

I believe the conditions of the license are being breached in several ways.

Music is audible in the flats above.

The Sound Limiters are either being bypassed or disabled

Limiters are not set or functional as required by Environmental Health

Music is being played in the ground floor restaurant after the deadline of 1am.

(Note music from basement is being played at a level of volume so loud that music is clearly audible after 1am in ground floor).

Additional amplification is being used in premises

Amplified music is being played in "Atrium"

I believe very strongly that nuisance is occurring

I have video/sound evidence of music clearly audible in my flat, coming from 100 Wardour St.

I have photographic evidence of additional amplification being used.

Westminster Council officers have been able to witness music clearly audible in my Flat on 2 recent occasions. I have correspondence with Westminster Council which establishes a pattern of non compliance by the restaurant management.

Over the last 6 months the situation has become unbearable. Music is louder and louder.

It can now happen any day of the week until 3am. The children just cannot cope with being kept awake until 3am. Last time I called the Noise Team, my eldest son had a very important English exam the next day. In December after yet another late night music disturbance, I just could not wake my 9 year old son up for school. This is not acceptable.

Perhaps the most shocking aspect of the current situation, is what happened to my neighbour, [REDACTED]

[REDACTED] had terminal cancer, he was on a great deal of medication and very aware that he did not have long to live. Over the last few weeks of his life he was continually subjected to very loud music until 3am in the morning. [REDACTED] has now sadly passed away, but he should never have been put through this, it is appalling that this was allowed to happen.

I would urge the Council to take strong action to ensure that 100 Wardour St comply with the terms of their license. Conditions need to be brought up to date to reflect current policy and also to make them easier to enforce.

I would ask that an earlier cutoff for music is introduced, stopping all music at 1am, throughout the premises, not just the ground floor.

I ask that the clause preventing music being audible in the flats above is defined so that it is made clear that the common parts are also included.

I would ask that a requirement for a permanent sound level recording device is added to make it easier for Westminster Council officers to ensure 100 Wardour St is in compliance.

The conditions of the licence will also need to reflect that the management have often breached the conditions of their license in the past and have not always been honest or acted in good faith with both the residents and Westminster Council.

The conditions would also reflect that the premises have had 23 years to resolve this, but have neglected to do so.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed.....David Steele

Address.....

Date.....

18 Feb 2019

Statement in support of application to review the premises licence for 100 Wardour,
100 Wardour Street, London W1F 0TN

S51 Licensing Act 2003

Premises licence ref: 16/10215/LIPDPS

1. Our names are Andrew and Lucinda Mackay. We live [REDACTED]
[REDACTED] We have lived here on and off for 25 years. The flat has been our main residence for the last 6 years.
2. [REDACTED] overlooking 100 Wardour Street in the front and above the lightwell in the rear - above 100 Wardour Street, which we can see and hear.
3. We have prepared this statement in support of the application to review the premises licence for 100 Wardour Street. We are two of the applicants for the licence review. The statement sets out our own personal experiences of i) nuisance emanating from 100 Wardour Street, ii) the impact it has on our lives, and iii) ongoing efforts to resolve the issues. We deal with these in turn.
4. The noise from 100 Wardour Street has been very loud for most of 2018 on a weekly basis. The worst nights are Thursday, Friday and Saturdays when the noise can start in the late afternoon but never ends before 3.00am. It recently started on Tuesdays along with the occasional Sunday when 100 Wardour St has an event on. We are disturbed by audible music loud enough to be able to identify the songs on occasion and regularly to hear bass patterns and drum parts. This has prevented us sleeping and, at times, particularly towards the end of the licensing hour, i.e. after 2.45am there has been a peak that has woken us up on several occasions (if we were not already awake.) We are applying for a review now because we really don't know what else to do - we have complained over and over again, in writing to the manager and to the Westminster Noise Team. It is very strange to us that the noise has suddenly been reduced dramatically, since so much attention has been drawn to this problem by householders and council.
5. We have heard similar levels of noise for several years. Certainly since 2015, when we have been living in our flat full time. The noise has become worse since the premises were reopened as a club 100n Wardour Street after fire damage several years ago.
6. We have made numerous complaints to the Noise Team. You will appreciate that we would have not kept a record of these, but no doubt the council's own records will confirm this.
7. The noise stops us from sleeping properly. It is leading to sleep problems particularly for Lucinda Mackay as she gets anxious about whether or not she will be able to go to sleep. We have often called the Noise Team but are not keen to wait for a visit, in the hope that we might eventually get to sleep.
8. We have had a long correspondence with the manager of the premises, please see attached.
9. There has been frequent noise from Wardour Street as customers disperse from the premises, including car hooting, shouting, singing etc. that we have written to the manager about, as above.
10. We think this is covered in the various statements and submissions from various residents.
11. We would like the terms of the Licence to be imposed - no music audible outside the premises and, in addition, we feel that a Licence as late as 3.00am will inevitably lead to disturbance as customers leave the premises.

We believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation, it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed Andrew and Lucinda Mackay

Address as above

Date 25th February 2019

**Statement in support of application to review the premises licence for 100 Wardour,
100 Wardour Street, London W1F 0TN**

S51 Licensing Act 2003

Premises licence ref: 16/10215/LIPDPS

1. My name is [REDACTED] and I live at [REDACTED]
[REDACTED] where I have lived for approximately 15 years.
2. [REDACTED] 100 Wardour Street. This is the
[REDACTED] as the club 100 Wardour Street.
3. This statement is in support of the application to review the premises licence for 100 Wardour Street. The statement sets out my own experiences of i) nuisance from 100 Wardour Street; ii) the impact it has on my life; and iii) ongoing efforts to resolve the issues.
4. I have lived in [REDACTED] and noise or music nuisance has been a regular problem [REDACTED]. Originally the noise levels were very high but after several requests directly to the club itself there was indeed an improvement - but after some several months the noise levels started to increase yet again. Again a couple of years ago the music was back to the higher levels but after a few visits directly to the club they reduced the levels - but once again a year or so ago - the levels were on the up! The Noise Team have been contacted several times of the years by various residents with more recent contact being in November 2018. One of the problems that I have with the club is that after complaining about their increased noise levels they do reduce the noise - often for several months - and just when we residents are beginning to relax and feel comfortable the noise levels begin to increase again. To me - this proves they can implement their noise limiters and abide by their lease as proven for several months but how do they then increase the noise without either inhibiting the noise restricters or bypassing them? If the club is doing neither it could be that the visiting live bands bring in their own equipment and it could be that this equipment is not be covered by the in-house restricters.
5. Generally the problem has tended to occur at weekends but sometimes over the past few months loud music has been audible in our flats during weekdays as well. Living here in Soho we residents know that there will always be some noise - but acceptable levels of noise and unacceptable levels of noise are very different things. I am supporting this application for a review as after many years of constant requests to lower the volume levels - it has got to the stage where I do not wish to get dressed at 1.00 or 2.00 in the morning to go down to ask the club to turn the sound down nor do I want to telephone the noise team and then have to wait for them to turn up - by which time sometimes the club has then turned the noise down or they are on the point of closing down for the night.

6. I believe the conditions of their license are being breached in many ways.

Music is audible in the flats above.

The Sound Limiters are either being bypassed or disabled or extra equipment isn't governed by these limiters

Limiters are not set or functioning properly as required by Environmental Health

Music is possibly being played in the ground floor restaurant after the deadline of 1am.

Music from basement is possibly being played at a level so loud that music is clearly audible after 1am in ground floor.

Additional amplification is being used in the premises possibly brought in by visiting bands.

Amplified music is possibly being played in the "Atrium"

I believe very strongly that nuisance is occurring on regularly but not constant occasions.

