

## Memorandum: Licensing Act 2003

**Date:** 3<sup>rd</sup> November 2023

**Ref:** WK/000578366

**From:** Noise and Nuisance Team

**To:** The Licensing Team

- April Smart
- Jennifer Barrett

**Further Representation for the Application for a premises licence:  
NOYA LONDON LIMITED, 454 - 460 WEST GREEN ROAD, LONDON N15 3PT**

The applicant has applied for a Premises Licence for Noya London Ltd and specifically for an extension of the hours in their current premises licence (ref: LN/000026986).

The applicant has requested a change to the licence granted in August 2023 to

- provide regulated entertainment as recorded music.
- provide facilities for late night refreshment from time to time.
- amend conditions relating to the use of the rear external area so this can be used until midnight.

In our initial representations we recommended the application be refused on the grounds the applicant will be unable to maintain and uphold the licensing objectives for the prevention for public nuisance.

Rationale for decision: since the licence has been granted, we have received complaints about noise or nuisance from 4 affected households raising concerns about Noya operating beyond their permitted times and the impacts of their operations. We have substantiated complaints made about their operating hours and action is pending regarding the use of the premises for indoor smoking.

We have engaged with the business about these concerns and are not yet satisfied they are able or likely to uphold the licensing objective with respect to the Prevention of Public Nuisance, in particular compliance with hours agreed or other noise controls imposed should permission for extended hours be granted.

We do not currently have the information we have requested which would permit us to determine this, namely the provision of a noise assessment and compliance with our reasonable requests for information. Until we can establish the status of the premises in terms of permission to operate as a shisha it is difficult for us to determine what we can specify in terms of the use of the rear area for licensable activities.

Recommendation: For the above reasons we recommend the application is refused.

## Commentary

### Use of the premises outside the hours permitted.

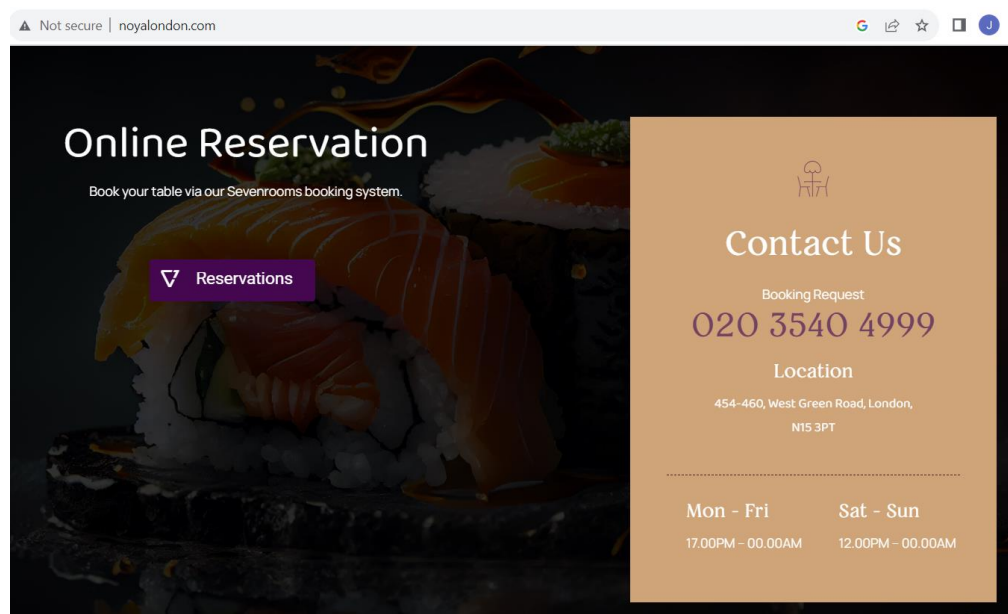
Since this application was submitted, we have received requests (see emails attached in Appendix 1) from them to operate beyond their permitted hours, the argument being that can permit patrons to drink-up until midnight as long as they are not conducting licensable activities after 11pm. They further argue that consumption is not a licensable activity and that this is the reason they have continued this practice.

In effect, this informal extension of their permitted hours would enable them to close much later than the time we have agreed on their licence and make enforcement action difficult as we would have to continually check that alcohol sales and other licensable activities were not undertaken past 11pm.

