounge	43.8	18.4	<b>25.7</b>	37.0	23.2	18.4	16.8	19.7	16.8	19.4	18.7	DJ Channel 3 limiter setting, basement - bass barely audible
Flat 10 Lounge	42.3	18.7	<b>24.1</b>	33.0	27.0	24.1	19.4	20.3	11.9	12.6	12.4	Ambient – no music
Flat 10 Lounge	50.1	19.2	<b>27.2</b>	31.6	34.2	26.0	23.0	21.5	18.2	16.7	13.6	Top bar on original setting 10 to all zones – audible
Flat 10 Lounge	42.8	19.0	<b>27.6</b>	31.7	32.5	23.5	23.6	25.5	10.7	9.4	7.8	Top bar on setting 7 to all zones –barely audible
Flat 9 Bathroom	40.4	19.5	<b>24.4</b>	34.7	27.3	19.3	19.6	17.7	16.2	17.1	14.3	Basement, DJ Channel 3, limited output - not audible
Flat 9 Bathroom	33.7	20.1	<b>23.3</b>	34.2	27.1	19.7	17.7	17.1	14.9	15.2	13.7	Top bar at setting 7, Channel 4, - just audible
Flat 9 Lounge	40.4	24.2	<b>27.1</b>	42.4	38.7	25.5	20.4	16.7	17.1	16.2	13.5	Top bar at setting 7 – not audible

Table 2 : Noise receiver measurements for different configurations in flats 10 and 9



## 6. DISCUSSION

### Access to flats

Both occupants were happy to allow access, and did so enabling me to make measurements in any area requested, and also offered subjective comments as and when required. They were, in my view, fully cooperative with the process, and polite and welcoming to myself and the premises manager.

### Observations about signage

Signs requesting people to leave quietly were located at handle height on each external exit door in the premises, and also on the pillars outside. This seems adequate in my opinion, and were noticeable on approach in all cases.

### Basement DJ Input

The DJ input in the Basement on Channel 3 was found to be adequately limited by a compression limiter, which controlled the sound output with the mixing desk usually used set to maximum output<sup>1</sup> to  $L_{Aeq, 1min}$  89 dB(A) with maximums up to 96dB(A). About this level, which was achieved at a setting of 0 dB with no noticeable compression the sound quality reduced significantly and the level did not increase.

This is believed to be the set up witnessed and approved by the Local Authority previously, although there appears to be no record to confirm what the levels were at the time. The limiter was set to aggressive attack, so that the level was compressed quickly when the sound input reached the threshold.

Where subjectively checked in Flats 10 and 9 above the bass from the music was barely audible and considered to be acceptable by myself and both residents, who were asked at the time. The settings to the limiter were not altered, simply quantified objectively and subjectively. The bass in the music was slightly audible in bathroom of Flat 9, but not at all in the lounge. This was considered acceptable as the bathroom is not a habitable area, used for long periods during sensitive times of the day.

The Basement DJ input is generates the highest levels of sound output in the premises, which does not cause audible sound that could be considered to be intrusive or unacceptable in the flats tested above. This confirms that the set up is likely to be still operating at the levels set and agreed with the EHO in 2013.

### Basement channel 4 input

When the DJ is not operative the channel 4 music input is used, which plays online content through the speakers. There is no compression limiter on this channel, but the equaliser is set and security plate covered such that the level does not exceed the DJ input.

The sound output was measured to be equivalent to the DJ output. An altered frequency profile was tested so that in flats 9 and 10 it was not audible at all, and so that sound levels were distinctly below the level of the DJ output as a precautionary measure. This setting was retained and the security plate replaced, as an improvement to the controls of the system, but with the sound levels now quantified for the previous settings it could be restored in the future if a reset is needed.

### Break-out from the Basement

The noise escape from the basement on full output was measured at the top of the stairs to be a level of  $L_{Aeq, 1min}$  67dB(A) which is not significant or likely to be an issue for sound breaking upwards into the flats. This is

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<sup>1</sup> Where maximum output is 0dB on the master, after checking that setting to -10dB compressed the output and reduced the sound level



below the level of a person talking with a slightly raised voice at 1m. The 63Hz level was only slightly higher than the top bar system set to full output.

This issue is unlikely to be the cause of complaints from flats above.

#### Top bar system

The maximum output in all zones, with the user controllers set to 10 resulted in an average sound level in the ground floor bar of  $L_{Aeq, 1min}$  87dB(A) and maximums up to 94dB(A).