7.

My neighbour David Steele [REDACTED] has video/sound evidence of music clearly audible in his flat coming from 100 Wardour St.

He has photographic evidence of additional amplification being used.

Westminster Council officers have been able to witness music clearly audible in this building on 2 recent occasions. There is correspondence with Westminster Council which establishes a pattern of non compliance by the restaurant management.

One of my concerns is that when the noise team take sounds measurements it's usually during the day when the club is empty and the club is adhering to the levels dictated by their license. I feel strongly that spot checks should be carried out whilst the club is fully functioning - say around midnight - this would give a more accurate indication of what noise levels at the club are reaching on a regular basis.

8. Over the last 6 months the noise levels have reached "great heights" on some occasions - generally the music noise is on the increase.

I would urge the Council to take action to ensure that 100 Wardour St comply with the terms of their license. Conditions need to be brought up to date to reflect current policy and also to make them easier to enforce.

I ask that the clause preventing music being audible in the flats above is defined so that it is made clear. I would ask that a requirement for a permanent sound level recording device is added to make it easier for Westminster Council officers to ensure 100 Wardour St is in compliance.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence,

and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.



ISAAC ROMANOV

14th February 2019

Statement in support of application to review the premises licence for 100 Wardour, 100 Wardour Street, London W1F 0TN

551 Licensing Act 2003

Premises licence ref: 16/10215/LPDPFS

1. My name is Alan Geeves. [REDACTED] I have lived here for 18 years. I live with alone. The flat is my main residence.
2. My flat [REDACTED] 100 Wardour St.
3. I have prepared this statement in support of the application to review the premises licence for 100 Wardour Street. I am one of the applicants for the licence review. The statement sets out my own personal experiences of i) nuisance emanating from 100 Wardour Street; ii) the impact it has on my life; and iii) ongoing efforts to resolve the issues. I deal with these in turn.
4. *I have not really experienced many noise problems from 100 Wardour Street until the last 6 months. After tolerating it for a few months I complained to its manager Leslie Kwarteng who admitted that they had been tampering with their sound system but would reduce it ('within limits') if it was disturbing me. I explained that I couldn't sleep because of the drum and base that was audible, particularly when I was in bed around 11.30pm, but to be honest even earlier when I was watching tv etc, and only stopped at 3am. This occurred every Thursday, Friday and Saturday evenings and sometimes on other days if they had a special event. The music was intermittent and variable in volume. I have a job in the City and have to be up at 6am so it was obviously very stressful and affected my work and personal life. Fortunately this year the sound nuisance has completely ceased presumably because they are now heeding our warnings that we would seek address from the authorities and because it is a less busy period. I am concerned that they will escalate the noise when they feel we have been appeased and the venue is busier.*
5. *I think it is unacceptable that after living happily and peacefully in my flat for 17 years that 100 Wardour Street should change their modus operandi and breach their licence which states that we should not be disturbed.*
6. I did not take diary notes but did complain to the council on multiple occasions. On more than one occasion I called the Noise Team and by the time they had arrived at my apartment some time later I had fallen asleep – presumably because the noise which is variable had diminished.
7. As I have complained multiple times to 100 Wardour Street and they ignored my requests for peace I believe they should be stopped from playing music at all as a lesson that hospitality

businesses in Soho should respect that we all have to co-exist in harmony together. They have ignored our repeated requests and shown to be in contempt of their neighbours.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed...

Address...