This informal extension of their permitted hours has not been approved by the council, they have not applied for TENs for most of these extensions, and were advised to cease this practice. They continued this even when they have been advised that this is not allowed. See Appendix 2 for copy of letter sent 15<sup>th</sup> October 2023 about this practice. Warnings regarding the same were issued in relation to 3 similar incidents in September 2023.

They continue to advertise their opening hours online. On their official webpage they advertise they are open Monday to Friday from 17:00pm to 00:00am and Saturday, Sunday from 12:00pm to 00:00am.

<https://noyalondon.com/>



The screenshot shows a web browser window with the URL <https://noyalondon.com/>. The page features a dark background with a large image of a salmon sashimi. On the left, there is a section titled "Online Reservation" with the text "Book your table via our Sevenrooms booking system." and a purple button labeled "Reservations". On the right, there is a light orange box titled "Contact Us" containing the following information:

- Booking Request: 020 3540 4999
- Location: 454-460, West Green Road, London, N15 3PT
- Hours: Mon - Fri 17.00PM - 00.00AM, Sat - Sun 12.00PM - 00.00AM

They also advertise on On Open Table (<https://www.opentable.co.uk/r/noya-london>) as:

Dining Room - Mon–Thu 17:00–23:00 **Fri 17:00–01:00 Sat 12:00–01:00** Sun 12:00–23:00

Shisha Lounge - Mon–Thu 15:00–00:00 **Fri 15:00–01:00 Sat 12:00–01:00** Sun 12:00–23:00

opentable.co.uk/r/nya-london


Overview Photos Menu Reviews

★★★★☆ 4.3 57 Reviews £26 to £40 Pan-Asian

Top tags: Fancy Good For Special Occasions Good For Groups

NOYA - のや  
Written meaning 'field' and 'arrow'  
Read more

51 photos



Make a booking

For 2 people, 3 Nov 2023, 19:00

Find a time

454 West Green Road, London, Greater London N15 3PT

Dining areas

VIP Tables Dining Room

Shisha Lounge Tables

Additional information

Area  
Tottenham

Hours of Operation  
Dining Room Mon–Thu 17:00–23:00 Fri 17:00–01:00 Sat 12:00–01:00 Sun 12:00–23:00 Shisha Lounge Mon–Thu 15:00–00:00 Fri 15:00–01:00 Sat 12:00–01:00 Sun 12:00–23:00

The only application for a TEN was submitted for 6<sup>th</sup> to 7<sup>th</sup> October 2023. They requested the following:

1. *The outside area to be closed for licensable activities after 11:00pm - closing at midnight The roof will close at 10pm - outside area after 11pm will be used for consumption only - no licensable activities No new shisha after 10pm*
2. *Friday and Saturday for licensable activities until 11pm only in the outside area non licensable activities only after 11pm - no alcohol or late night refreshment or entertainment consumption only*
3. *from 09:00 to 23:00 on both Friday and Saturday for licensable activities - Also to cover the outside area for consumption only - no licensable activities and no new shisha to be sold after 10pm. customers leave the premises by 23:59hrs*