Speaking to the head barman it is understood that on a busy Friday night he would usually not use the system above the setting of 7. Whilst this can not be co-operated this system is intended to ambient music only, and this would seem likely.

The sound of the music from this system at full output (10) in each of the three zones was just noticeable in flats 10 and bathroom of 9, although not at all intrusive during daytime. It was not audible in the lounge of Flat 9.

In my opinion there is a potential that in the evening this level of music intrusion could become unacceptable in the late evening, and that the levels need to be reduced to proactively prevent complaints.

For this reason through listening tests in the bathroom of Flat 9 (as the worst case) and lounge of flat 10 the output of the bar system was reduced until it is not or just barely audible. This was found to be a setting of 7 on the user settings. The levels as an average in the ground floor bar then reduced by 4-5dB to  $L_{Aeq, 1min}$  83dB(A) and maximums up to 89dB(A). Subjectively this was confirmed to be acceptable as ambient music that was commercially workable by the premises manager, and the equaliser settings adjusted such that the user settings of 10 then generated this sound output so that the system could be again locked down to this maximum output.

This step was necessary in my view to promote the prevention of public nuisance to those living in the flats above. Objective levels of the previous set up have been presented so that they could be restored in the future if so required, in conjunction with the Local Authority. The tamper plates were then secured back into position.

The mitigation has been taken by limiting the noise levels at source, however the sound transmission is likely to be due to the loudspeakers being rigidly mounted to the columns of the building.

If further mitigation works are done to relocate the speaker to around the edge of the space, with greater numbers of speakers to create a distributed system that can get each operate at lower levels to achieve the coverage required then the higher operational levels may be possible to restore. Speakers should then be remounted on resilient speaker mounts.

#### Ground floor DJ input

It was not possible to test the output of the DJ plug in located on the ground floor bar, and it is not known whether this is linked to the compression limiter. As it is only used on TEN's once or twice a year this does not fall within the conditions of the premises licence, and so does not currently need to be limited. However it is recommended that further checks are done to make sure that it is compression limited and set to a level considered reasonable by the Local Authority to avoid causing complaints over the new year period in particular. It is understood that this will be done, with the additional speakers required, at the same time as a check is done on the rest of the system.





## 7. CONCLUSION

Sustainable Acoustics carried out an independent expert review of the sound systems and noise control that is in place at Smith's Bar, Sheldon Place, Paddington London on the 25<sup>th</sup> February 2018, whilst it was not operational. The sound systems were trialled on full sound output for the basement, and the ground floor bar, using bass heavy music typical of late night entertainment to trial a worst case situation.

Access was arranged with residents of Flats 10 and 9 , which are located directly above the bar, and listening tests and measurement made with the sound systems on in different configurations. The residents co-operated openly and with a positive spirit of co-operation, providing unfettered access to their flats.

It was found that the basement system, which is electronically compression limited, did not cause unacceptable levels of sound in the flats above even at full output at its original settings, which were not altered. These findings support that the levels set up with the approval of the Local Authority remain intact, and have now been objectively quantified in terms of sound levels for future checks.

It was also found that break-out from the basement system into the ground floor bar was minimal and unlikely to be causing complaints in the flats above. No further controls are considered necessary in this regard.

The ground floor bar system however was found, at full sound output, to be just audible within flat 10 lounge, and the bathroom of flat 9 (although not in the lounge). This may have identified a potential cause for any reported intrusion, although not to a level considered significantly adverse.

It was found that when the operating levels of the ground floor bar was reduced to the setting of 7 on the user input the music was not or barely audible and therefore acceptable. It is understood from staff that this may be the upper operating level used at the busiest times in any event. However it was considered appropriate to adjust the settings of that part of the system such that the new maximum setting of 10 adopts the output that was not audible within the flats accessed. The tamper plates and tamper proof screws were then replaced. This is considered a proactive step to avoid and prevent complaints and the risk of nuisance occurring. Further works are therefore not essential given the control of noise at source, but if higher music levels are needed then a scheme of works has been suggested which could then justify a reset of the noise limiting system.

The ground floor DJ input is not used in normal licenced trading, and so was not tested. However it is used during occasional TEN's events, and although this does not fall within the licence, which currently means the conditions are suspended when it is used it is recommended that it is checked that the output from this system is limited. I would also recommend that the Local Authority are invited to define and confirm appropriate level as an update to the existing system as a precautionary measure for the few times that it may be used.