Date 30/1/19

Statement in support of application to review the premises licence for 100 Wardour, 100 Wardour Street, London W1F 0TN

S51 Licensing Act 2003

Premises licence ref: 16/10215/LIPDPS

1. My name is Mustafa Abdo. [REDACTED] I have lived here for [REDACTED] will be my main residency soon. The [REDACTED] to look after and always maintain the building.
2. My flat [REDACTED] Wardour exit.
3. I have prepared this statement in support of the application to review the premises licence for 100 Wardour Street. The statement sets out my own personal experiences of i) nuisance emanating from 100 Wardour Street; ii) the impact it has on my life; and iii) ongoing efforts to resolve the issues. I deal with these in turn.
4.
 - i) Currently, [REDACTED] Where my desk is located, the noise is audible. When I take a break in the office, the noise level increases. At times, you can feel the vibration from the 100 Wardour.
 - ii) Sometimes, depending on the noise level, it can distract me a little while reading and writing emails. Also, I suffer from migraine. At times its very bad, I become very sensitive to noise and light. The few times I have had a bad migraine, at the same time noise can be heard from 100 Wardour, the migraine became slightly unbearable.
 - iii) All I can and have done is close the door behind my desk, which helps.
 - iv) I am [REDACTED] will be accommodating me also. I fear my son will be kept awake by the noise, especially Friday and Saturday nights. He is also a very light sleeper and I fear the noise may wake him up. If these was to happen, I believe this will interfere in his development and will affect mine and my wife's mental health. We will need a healthy sleeping pattern to be able to go about our daily activities and to raise a child to the best way possible.
 - v) To be honest, I haven't recorded the timing and date or kept a mental note. But it has happened enough times for me to notice it is an issue.
5. The previous tenant [REDACTED] would regularly complain about the noise. It would wake him at night and keep him up. At times he will fall asleep after the music stops, which can be as late as 2am.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed..

Address.....

Date.....25/02/19

Steward, Michelle: WCC

From: david steele [REDACTED]
Sent: 01 March 2019 12:09
To: Licensing: WCC
Subject: 100 Wardour St ref 16/10215/LIPDPS Sound Clip Evidence
Attachments: IMG_5861.TRIM.MOV

Follow Up Flag: Follow up
Flag Status: Completed

100 Wardour St ref 16/10215/LIPDPS Sound Clip Evidence

Please find attached

Appendix 3.
Sound Clip as Evidence

licensing licensing

From: david steele [REDACTED]
Sent: 09 January 2019 11:54
To: jcrockford@westminster.gov.uk; rejuetami@westminster.gov.uk;
[REDACTED]

Subject: licensing licensing
Next Steps

Dear John,

Happy New Year, all the best for 2019.

I am not sure what an evening Sound Test would accomplish.

As you must be aware, there is a well known phenomenon in music venues that the audience actually absorb 'reverberant sound' and the volume would be therefore lower in the evenings.

In many venues the audience is the primary absorber of sound.

If the limiters were working correctly, time of day cannot possibly have any affect on them.

I have taken advice and have been informed 'a Limiter does not know what time of day it is or how many people there are, it either works or it does not'

I have also been advised that 'anyone with access to the software can easily and quickly manipulate the settings' We do also of course have photographic evidence of additional amplification being used in breach of the License from last year.

Please let me know if you would like me to resend the photo.

The only possible answer to the Music/Noise Problems is that the Sound Limiter is being bypassed/ tampered with.

The logical conclusion is that your focus should be on investigating how that is being done.

All the best

David Steele

licensing licensing

From: Ejuetami, Racheal: WCC <rejuetami@westminster.gov.uk>
Sent: 30 December 2018 19:02
To: [REDACTED]
Cc: Al-Obaidi, Tamara: WCC; Crockford, John: WCC; licensing licensing; Lewis, Pancho (Cllr): WCC; Barnes, Timothy (Cllr): WCC; Glanz, Jonathan (Cllr): WCC
Subject: 100 Wardour Street

Dear All,

Thank you all for your emails.

By means of clarification, the two sound limiter-setting visits conducted on 30/10/18 and 4/12/18 showed that the sound limiter was set within levels agreed by Environmental Health Officer as music noise from the flats above was inaudible on both dates.

