From:	Howard Bilton
To:	Steward, Michelle: WCC
Cc:	Richard Brown
Subject:	RE: Westminster submission - Richard Brown to represent Down Street Properties Limited (DSPL)
Date:	04 March 2020 06:15:23

Dear Michelle,

Applicant: Coya (Restaurant) Limited

Application: Premises Licence - Variation, Licensing Act 2003

Location: Coya, Newton House, 118-119 Piccadilly, London

I am unable to attend the hearing scheduled for tomorrow to consider Coya's application for an amendment to their licensing conditions regarding the back door as I am in Hong Kong - where I spend the majority of my time. Richard Brown has kindly agreed to represent me at the meeting.

I am the legal representative of Down Street Properties Limited who are the owner of No.2 Down Street Mews and own the freehold of No.1 Down Street Mews and the garages underneath both properties.
We would strenuously object to any variation of the above referenced license.

Since Coya opened their restaurant, life in the Mews for the residents has been unbearable. Coya have shown a consistent and complete disregard for the fact that this is a residential mews.
Coya have never, despite my frequent and strong protestations, adhered to the Westminster Council (WC) requirement to use the back entrance as emergency exit only.

I have been living in the Mews for nearly 20 years. The history of my dealings with Coya started with the construction of their restaurant. It got well behind schedule so the builders were working day and night using very noisy equipment in the Mews. The disturbance was unbearable. I had to move out of the flat to The Metropolitan Hotel.

Since the restaurant opened, from about 6pm every evening there has been a continual stream of staff entering and exiting the restaurant through the rear door making a lot of noise, talking loudly and slamming the door approximately every 30 seconds. This typically continues until around 3am in the morning. Quite often the staff chat noisily stopping in the Mews to smoke. From 3am until 6am the Coya staff drag bins out of the bin store, scrape them clean, bang them to empty the rest of the residue which they tip down the drains in the Mews and chat loudly amongst themselves. From 6am for the rest of the morning deliveries start. In short the noise goes on all night every night. It was and is torture. I have not been able to have a decent night's sleep in the Mews since Coya opened.

When these matters were raised with the Coya management things tended to get better but unfortunately the improvement lasted a few days only.

In short since Coya opened they have used the rear door as the main staff exit and entrance and this has made it impossible for me and my neighbours to live in peacefully in our properties. It is impossible to overstate the effect they have had on our living conditions.

I am informed Coya have 170 staff. I believe they are instructed by management not to use the front entrance….ever. Their use of the rear door as the main entrance and exit means a minimum of 340 pedestrian trips per night and I estimate the likely number to be nearer 1,000 as there are many smokers who leave and re-enter several times a night and all staff enter to get changed and then re-enter by another door. They also cause a huge nuisance in Down Street itself by sitting around smoking, talking noisily and leaving cigarette butts in the street and in the Mews. This is a nuisance to the whole street as well causing unbearable noise in the Mews itself.

Additionally, Coya leave their rubbish bins in the Mews nearly every day. It is the norm for me and anyone else entering the mews to have to pass through a large pile of rubbish and large number of overflowing smelly bins which they leave there for many hours in anticipation of the arrival of the WC collection service.

To try and overcome these problems I spent £16,000 double glazing the windows in my flat to try and reduce the noise. It made things a little bit better but it is still impossible to sleep in my property. A succession of neighbours who have purchased No.1 Down Street Mews have left and sold up because they were unable to sleep in their own property. My frequent guests who borrow the flat in my absence or stay in the spare room when I am there frequently decide they prefer to move out into one of the local hotels because it is impossible to sleep.

I live mainly in Hong Kong so luckily do not have to put up with this all the time but when I am in London I stay in my property and <u>never</u> get an uninterrupted night's sleep. The owners of No.1, No.2 and No.3 Down Street Mews have all come to the same opinion that they can neither rent nor sell their properties because of the horrendous problems caused by Coya. Anybody who took a long term let on the property would be leaving on the second day and demanding their money back because of this noise. Anybody looking to purchase one of these properties would have these problems revealed in precontract enquiries and would undoubtedly pull out of the sale or demand a massive discount. Coya are not only making it impossible to live in the property but they are also making it impossible for anybody else to live in it or for us to sell our properties.

It is impossible to overstate the problem and it is a disgrace that Coya have ignored the condition which was placed upon them right from the start and continue to ignore it. When they built the restaurant they did so in such a way that they cannot move from their changing room to the restaurant or back again without stepping out into the mews. They built their bin store at the back of the property. In short they took no account of the conditions imposed upon them. It was clearly always their intention to ignore the condition regarding the rear door in blatant disregard for the interests of their neighbours and the directions placed upon them by WC.

There is actually no practical problem with their staff using the front door.