In conclusion the review of the noise control systems have been found to be in accordance with condition 20, and the compression limiter is adequately controlling the sound from the basement DJ input into the sound system so that it is not intrusive in the flats above. The upstairs system required tighter controls due to the constrains of the sound insulation of the structure to ensure that ambient music was not audible in the flats above, but the levels even with the system on its maximum were only just noticeable and not considered sufficiently intrusive to be likely to cause a significantly adverse effect that would prompt justified complaints. In the interests of proactive prevention of nuisance however efforts were then made to refine the controls in this area, and the sound system controls found to be robust and tamper resistant.

It is recommended that the Local Authority are invited back to confirm that the refined controls on the ground floor system are acceptable as ambient music levels. The DJ ground floor input will be included in the set up during that process to limit any occasional disturbance appropriately.

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 9**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 11 Feb 2018 19:11  
**To:** 'Tanya Dias'  
**Cc:** Gadd, Daisy; WCC [REDACTED]; Charlotte Edwards; Rebecca McLean  
**Subject:** RE: Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Ms Dias

I am very sorry to hear that you were disturbed by drilling noise on Friday night. An electrician was working at minus 1 level but not in the part of the building below your flat. Our client is investigating your complaint and will ensure that if the drilling noise was from Smiths that this does not happen again.

With regards to your complaint sent to me at 22:22 Friday night:

From 5-6pm today I could hear loud crowd noise directly under my flat. Specifically a cackling woman could be heard above everyone's voices. I noticed Smiths have been seating people at the table nearest to the block 27 entrance, therefore directly under my flat since I submitted the license review application. That particular table is frequently chosen even when sometimes the restaurant is empty and there are plenty of tables to choose from. This seems deliberate on Smiths part.

There is no deliberate strategy to seat customers closest to your flat. Restaurant customers cannot be instructed to talk quietly.

Having considered your review application our client is engaging an acoustic consultant to advise. There may be changes that can be made to the noise limiter that would reduce the risk of sound disturbing you. The consultant would ideally like access to your flat to take readings. I know you have previously refused such access but I thought I would ask again in the hope that you will see that it will be helpful for the consultant to be able to prepare a full assessment and advise on appropriate steps. Please let me know if you will now agree to this and I will put the consultant in touch with you.

Kind regards

Robert

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**From:** Tanya Dias [REDACTED]  
**Sent:** 10 February 2018 02:13  
**To:** Robert Botkai; [REDACTED]  
**Subject:** Addition to bundle- Smiths Bar and Grill, Licence Review application, 18/00606/LIREVP

Dear Mr Botkai,

From midnight to 2am your client has been drilling (it's still going on). It's illegal to drill on public holidays. Saturday is a public holiday, not to mention a time when residents, such as myself are sleeping and being woken up by Smiths drilling.

Tell me, is your client AWARE they are under a licence review application? Because they are behaving as if they aren't.

Here is a recording:

<https://youtu.be/mKSB5m1CpEU>

Dear Ms Daisy Gadd, I'd like this email to be added to my license review application bundle.  
Thank you.

Regards,

Tanya

Sent from my iPhone

**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 10**

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On 17 Dec 2017, at 11:58 am, Tanya Dias [REDACTED] wrote:

It finished after I sent that email.

Sent from my iPhone

On 17 Dec 2017, at 11:19 am, Cox, Antonia (Cllr) CODE03: WCC [REDACTED] wrote:

Dear Tanya  
I suggest you call the noise team on 02076412000 if the noise is continuing.  
Best wishes  
Antonia

Antonia Cox  
[REDACTED]

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**From:** tanya dias [REDACTED]  
**Sent:** Sunday, December 17, 2017 9:58:38 AM  
**To:** licensing licensing  
**Cc:** Cox, Antonia (Cllr) CODE03: WCC; [REDACTED] Fahmy, Joe: WCC  
**Subject:** Re: Smiths Bar and Grill New Years Eve party 2017-2018

It's not yet 10am this Sunday and Smiths are drilling. There's meant to be no work on public holidays. They've been told by Westminster Council before, yet they ignore and carry on. Video attached.