While this was the case on both occasions, the premises had suffered a major water leak in the building which caused some structural damage that might have compromised the sound proofing installed (this is still under investigation with view to carrying out any necessary work by the premises or property managing agents).

Our records show noise complaints from Soho Lofts were reported and logged as follows:

16/03/18 at 17:16: Loud music from 100 Wardour Street causing vibrations to residents. Initial call back made at 17:39, customer stated noise has stopped. Customer advised to recall the noise team if noise restarts.

20/10/18 at 01:07: Loud music from nightclub 100 Wardour Street. Initial call made at 01:27 call went through to voicemail; customer returned call at 01:40 but declined a home visit to assess the noise. Approximately 02:15 even though the customer declined a home visit, the Officer drove to the nightclub, got out of the car and listened. The music was deemed not loud.

21/10/18 at 01:21: Noise from 100 Wardour Street. Initial call made at 01:49 but went to answer phone, message left for clarity of source of noise. The complainant did not return call. Officer decided to drive by alleged location of noise but no music was heard.

25/10/18 at 22:26 and 22:52: Complaints received from Soho lofts regarding loud music coming from 100 Wardour Street. Initial call made at 22:57, visit to assess noise conducted at 00:17. Officer stated bass could be heard from complainant's flat but decided to refer the issue to John Crockford and I as sound limiter- setting was scheduled for 30/10/18.

18/11/18 at 00:25: Complaint logged regarding loud music from 100 Wardour Street. Initial call made at 00:50, a visit to the complainant's flat was conducted at 01:55. At the time of the visit officer stated some music could be heard but not deemed a statutory nuisance.

11/12/18 at 23:45: Complaint logged regarding drum and bass music from 100 Wardour Street. Initial call back made at 23:45 and a follow up call at 00:22 both calls had no answer.

13/12/18 at 23:02: Complaint logged loud live music from 100 Wardour Street restaurant. 23:33 initial call back was made, complaint stated noise had reduced and did not want a visit, but agreed with the officer to visit the source of the noise. Subsequently, the officer attended the source of the noise, spoke to the manager on duty but had no concern to report.

Noticeably, there seems to be some form of failing within the sound proofing of the premises (possibly from the water leak), sound limiter or a combination of both. Investigations are still ongoing which would further support carrying out enforcement actions against 100 Wardour Street. Previous emails have indicated further assistance from residents of Soho Lofts would be useful to strengthen enforcement actions, and this still the case.

Meetings have taken place with the premises were they have indicated a willingness to get to the bottom of this issue and have suggested the possibility of night time sound limiter settings taking place from residents apartments pending investigation.

Please note the investigation is still ongoing. When concluded, appropriate enforcement actions would be carried out in line with the City Council's Enforcement Policy where necessary.

Kind regards,

Racheal Ejuetami | City Inspector
City Co-ordination

Westminster City Council
Public Protection and Licensing
23rd Floor
Portland House
Bressenden Place
SW1E 5RS

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✉ rejuetami@westminster.gov.uk



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licensing licensing

From: david steele [REDACTED]
Sent: 21 December 2018 08:59
To: [REDACTED]

Subject: licensing
Child Protection

Dear Racheal,

For the avoidance of doubt can you confirm the following?

Can you confirm you are aware [REDACTED] present in Soho Lofts when many of the late night/early morning music disturbance occur.

Can you confirm that you are aware when Sarah from Westminster Council Noise Team visited 35 Soho Lofts at 2.am on November 18, that the two youngest children had been woken up by loud music from 100 Wardour St and Sarah and her colleague were able to witness this.

Can you confirm that you are aware that Sarah and her colleague found that the music was very clearly audible and then went down to the restaurant to ask them to turn music down.

Can you confirm that you have taken no measures to protect the children since Sarah and a Colleague from Westminster Council witnessed late night Music in the Children's home in October.

For my benefit could you also explain

why keeping young children awake until 3.00 am in the morning is not considered 'Causing Nuisance' under the conditions of the License.