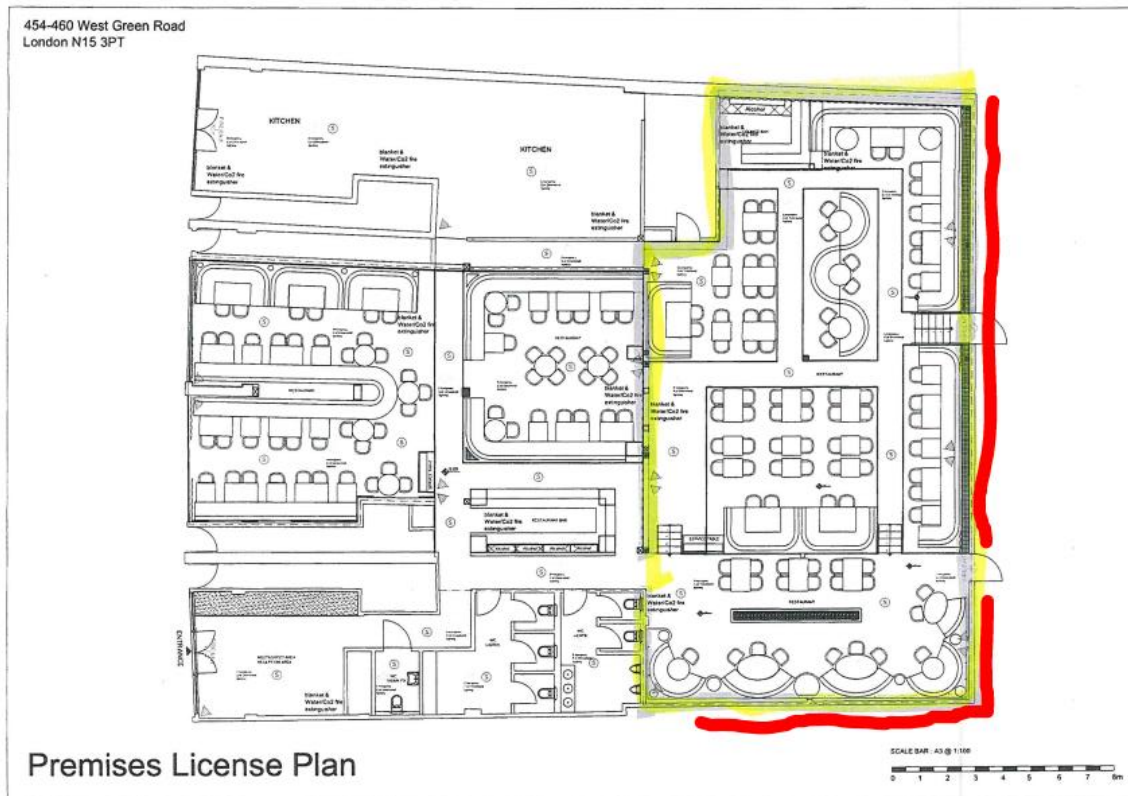
Taking into account the hours already advertised on their web pages and our evidence that they were regularly open until midnight it is difficult to determine how this differed from what they were already, routinely undertaking.

### Shisha and use of the Rear Area

We have discussed with the applicant the requirement for the 'shisha area'. This area is located at the rear of the premises and is served by:

- a retractable roof located over the main seating area – see yellow outline on plan below, and
- ventilating roof space / gap between the ceiling and wall – see red line on plan below.

This area should be closed at 10pm. This was made a condition of their current licence as we were concerned about the potential for public nuisance for residents close to this area without these controls.



We appreciate that the offer of shisha is not an activity covered by the Licensing Act but this is intrinsically linked to their business and we have raised concerns about the continued use of this area when the retractable roof is closed. The applicant argues that since they can maintain a 50% enclosure with the use of the ventilating roof space alone, they should be able to continue this activity until closing. The council have requested written confirmation that this has been approved as compliant or details of the plans of these areas so we can determine this as compliant and have not received the documentation requested to date.

We requested provision of CCTV following the incidents on 14<sup>th</sup>, 23<sup>rd</sup> and 24<sup>th</sup> September 2023. Despite chasing this we have not received a response.

### Planning Enforcement

The premises is currently subject to planning enforcement action as the premises is not currently permitted for use as a shisha premises. The last permission granted for the site was for use class E which wouldn't cover for shisha use and smoking. A decision on this is pending.

### Noise and nuisance assessment

We were contacted by the Licensing representative for Noya (Mr David Dadds) on 13<sup>th</sup> October 2023 who described the acoustic assessment they had undertaken at the site, namely work to set levels for the sound limiter and assess noise from the kitchen extraction equipment. They advised there is another dominant noise source in the area which is likely to be contributing to complaints.

We are advised that the report outlining the work done and recommendations therein would be provided but had not received this to date so are unable to comment on whether this would address our concerns.

### **Complaints received.**

#### **Received as petition: 13<sup>th</sup> September 2023**

##### Prevention of crime and disorder

We live [REDACTED] and believe that allowing the licence to sell alcohol after 10pm is a recipe for social nuisance and must not be allowed. More crucially, music beyond 10 pm must be avoided as people retire to sleep. Further, closing time beyond midnight will cause tipsy clients to linger around noisily in the area causing sleepless nights. We STRONGLY oppose the granting of licence to sell alcohol and the playing of music after 10pm.

The Team should review the very serious nuisance problem we suffered when the pub across the road from the current premises had similar opening hours around eight years ago. The matter went to court.

##### Public safety

Indeed, with the sale of alcohol, there is a very serious danger of adversely affecting public safety. School children use the pavements to walk to and from school.

##### Public Nuisance

It is almost a guarantee that selling alcohol and playing music will be a nuisance to the public with drunkards loitering around the pub/restaurant and in the small park across the road.

##### Protection of children from harm

Not granting a licence to sell alcohol will protect children and the local community from harm.