I'm sick and tired of almost a decade of Smiths antisocial behaviour. 😡

Tanya

Sent from my iPhone

> On 15 Dec 2017, at 3:51 pm, Tanya Dias [REDACTED] wrote:  
>  
> Yes, Mr Fahmy and I corresponded this year.  
>  
> Sent from my iPhone

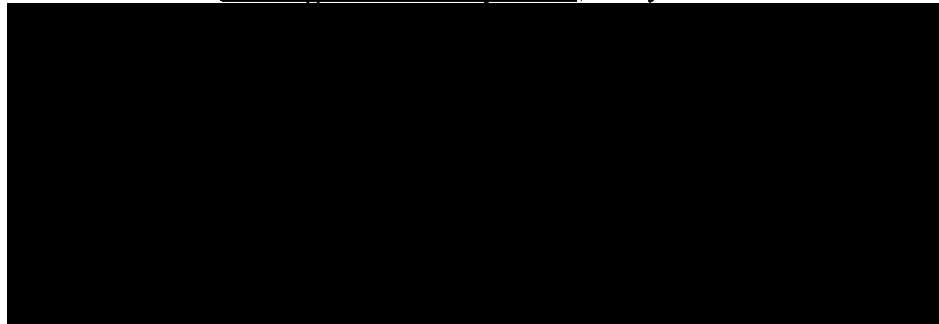
**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 11**

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**From:** Tanya Dias [REDACTED]  
**Date:** 29 January 2018 at 16:15:32 GMT  
**To:** Robert Botkai [REDACTED]  
**Cc:** Antonia Cox [REDACTED], Andy MacMason



**Subject:** Re: Smiths Bar and Grill, Licence Review application,  
18/00606/LIREVP  
**Reply-To:** Tanya Dias [REDACTED]

Dear Mr Botkai,



It's come to my attention that you have been contacting residents for individual meetings, in a 'divide and conquer' strategy, with pleas that Smiths Bar and Grill will close down and to save them?

(i) This tactic to individually contact residents to seek a weak link among us with individual meetings is underhanded and is likely to further antagonise residents. We talk to each other. Sheldon Square Residents Association is a registered entity. We speak as one with regards to the years of harassment and nuisance by Smiths to their neighbours upstairs and we do see Smiths as an antisocial ground floor neighbour, especially at New Year's Eve when our floors vibrate and we can't hear our TVs or phones, let alone sleep. Then of course there are the fireworks too.

(ii) It is untrue to state that Smiths will close down. They can apply to the council for their current license to be transferred to another location, such as the West End, where this venue would be better suited and where Smiths are likely to be more profitable. Smiths moving elsewhere is to everyone's benefit and is supported by residents. Paddington Central can get another venue paying them rent here.

(iii) I can't see a Temporary Event Notice (TEN) application for the last New Year's Eve party. Was there one?

(iv) Was there an application made by Smiths Bar and Grill to the Council to extend licensing hours to 1am, and prolong harassment to their neighbours upstairs?

Kind Regards,

Tanya

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On Fri, 26/1/18, Tanya Dias [REDACTED] wrote:

Subject: Re: Smiths Bar and Grill  
To: "Robert Botkai" [REDACTED]  
Date: Friday, 26 January, 2018, 20:56

Dear  
Mr Botkai,  
I'm afraid I  
don't remember you specifically. I've spoken with Smiths  
and their representatives for almost a decade.  
Your client couldn't be bothered  
to respond to my communication (8th December) requesting  
Odil about whether there would be any New Years Eve event.  
In fact he couldn't be bothered to communicate even after  
the event in January despite several chase up emails to him,

but Odil chose to reach out to my neighbour Andy instead. I'm obviously not worthy enough for him to talk to.

Now you are forcing Odil to talk to me, when he's clearly shown he doesn't want to since December 8th? In fact he hasn't voluntarily gone out of his way to set up a meeting to talk to me in the last four years 2014-2018 on my complaints.

It's too late for talking, not to mention that I want a license revocation, not further fake promises and license tweaks which we've had for almost a decade. I'd rather have a lovely neighbour downstairs who respects his neighbours. That's obviously not Smiths. They've proven as much, repeatedly and given me asthma, headaches and a vibrating/thumping floor. Smiths has ruined my quality of life and health. It seems other residents are equally affected too. You could try reaching out to them.

Odil hates his neighbouring residents and the feelings are reciprocated, especially as since you are hard at work sending me this email, your client is playing low frequency base beats under my flat. You have an uphill struggle with your chosen client!

If the only time Smiths takes notice and puts bigger 'no smoking' signs outside their premises, or is willing to speak to me, is after I have submitted a Licence Review application, they are not the right neighbour here.