Please explain why no action to protect the children has yet been made.

All the best

David Steele

licensing licensing

Subject:

FW: 100 Wardour

Begin forwarded message:

From: "Crockford, John: WCC" <jcrockford@westminster.gov.uk>

Date: 20 December 2018 at 16:04:12 GMT

To: david steele [REDACTED]
[REDACTED]

Subject: RE: 100 Wardour

David,

It is partly a question of semantics. The limiter has been set as we have visited twice in the last couple of months (including once with the live band) and the limiter setting has been checked. However, there is a continuing problem with noise escaping from the premises which is either as a result of a fault with the limiter, someone tampering with it or other equipment which bypasses the limiter. This is an unknown.

To further check the limiter it is proposed that a further sound limiter test be carried out at night when the premises is in full operation. 100 Wardour Street have been trying to organise this through Danish Ahmad as managing agent for the building but have been unsuccessful so far. I wonder if you and the other residents are willing to participate in this. If so I will try to arrange a convenient for very early on in the New Year.

Best regards

John

-----Original Message-----

From: david steele <[REDACTED]>

Sent: 20 December 2018 10:17

To: Crockford, John: WCC <jcrockford@westminster.gov.uk>; Lewis, Pancho (Cllr): WCC
[REDACTED]

Subject: 100 Wardour

Dear John,

Myself and my fellow residents received a very confusing letter from Racheal yesterday. As you are well aware the Sound Limiter is not functioning as it should.

On Monday we all received an email from you stating;

'I have though informed the relevant officers that there is an ongoing issue with the sound limiter and that it is not set to the satisfaction of Environmental Health as the licence requires.'

Racheal seems to believe this has changed, can you shed some light on this ?
All the best
David

*

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*

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www.westminster.gov.uk

*

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*

licensing licensing

From: Ejuetami, Racheal; WCC <rejuetami@westminster.gov.uk>
Sent: 20 December 2018 09:18
To: licensing licensing; Crockford, John; WCC
Cc: david steele
Subject: RE: Non Compliance of 100 Wardour St

Good Morning Richard,

According to our records the last Section 80 Notice served on the premises was in 2013. While recent visits by noise officers have highlighted disturbance, they have been unsuccessful in witnessing a statutory nuisance.

I urge Mr Steele and other residents affected to call the Environment Action Line on 020 7641 2000 and report when the music noise is disturbing so an officer can visit their apartment to witness and assess the noise. If the officer feels that the noise constitutes a statutory nuisance under Section 80 of the Environmental Protection Act 1990 then the officer can serve an abatement notice.

As stated in my email to Mr Steele and other residents affected, in order to prove non-compliance of the conditions mentioned below, the burden would be on us to obtain evidence.

Following these actions we will be more than happy to meet up with you to discuss what actions would be required with you and your client in mind.

Feel free to get back to me in the meantime, if you need any other details.

Kind regards,

Racheal Ejuetami | City Inspector
City Co-ordination

Westminster City Council
Public Protection and Licensing
23rd Floor
Portland House
Bressenden Place
SW1E 5RS

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✉ rejuetami@westminster.gov.uk



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From: licensing licensing <licensing@westminstercab.org.uk>
Sent: 19 December 2018 14:33
To: Ejuetami, Racheal: WCC <rejuetami@westminster.gov.uk>; Crockford, John: WCC <jcrockford@westminster.gov.uk>
Cc: david steele [REDACTED]
Subject: FW: Non Compliance of 100 Wardour St

Hi Rachel/John,

Mr Steele has asked me to assist with resolving these problems.


Can you confirm whether recent visits by officers have resulted in a statutory nuisance under EPA 1990 being witnessed and, if so, whether a s80 Notice has been served?