In their latest accounts made up to December 2018 show dividends paid of £1.2 million. They worry that some of their guests may be put off by having to mingle with staff coming through the front entrance and this may affect their profit margins. Instead they wish to destroy the value of my property and make it impossible to use it.

Their activities are not a minor inconvenience. Their activities make it impossible to live in the residential mews, and impossible to sell what should be a valuable property.

I note Coya's submissions and in particular I refer to the numbered points in their submissions and comment thereon using their numbering;

12. Play correctly state that staff use rear door 2 to enter the building and get changed. They then exit rear door 2 and re enter via rear door one. Thus every member of staff goes in and out of these two doors twice in order to enter and leave the restaurant. They have deliberately created a system which requires them to use 2 doors to start work indirect contravention of the specific licensing requirements not to use either Reed rear door except for emergencies. This is their design and they now seek an alteration to the license so that the design they created in contravention of the original condition can be used and can work. This seems to show that they never had any intention of abiding by the licensing condition and now plead how inconvenient it would be to alter their behaviour by using the front door as they were always required to do .

13. a) Deliveries are made throughout the day and not just during the approved hours.

13. b) it is correct that they continue throughout the day to use the doors they are not allowed to use to remove waste to their bin store and then those bins overflow into the Mews prior to being moved into the muse where they sit there stinking in front of my front door

13. c) Again it is correct that they use the rear doors in contravention of the licensing requirements so their staff can move bins around

13. d) it is also agreed that the staff used the rear door to exit the premises for temporary breaks , to smoke and to sit around in down street. Again this is a system that they have devised and continued to use in direct contravention of the licensing requirements hello

13. e) yes that stuff to use the rear door as a matter of course to enter and exit the premises at the start of and at the end of their shifts and frequently and often throughout their shifts as well. This is what we are complaining about

13. f) the use of the door as an emergency exit is the only permitted use

14. it is perfectly possible and safe for deliveries and waste to enter and exit through the front door. It is not convenient for them no doubt

15. it is perfectly possible for the staff to enter through the restaurant at the beginning and end of their shift . It is just not convenient

have Westminster council made it perfectly clear how Coya would be allowed to operate yet they designed their restaurants in such a way that made it difficult for them to adhere to these conditions and in so doing they are destroying the lives of the residents of the Mews . Their argument now appears to be that because their design did not conform with your requirements that they should be allowed to continue working in the way that they have always worked and which directly contravenes the conditions you placed upon them. In other words because we completely disregarded the licensing conditions and have done so since we started we should be allowed to continue to completely disregard the licensing conditions whilst destroying the property values of the neighbours.

17. Coya mentioned that they have attended many lengthy meetings. Yes, they have but the need for those meetings is entirely due to them causing a nuisance in the Mews.

18. Coya claim that all occupiers of the mews, including the residents, placed their bins

in the Mews. They do not. It used to be the case that the Cavalry & Guards Club placed their bins in the mews all the time and emptied them at 4am in the morning. Having failed to persuade them to alter these procedures, Down Street Properties Limited obtained a court order requiring the bins not to be left in the Mews except immediately the rubbish trucks arrived and to be put away immediately afterwards and for the rubbish to be collected only within the hours of 10am to 7pm on week days and 11am to 6pm at weekends and not to cause nuisance to the residents of Down Street Mews. Having fought a 5 year battle with the Cavalry & Guards to make them act reasonably relating to their rubbish we were immediately faced with Coya moving into the Mews and completely disregarding the interests of their neighbours by leaving their rubbish in the Mews. That continues. It is frequently the case that to enter the Mews I have to walk through a line up of up to 12 stinking and overflowing Coya bins to get to my front door On other occasions the bins have been left across my front door. This is not something that anybody who lives in a Mayfair mews should have to put up with at any time. They now bring the bins out to meet the WC refuse lorries and put them straight back in their purpose built store. By kind permission myself and my neighbour use their bins and have none of our own to leave in the mews.

22. The point is made that Mr Sycamore did not notice any nuisance. He should try getting a nights sleep in one of the Mews houses. He would then realise what a huge nuisance this is. I am hereby testifying that this is nonsense and that Mr Sycamore was extremely lucky to pick a time when there was no nuisance. There is generally considerable nuisance as I am attesting to here and as each and every guest who has ever stayed in my property can confirm and indeed have done so by posting their objections.

I strongly urge Westminster council to reject this application and to vigorously enforce the existing conditions which are and always have been completely ignored by Coya.

Thanks

Howard T D Bilton BA (Hons)
Barrister-at-Law (England, Wales & Gibraltar)
Adjunct Professor – Texas A&M University School of Law
Chairman of The Sovereign Group

hbilton@SovereignGroup.com
Tel: +852 2542 1177 Fax: +852 2545 0550
www.SovereignGroup.com
Sovereign Trust (Hong Kong) Limited
Suites 1601-1603
Kinwick Centre
32 Hollywood Road
Central
Hong Kong

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From: Richard Brown <licensing@westminstercab.org.uk>
Sent: Tuesday, 3 March 2020 5:16 PM
To: Leonard Bellam <lmb@leonardbellam.com>; Evan BELLAM <evan.bellam@gmail.com>
Cc: Howard Bilton (Private) <howard@sovereigngroup.com>; Jonathan Adams <jadams@napierwatt.co.uk>
Subject: RE: Westminster submission - Richard Brown to represent Down Street Properties Limited (DSPL)

Hi Leonard,

Howard – you simply need to email the case officer at the Council, Michelle Steward, on msteward1@westminster.gov.uk to let her know that you are unable to attend due to currently being abroad, but that I will be representing you.

If you have any comments on Coya's submissions, you can make these in your email to Michelle, but this would need to be done as soon as possible due to the time limits for submitting additional information. Alternatively, you can let me have your comments and I can make them as necessary at the hearing.

Kind regards,

Richard

Richard Brown
Licensing Advice Project
Citizens Advice Westminster

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From: Leonard Bellam <lmb@leonardbellam.com>
Sent: 03 March 2020 06:36
To: Evan BELLAM <evan.bellam@gmail.com>
Cc: Howard Bilton (Private) <howard@sovereigngroup.com>; Jonathan Adams <jadams@napierwatt.co.uk>; Richard Brown <licensing@westminstercab.org.uk>
Subject: Fwd: Westminster submission - Richard Brown to represent Down Street Properties Limited (DSPL)

If WhatsApp Jo good arrange call in number. I will be good anytime after 10:00 London time.

Richard 0lease advise Howard process for you to represent him.

From: Howard Bilton <hbilton@sovereigngroup.com>
Sent: Tuesday, March 3, 2020 4:09:07 AM
To: Leonard Bellam <lmb@leonardbellam.com>
Subject: RE: Westminster submission - Richard Brown to represent Down Street Properties Limited (DSPL)

I did not know it was a possibility that Richard Brown would represent DSPL and/or myself.

If he can and will that seems to me to be a good idea.

What must I do to get that in place?

As for a statement, I have already supplied one to him that being the original email noting my objections and the reasons for them. Is more required? Can we comment on Coya's submissions? `

I note you are trying to arrange a call for some time today. I am relatively free in the afternoon my time/morning your time today. I am happy to join any call that you want to organise to discuss these matters if that is easier? But do please let me know the approximate time and whether we will dial in or you will call us or whatever?

Thanks,

Howard

Howard T D Bilton BA (Hons)
Barrister-at-Law (England, Wales & Gibraltar)
Adjunct Professor – Texas A&M University School of Law
Chairman of The Sovereign Group

hbilton@SovereignGroup.com
Tel: +852 2542 1177 Fax: +852 2545 0550
www.SovereignGroup.com
Sovereign Trust (Hong Kong) Limited
Suites 1601-1603
Kinwick Centre
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From: Leonard Bellam <lmb@leonardbellam.com>
Sent: Tuesday, 3 March 2020 12:36 AM
To: Howard Bilton (Private) <howard@sovereigngroup.com>
Subject: Fwd: Westminster submission

Are you planning to have Richard represent you? You need to contact him if you do and prepare a statement for the committee.

Please confirm by tomorrow morning latest.

From: Richard Brown <licensing@westminstercab.org.uk>
Sent: Monday, March 2, 2020 6:06:27 PM
To: Leonard Bellam <lmb@leonardbellam.com>
Cc: Gary C <downstreet.gc@gmail.com>; Evan BELLAM <evan.bellam@gmail.com>
Subject: RE: Westminster submission

Leonard,

Thanks for your comments. I have incorporated as far as possible. See attached final version sent in.

Is it possible to move our call tomorrow to Wednesday? Anytime is good for me.

Finally, can you confirm which representation in the LSC Report is from you? The information is all redacted.

Gary – I have not been contacted by any individuals in Down Street asking for representation. However, your representation is on behalf of DSFCL, which I understand effectively objected on behalf of all the residents?

Kind regards,

Richard

Richard Brown
Licensing Advice Project
Citizens Advice Westminster

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From: Leonard Bellam <lmb@leonardbellam.com>
Sent: 02 March 2020 13:49
To: Richard Brown <licensing@westminstercab.org.uk>
Cc: Gary C <downstreet.gc@gmail.com>; Evan BELLAM <evan.bellam@gmail.com>

Subject: Westminster submission

Richard find my comments in the "comments" in the attached document.

Jonathon Adams will be taking new images of the doors from his (unit #2) bedroom windows.

We will be going over the library of existing images today and supplementing tomorrow.

I will discuss what I intend to say at our meeting tomorrow. I will try to circulate an outline later.

Let me know if you can't see my comments.