Regards,

Tanya

Sent

from my iPhone

On 26 Jan

2018, at 5:54 pm, Robert Botkai

wrote:

#yiv4334389834

#yiv4334389834 --

filtered #yiv4334389834 {font-family:Calibri;panose-1:2 15 5 2 2 2 4 3 2 4;}

#yiv4334389834

#yiv4334389834 p.yiv4334389834MsoNormal, #yiv4334389834

li.yiv4334389834MsoNormal, #yiv4334389834

div.yiv4334389834MsoNormal

{margin:0cm;margin-bottom:.0001pt;font-size:11.0pt;}

#yiv4334389834 a:link, #yiv4334389834

span.yiv4334389834MsoHyperlink

{color:blue;text-decoration:underline;}  
#yiv4334389834 a:visited, #yiv4334389834  
span.yiv4334389834MsoHyperlinkFollowed  
{color:purple;text-decoration:underline;}  
#yiv4334389834 span.yiv4334389834EmailStyle17  
{color>windowtext;}  
#yiv4334389834 .yiv4334389834MsoChpDefault  
{  
\_filtered #yiv4334389834 {margin:72.0pt 72.0pt 72.0pt  
72.0pt;}  
#yiv4334389834 div.yiv4334389834WordSection1  
{  
#yiv4334389834

Dear Tanya

You may remember we met in  
2013 at the above venue when I acted in connection with the  
application for a new premises licence.

I have received details of  
your application seeking a review and revocation of the  
premises licence.

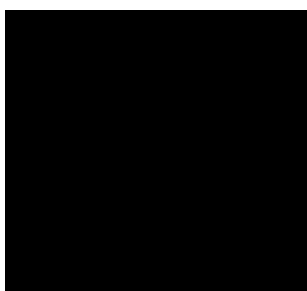
I would welcome the  
opportunity to meet with you, together with the owners of  
the venue, to discuss the concerns you have raised. I  
would like to explore if there are any steps that our client  
could take to alleviate your concerns.

Please do let me know if  
you would be prepared to meet and if so perhaps let me have  
some dates and times that would be convenient to you.

Kind regards

Robert

Robert  
Botkai  
Partner



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## Cyber Crime Alert


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**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 12**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 05 Mar 2018 16:32  
**To:** Rebecca McLean;Charlotte Edwards  
**Cc:** Sabrina Cader  
**Subject:** FW: License Review: Smiths Bar and Grill

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**From:** Tanya Dias [REDACTED]  
**Sent:** 05 March 2018 16:20  
**To:** Robert Botkai; [REDACTED]  
**Cc:** Licencing CAB; [REDACTED]  
**Subject:** License Review: Smiths Bar and Grill

Hello Mr Botkai,

I didn't hear back from you?

Please send me all the letters and communications you/Smiths sent to residents in block 27 that excluded me, in the interests of transparency and fairness.

So far you haven't communicated with me what you/Smiths have been doing with regards to the issues I raised in the licence review application since it was submitted two months ago.

All I know is second hand information you've/Smiths have antagonised my neighbours and upset them with letters to cause panic, alarm and anger in them which have been reported to me by them and their Housing Association and you have also sent my neighbours demands to enter their homes at times Smiths have dictated to them to take measurements in their homes. None of which Smiths/you have sent to me or communicated with me. This is weird as I was the one who submitted the license review application.

Antagonising and upsetting my neighbours with non-transparent communications about me which I had no idea about is unacceptable and underhanded. Also taking music measurements from the second floor for music coming up through the ground floor smiths bar is illogical. On Sunday 25th February 4-6pm rave music was coming up through my floor from smiths. When I went downstairs there were no customers at all inside. This rave music was an antisocial noise nuisance to me. There has also been drilling on many days this year from Smiths. How much drilling can they do?! They can't have anymore surfaces to drill at this rate. When is this work finishing?

I'm currently reminded of Smiths because there's drilling going on. If I don't hear or am disturbed by Smiths, I don't think of them. Out of sight (and sound) is how to stay out of my mind. That is the situation that's a win-win for both smiths and I and the solution you should be aiming for in this Licence Review application.

Unfortunately smiths has a way of gaining my attention in a negative way with (i) drilling and music noise that makes me nauseous and gives me headaches, or (ii) antagonising my neighbours with alarmist communications and demands to enter their homes so I get to find

out they are upset second hand. None of the actions Smiths/you have taken so far in this licence review application process is a winning strategy. I'm certainly not won over when my neighbours are complaining about the letters you sent them and Smiths' demands to enter their homes.