Kind regards,

Richard

Richard Brown
Licensing Advice Project
Citizens Advice Westminster

We are registered with the Information Commissioner's Office under Z6357995 and will process your personal data in accordance with the General Data Protection Regulation and Data Protection Act 2018. Please refer to our online [Privacy Policy](#) for more information on how your personal data will be processed and stored.

 Please consider the environment before printing this email

From: david steele [mailto:[REDACTED]]
Sent: 19 December 2018 13:27
To: licensing licensing
Subject: Fwd: Non Compliance of 100 Wardour St

From: "Ejuetami, Racheal: WCC" <rejuetami@westminster.gov.uk>
Date: 19 December 2018 at 13:02:02 GMT
To: david steele [REDACTED], "Crockford, John: WCC"

[REDACTED]

Subject: RE: Non Compliance of 100 Wardour St

Dear David,

Thank you for your email.

Following on from the test carried out by John Crockford on Tuesday 4th December 2018 and the case conference held today.

We believe the sound limiter is set in accordance with Condition 14 which states:

licensing licensing

From: david steele [REDACTED]
Sent: 19 December 2018 13:27
To: licensing licensing
Subject: Fwd: Non Compliance of 100 Wardour St

This just in...

Very frustrating..

For some time Westminster Council

have been advising that they need to have the Music witnessed by the Noise Team in order to take action.

This I did twice ..one in October and Once in November ..

They just changed entirely what they say that need

Begin forwarded message:

From: "Ejuetami, Racheal: WCC" <rejuetami@westminster.gov.uk>

Date: 19 December 2018 at 13:02:02 GMT

To: david steele <dmail@btinternet.com>, "Crockford, John: WCC"

[REDACTED]

Subject: RE: Non Compliance of 100 Wardour St

Dear David,

Thank you for your email.

Following on from the test carried out by John Crockford on Tuesday 4th December 2018 and the case conference held today.

We believe the sound limiter is set in accordance with Condition 14 which states:

"Music levels at the premises shall be maintained at such a level as is specified by Environmental Health from time to time so as to ensure that music shall not be audible nor otherwise cause other nuisance to occupiers of the residential properties above of the premises licence which states".

As well as Condition 15 of the premises licence which states:

"Without prejudice to condition 14 above, a noise limiter to be fitted to the musical amplification system in agreement and to the satisfaction of the officers from the Environmental Health Noise section. The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Officer".

In order to prove non-compliance of the conditions above, the burden would be on us to obtain evidence. To do so, we would require your assistance with the following:

1. Consent to install a sound monitoring device within your apartment for a period.
2. Possible dates and times when there is likely to be a breach, so arrangements can be made for an officer to conduct observations and assessments within your apartment.

Once evidence is obtained, we can then proceed with carrying out enforcement actions. If you could, please let me know the above as soon as possible, so I can start making the necessary arrangements.

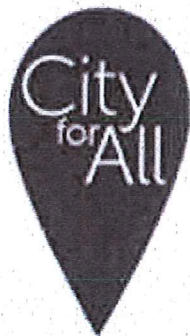
Kind regards,

Racheal Ejuetami | City Inspector
City Co-ordination

Westminster City Council
Public Protection and Licensing
23rd Floor
Portland House
Bressenden Place
SW1E 5RS

☎ + 44 (0) 20 7641 5716

✉ rejuetami@westminster.gov.uk



Global city, strong neighbourhoods, thriving community

From: david steele [REDACTED]

Sent: 18 December 2018 11:15

To: Ejuetami, Racheal: WCC <rejuetami@westminster.gov.uk>; Crockford, John: WCC

[REDACTED]

Subject: Non Compliance of 100 Wardour St

Dear Racheal,

I am writing to you following correspondence with John Crockford and Councillor Lewis. I do of course remember meeting you, and am hopeful that you can resolve a situation that has been allowed to get completely out of control.

As you can see from the previous discussion, 100 Wardour St is clearly in noncompliance

with their licence, and we, as the residents of Soho Lofts, urge you to take the strongest action so this long term, on-going matter, can be resolved with the utmost urgency.

There is a long history of noncompliance in the premises and I think it is important that you are made aware of it.

I am only covering the last few years, there were many other incidents going back to all the way to 1995.

2012

Music was clearly audible in flats above and when John Crockford attends to reset Sound Limiters, he finds the Limiter in the ground floor has been removed and the Limiter in the Basement is broken or has been tampered with.
New limiters are installed and tested.

2013

After numerous complaints by the residents, Westminster Council Noise Team made unannounced inspection of the premises and found music audible in flats above and Sound Limiters showing 3 Red Lights.

Photo of Limiters was taken as evidence and Leslie Kwarteng noted as present in report ignoring red lights.

Notice was issued as a result and Nigel Carter from Licensing sent a very strong warning letter to the restaurant, informing them that their License is at risk.

2015

Serious fire at the premises and venue closed down.

2016

The Restaurant reopened as 100 Wardour St. Immediately upon reopening problems with music started again. Music Audible in flats above. Limiters not working.

2017

Music problems became very serious.
John Crockford and Lily Chan attempted to reset Sound Limiters.

Lily Chan is able to hear music audible in almost every flat tested, Limiters reset.

2018

During the summer, Music becomes worse than it has ever been. Flats in Soho Lofts that had never had problems are now kept awake until 3.00am.
Music can now be audible in flats at any time, on any day.
John Crockford returns to reset Limiters, however tests did not go well.
John is perplexed.

Sarah from Westminster Council Noise Team attended the lofts twice and both times was able to hear music clearly audible in flats above.

The situation presented a strong possibility that Sound Limiters have been tampered with or bypassed as in previous years.

Dec 15th

Video Evidence of Music Audible in flats above and Sound Limiters not working obtained.

I hope you will note that Lesley Kwarteng has been found on several occasions in the past to be committing serious breaches of the conditions of the License, particularly in relation to the Sound Limiters by Westminster Council Officers.

100 Wardour St has consistently broken the conditions of the license over a very long period of time. We have persistently fought for our basic rights as residents for many years. However, the management showed no respect for the Residents, The Conditions of their License or Westminster Council.

I would just like to add that although the present situation is a cause of immense frustration, Over the years we have had some fantastic, dedicated members of Westminster Council do a lot of work on our behalf and we are still grateful and appreciative of that work.

All the best
David Steele

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licensing licensing

From: david steele [REDACTED]
Sent: 08 January 2019 15:59
To: licensing licensing
Subject: John Crockford's email

Begin forwarded message:

From: "Crockford, John: WCC" <jcrockford@westminster.gov.uk>
Date: 17 December 2018 at 11:36:00 GMT
To: david steele [REDACTED]

Subject: RE: 100 Wardour St

David,

I completely understand your frustration. As I pointed out in my email last Thursday (13 Dec), the enforcement side of the licence or any statutory nuisance is not within my remit. My role is to liaise with the premises to ensure that the sound limiter has been set satisfactorily to comply with a licence condition or to prevent statutory nuisance. Clearly the sound limiter is failing in some way so it is not deemed to be set satisfactorily.

I have asked the officer(s) who visited in the early hours of 18 November to confirm what they witnessed and whether they spoke to the premises and/or served an enforcement notice for statutory noise nuisance under Section 80 of the Environmental Protection Act 1990. Enforcement of the licence condition rests with the City Inspectors and I know that Rachael Ejuetami has been actively engaged with the residents and the premises.

I can only re-iterate that the enforcement side is not in my hands. I have though informed the relevant officers that there is an ongoing issue with the sound limiter and that it is not set to the satisfaction of Environmental Health as the licence requires.

Best regards

John Crockford
Environmental Health Officer
Environmental Sciences
Regulatory Support Team 1
City Management & Communities
Westminster City Council
22nd Floor
Portland House
Bressenden Place