#### **Complaint received on 21/09/2023, 01:25.**

“HOW CAN A BUSINESS RUN WITH NO LICENCE! THEY HAVE CUSTOMER SITTING AFTER 11pm till 1am! NOISE IS UNBELIEVABLE MUSIC IS LOUD!!!, ITS ADVERTISED THAT THEY ARE OPEN TIL LATE!!!

#### **Complaint received on 26/09/2023, 20:45.**

Complaint about loud music received with short recording made outside our service hours so no visit was possible.

#### **Complaint received on Saturday, September 30, 2023 11:50 PM**

Resident reporting “loud music for the entire evening that was meant to stop 11:30 pm but still ongoing. But every night they continue to breach this the place is called Noiya restaurant /bar.”

The Council visited at 00:02hours but no music was audible then and no action was possible. Resident contacted and they advised the music was now off.

#### **Complaint received on 1/10/2023.**

“... extending the license for music will be detrimental to the residents and local community.

██████████ the noise and smells already emitted by the three large extractors outside of the residents' bedrooms is a real issue for them; so much so that one of them has chosen to move out of the premises after being happy there for four years. Not being able to leave windows because of the noise and smell, particularly in recent hot weather is just not acceptable and feels like a breach of their basic human rights.

I'd also like to challenge why the position of the extractors was ever granted in the first place without consultation of the owner and local residents. The fans are right outside of the bedrooms of the properties ██████████

At the very least, before even considering extending their late license, their retractable roof needs to be addressed; it is not remotely soundproof which will cause even more disturbance to the residents. Again, the fact that they had permission to build this knowing they'd be playing live music in the heart of a built-up residential area, is most bizarre.

My last argument which is becoming an issue is that employees and guests of the restaurant are now parking right outside one of the bedrooms and blocking a fire exit. They're doing this to avoid parking charges implemented nearby. This a safety concern which must be addressed.

Appendix 1

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** Friday, October 20, 2023 10:42 AM  
**To:** Amir Darvish <[Amir.Darvish@haringey.gov.uk](mailto:Amir.Darvish@haringey.gov.uk)>; [REDACTED]  
**Cc:** Jennifer Barrett <[Jennifer.Barrett@Haringey.gov.uk](mailto:Jennifer.Barrett@Haringey.gov.uk)>; Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>; Charlene Thorneycroft <[Charlene.Thorneycroft@haringey.gov.uk](mailto:Charlene.Thorneycroft@haringey.gov.uk)>  
**Subject:** RE: Noya- 454-460 West Green Rd, N15

Dear Mr Gunac,

Please note that the closing times can be enforced by licensing authorities in areas where there are issues with crime and disorder and noise disruption. The Licensing Sub Committee imposed the fixed closing times as a measure to prevent noise and nuisance / disruption late in the evening that could impact on nearby residents.

Premises licence holders must comply with the agreed operating times in line with both planning permissions and premises licences issued under the Licensing Act 2003.

I trust this provides some clarification for you.

Regards  
Daliah Barrett  
Licensing Team Leader

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** Monday, October 16, 2023 9:17 AM  
**To:** Amir Darvish <[Amir.Darvish@haringey.gov.uk](mailto:Amir.Darvish@haringey.gov.uk)>; [REDACTED]  
**Cc:** Jennifer Barrett <[Jennifer.Barrett@Haringey.gov.uk](mailto:Jennifer.Barrett@Haringey.gov.uk)>; Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>; Charlene Thorneycroft <[Charlene.Thorneycroft@haringey.gov.uk](mailto:Charlene.Thorneycroft@haringey.gov.uk)>  
**Subject:** RE: licencing visit Noya- 454-460 West Green Rd, N15 - 15th Oct

Dear all,

I am aware of the stand that has been advised to Mr Gunac, I have not agreed with anything put forward and as an officer I do not have authority to change the terms of the licence. I have been clear in my response that the terms of the existing licence must be complied with.

I have also stated to Mr Dadds the legal officer for Mr Gunac, that he is able to present his arguments to the Licensing Sub Committee on his views and the advice he has provided to his client.

Regards  
Daliah Barrett  
Licensing Team Leader

**From:** Amir Darvish <[Amir.Darvish@haringey.gov.uk](mailto:Amir.Darvish@haringey.gov.uk)>  
**Sent:** Monday, October 16, 2023 8:00 AM  
**To:** [gunac@thelionandkeyhotel.co.uk](mailto:gunac@thelionandkeyhotel.co.uk)  
**Cc:** Jennifer Barrett <[Jennifer.Barrett@Haringey.gov.uk](mailto:Jennifer.Barrett@Haringey.gov.uk)>; Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>; Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>;



Charlene Thorneycroft <[Charlene.Thorneycroft@haringey.gov.uk](mailto:Charlene.Thorneycroft@haringey.gov.uk)>

**Subject:** RE: licencing visit Noya- 454-460 West Green Rd, N15 - 15th Oct

Hi Gunac,

Following our licencing visit to the above premise on Sunday 15<sup>th</sup> Oct at approximately 00:30 hours, I witnessed the rear external area was full to it capacity and to my counting there were about 12-14 shishas at several tables being smoked by customers. When I reminded you that such activity is the breach of licence condition, you disagreed and responded as long as no alcohol is served/sold beyond 11pm you are not in breach of any condition of your licence. You also mentioned that David had a conversation with Dale regarding this matter and, Dale confirmed that above, hence you are merely following what you were advised by David.

I explained to you it clearly mentions in your premises licence "**The roof to be closed at 2200hrs and shisha activity stopped.**" at the bottom of the page of part I of your premises licence. (Please see attached)Based on such condition and what I witnessed in your premises, as described the above, a breach of licence condition was committed. (Please find the attached the warning letter for this matter)

In addition, could you please provide us with CCTV footage of all the cameras covering the restaurant and the rear external area for the following dates:

- 23<sup>rd</sup> Sep 2023 from 22:30 hrs – 24<sup>th</sup> Sep 01:30 hrs
- 24<sup>th</sup> Sep 2023 from 22:30 hrs – 25<sup>th</sup> Sep 01:30 hrs
- 14<sup>th</sup> Sep 2023 from 22:30 hrs – 15<sup>th</sup> Oct 01:30 hrs

Once the copies for the above footage are ready, please inform Dale [@Daliah Barrett](mailto:@Daliah.Barrett) and one of our duty officers will arrange for their collection.

Yours sincerely,

**Amir DARVISH**  
**Noise & Nuisance Officer**  
**Neighbourhoods & Environments**



[Amir.darvish@haringey.gov.uk](mailto:Amir.darvish@haringey.gov.uk)

M. 07967 442 446

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>

**Sent:** Friday, September 29, 2023 10:00 AM

**To:** Jennifer Barrett <[Jennifer.Barrett@Haringey.gov.uk](mailto:Jennifer.Barrett@Haringey.gov.uk)>

**Subject:** FW: Noya, 454-460 West Green Road, Tottenham, N15 3PT

Dear Jennifer/ ASB,

I am sharing the email string below from the barrister acting for Noya.



ASB Officers may wish to visit to engage with the business and ensure that they are complying with the hours stated on the Premises Licence.

Regards  
Daliah Barrett

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** Friday, September 29, 2023 9:56 AM  
**To:** Louise Bailey <[REDACTED]>  
**Subject:** RE: Noya, 454-460 West Green Road, Tottenham, N15 3PT

Dear Louise,

The position remains the same as set out in the previous email. The hours open to the public as specified in the current licence is a meaningful condition/ requirement to ensure that the prevention of public nuisance objective would be promoted.

Regards  
Daliah Barrett  
Licensing Team Leader

**From:** Louise Bailey <[REDACTED]>  
**Sent:** Friday, September 29, 2023 9:49 AM  
**To:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** RE: Noya, 454-460 West Green Road, Tottenham, N15 3PT

Dear Daliah,

Thank you for your email and for the avoidance of doubt our client does not seek to undermine the decision made by the licensing sub-committee and subsequent licence which has been granted.

Our question really is that under S136 of the Licensing Act it sets out amongst other things, that a person commits an offence if he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation i.e. a licence.

Do you agree with me, that if my client does not carry on any licensable activities after 23:00 hours then there is no offence under S136, i.e. unauthorised licensable activities?

Our client seeks to stop licensable activities at 23:00hours and then allow members of the public to remain on the premises for consumption only which is a non-licensable activity.

Perhaps you could run this past your lawyers, but it is my opinion, based on the information before me, that if all licensable activity stops before 23:00hrs then there can be no breach of the licence as there are no licensable activities taking place. There is nothing preventing any premises from operating non-licensable activities any time of the day (of course there may be planning restrictions).

Look forward to hearing from you as a matter of urgency.

Kind regards

**Louise Bailey**

Dadds LLP Licensing Solicitors  
Crescent House, 51 High St, Billericay, Essex CM12 9AX  
T 01277 631 811 DX 32202 BILLERICAY

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** Thursday, September 28, 2023 3:25 PM  
**To:** Louise Baile [REDACTED]  
**Cc:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** FW: Noya, 454-460 West Green Road, Tottenham, N15 3PT

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Dear Louise,

The Licensing Sub Committee determined the current hours and as an officer I am not in a position to override that decision or agree to what is being proposed below.

The current permitted hours which also includes the timings that the premises can be opened to the public, are as follows:

**Hours open to the Public**

Monday to Friday: 0900 to 2300 hours

Saturday: 0900 to 2330 hours

Sunday: 0900 to 2200 hours

The rear external area is used until 2300, but that the roof is closed at 2200 hours after which no Shisha is offered.

Signs are displayed throughout the area advising that Shisha concludes at 2200 hours. The proposed shisha area will close to all parties no later than 22:00hrs each day, to ensure residents are not impacted by public nuisance from this area.

The general purpose of the objectives and conditions also serve as a preventive measure in these situations, where complaints could arise that will then trigger other actions. The purpose is to be compliant with the licensing objectives by upholding and promoting the hours/conditions of the current licence.

**Kind regards**

**Daliah Barrett**

**Licensing Team Leader**

**From:** Louise Bailey [REDACTED]

**Sent:** Thursday, September 28, 2023 11:05 AM

**To:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>

**Subject:** Noya, 454-460 West Green Road, Tottenham, N15 3PT

Dear Daliah,

Further to your conversation with David yesterday, our client seeks the views from the licensing authority regarding non-licensing activities.

Our client is considering stopping licensing activities at 11pm and allowing customers to remain until midnight. It is proving problematic currently moving customers from outside to inside with two sittings.

As a way to overcome that, our view is that if all licensing activities stop at 11pm, with no supply of alcohol or regulated entertainment, those who have purchased alcohol before 11pm remain at the premises. Customers can then finish their food, alcohol and shish, as this is not licensable activity. There will also be no regulated entertain after 11pm. There will therefore be no breach.

This would just be a temporary measure until the application is considered.

We were in attendance at the premises last week in the evening and there was no audible noise from the rear of the premises. The premises has a noise limiter and noise was managed, as well as conduct within the premises. We believe the licensing objectives are being promoted.

We would appreciate the licensing authority's view on the above and we would kindly request if we could hear from you by midday tomorrow, as our client anticipates undertaking the above on Friday and Saturday.

Thank you.

Kind regards

**Louise Bailey**  
**Dadds LLP Licensing Solicitors**  
**Crescent House, 51 High St, Billericay, Essex CM12 9AX**  
**T 01277 631 811 DX 32202 BILLERICAY**

[REDACTED]

[REDACTED]

[REDACTED]

*by the Solicitors Regulation Authority – Registration No 550469*



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## Appendix 2

### Environment & Resident Experience

Head of ASB & Enforcement - Brian Ellick



Yildirim Gunac Yaman



Our ref: WK/000581237

Date: 15th Oct 2023

#### Warning Letter: Licensing Act 2003

Address: NOYA, 454-460 West Green Road, Tottenham, London, N15 3PT

Following on from the visit I made on 15<sup>th</sup> Oct at approximately 00:30 hours, it was noted the rear external area was full to its capacity and there were several shishas being smoked by customers in contrary to the conditions of the licence:

- The opening hours of the premises: Saturday 0900 to 2330 hours
- The roof to be closed at 2200hrs and shisha activity stopped.

Please note that this is a breach of the conditions on your licence and may result in enforcement action being taken.

You are therefore instructed to address these issues urgently, and if not compliant within immediate effect of the date of this letter, we will consider enforcement action or a review of your licence.

If you have any queries, please do not hesitate to contact me on the above details.

You should familiarise yourself with the activities permitted under any current License & such unauthorised use of the premises must cease immediately.

This Authority may seek to prosecute if this or future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification, please contact the Licensing Lead Officer on 020 8489 8232.

Yours sincerely

ASB Enforcement Team

#### Community Safety & Enforcement

4th Floor, Alexandra House  
Station Road  
London N22 7TY

T: 020 8489 1335

E: [asb.enforcement@haringey.gov.uk](mailto:asb.enforcement@haringey.gov.uk)

[www.haringey.gov.uk](http://www.haringey.gov.uk)

NS136 rev: February 2017