As the instigator of this licence review application, you should be trying to win me over surely, rather than antagonising me further and working towards the the win-lose or lose-lose objective you have been aiming for by complaining about me to my neighbours and your customers (I also received the representations).

Please understand that the way you have handled this case and antagonistic communications to my neighbours and the lack of transparent communication with me has made me angry.

Regards,

Tanya

Sent from my iPhone



**Smith's Bar and Grill**  
**Licence Review - Tanya Dias**

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**EXHIBIT 13**

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**From:** John Little [REDACTED]  
**Date:** 22 February 2018 at 12:39:15 GMT  
**To:** Odil Raupov [REDACTED]  
**Subject:** Re: Smith's Bar & Grill

Hi Odil

I was on holiday when I received your email. Apologies for not replying sooner. I was passing by Smith's yesterday and called in with Gerry.

Unfortunately, you were not in.

I can say that the applicant does not speak on behalf of the official Residents' Association (covering 11 and 21 Sheldon Square). As chair of that Association I can further say that we have not had complaints about the operation of Smith's Bar and Grill from our members.

We have had cause to complain about smokers using the entrance ways and some of these may be Smith's customers. I understand that the estate management are going to post further no smoking signs nearer to the entrance to 21. We would of course appreciate anything you can do to prevent smokers from using our entrance ways.

Kindest regards  
John Little

Sent from my iPad

On 1 Feb 2018, at 17:10, Odil Raupov [REDACTED] wrote:

Hi John,

Thank you for agreeing to have the opportunity to write to you.

You may be aware that one of our neighbours has submitted an application to review our premises licence. The application asks the Westminster Licensing Authority to revoke our licence altogether. This would mean that Smith's Bar & Grill will be forced to close.

The review application is made on the grounds of public nuisance to local residents. The applicant has claimed that they speak on behalf of all the residents in 27 Sheldon square and residents association.

I would be very grateful if we could have a meeting to get your feedback on this as a chairman of the residents association.

I haven't arranged any specific dates as everyone is busy with work, school and etc. so I believe it's better that I meet you either in person at Smith's Bar & Grill or have a telephone call at your convenient time.

Thank you

Kind Regards,  
Odil Raupov  
Designated Premises Supervisor

[REDACTED]

**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 14**

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# Smith's

## Bar & Grill

Dear Sir/Madam

You may be aware that one of our neighbours has submitted an application to review our premises licence. The application asks the Westminster Licensing Authority to revoke our licence altogether. This would mean that Smith's Bar & Grill will be forced to close.

The review application is made on the grounds of public nuisance to local residents. The applicant has claimed that they speak on behalf of all the residents in 27 Sheldon square.

I would be very grateful if we could have a meeting to get your feedback and understand if there are any areas we could improve in our operation.

I haven't arranged any specific dates as everyone is busy with work, school and etc. so I believe it's better that I meet you either in person at Smith's Bar & Grill or have a telephone call at your convenient time.

I do my very best to ensure that Smith's Bar & Grill operates in such a way as to be a benefit to the local area. We have invested heavily in the venue in recent years and are always looking at ways to improve further. I will welcome any feedback you may have.

Thank you

Kind Regards,  
Odil Raupov  
Designated Premises Supervisor



**Smith's Bar and Grill  
Licence Review - Tanya Dias**

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**EXHIBIT 15**

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## Rebecca McLean

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**From:** Robert Botkai  
**Sent:** 09 Mar 2018 17:49  
**To:** 'Tanya Dias'  
**Cc:** [REDACTED]  
Edwards  
**Subject:** RE: License Review: Smiths Bar and Grill

Dear Ms Dias

We can do Monday after 4pm, Thursday after 2pm or Friday between 3pm and 4pm.

I look forward to hearing from you.

Kind regards

Robert

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**From:** Tanya Dias [REDACTED]  
**Sent:** 09 March 2018 17:17  
**To:** [REDACTED] Robert Botkai  
**Cc:** Licencing CAB; [REDACTED]  
**Subject:** RE: License Review: Smiths Bar and Grill

Mr Botkai,

Fine, let's meet. Send me some times next week (5th-9th March).

Kind Regards,

Tanya Dias

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On Tue, 6/3/18, Robert Botkai [REDACTED] wrote: