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LICENSING SUB-COMMITTEE

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Wednesday, 22 February 2023 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors : Esin Gunes (Chair), Jim Steven and Sinan Boztas

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. MINUTES OF PREVIOUS MEETING (Pages 1 - 20)

To receive and agree the minutes of the meetings held on Wednesday 14 December 2022 and Wednesday 4 January 2023.

4. SKEWD KITCHEN, 113-115 COCKFOSTERS, ROAD, BARNET, EN4 0DA (Pages 21 - 174)

Review Application

5. LATE NIGHT FOOD OFF LICENCE, 87 SILVER STREET, LONDON, N18 1RP (Pages 175 - 264)

Review Application

6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

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LICENSING SUB-COMMITTEE - 14.12.2022

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 14 DECEMBER 2022****COUNCILLORS**

PRESENT (Chair) Doug Taylor, Michael Rye OBE and George Savva MBE (Cabinet Member for Social Housing)

ABSENT Esin Gunes

OFFICERS: Ellie Green (Principal Licensing Officer), Cartriona Macfarlane (Legal Adviser), Metin Halil (Democratic Services)

Also Attending: Jayne Diaz (Kings Head & Bar Taps), PC Justyna Golota, PC Derek Ewart

1**WELCOME AND APOLOGIES FOR ABSENCE**

1. Councillor Taylor as Chair welcomed all attendees to the online meeting and explained the order of the meeting. Apologies were extended to all for the delayed start time which was due to technical issues regarding TEAMS.

2**DECLARATION OF INTERESTS**

Councillor Michael Rye declared a non-pecuniary interest as he is a Trustee of the Old Prochiral Charity which owns the Kings Head Public House. Councillor Rye had taken legal advice and believes he can take part in proceedings today.

3**MINUTES OF PREVIOUS MEETING**

The minutes of the meetings held on Wednesday 3 August 2022 will now be considered at the meeting to be held on Wednesday 4 January 2023.

4**MAXI FOOD & WINE, 38 CHASE SIDE, SOUTHGATE, N14 5PA**

Due to technical difficulties for external parties with the MS Teams live event preventing them from being able to fully participate, it was not possible to consider this review application remotely. Members and officers apologised for the technical problems, and the Chair thanked all parties for giving up their time this morning.

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The Licensing Sub Committee agreed that consideration of the application should take place at a new hearing on the later date of Wednesday 4 January 2023 at an in-person meeting at Enfield Civic Centre.

A new MS Teams link and invitation would be issued for the supplementary agenda item next on this meeting agenda, to commence at 1:30pm this afternoon.

5

TEMPORARY EVENT NOTICES (TENS) - OBJECTIONS - THE KINGS HEAD, 9 MARKET PLACE, ENFIELD, EN2 6LL AND BAR TAPS, 29 SILVER STREET, ENFIELD, EN1 3EF

RECEIVED the Temporary Event Notices (TENS) – Objections for the premises known as The Kings Head, 9 Market Place, Enfield EN2 6LL and Bar Taps, 29 Silver Street, Enfield, EN1 3EF.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The premises both hold premises licenses in the name of Alpine Cross Limited for the Kings Head and Michael Fallon for Bar Taps who is also the Director of Alpine Cross Limited.
Chelsie Dakin is the Designated Premises Supervisor (DPS) at the Kings Head and is the applicant of the recent TENS to be considered today. Lorna Coulston is the DPS at Bar Taps and is the applicant of the recent TENS also to be considered today.
 - b. The dates and times for the TENS are set out in the report but we have received a slight amendment today to reduce the number of dates being sought, that has been circulated previously. Originally the dates were set out in Annex 2 and Annex 10 on pages 4, 7 & 8, that summarize. The TENS seek one additional hour of licensing activity after the permitted hours of the existing premises license.
The TENS are for each day of the week, midweek seeking up to 01:00am and up to 03:00am on Fridays and Saturdays.
 - c. The Police have responded to these TENS with an objection notice in support of the prevention of Crime and Disorder objective. The Police have concerns of increased crime and disorder if the later hour be extended based on the statistics of current levels of crime and disorder which are more prevalent at the current closing times. The Police objection notices are set out in Annex 3, page 3 of the Supplementary Agenda and again in Annex 11 page 119 of the supplementary agenda.
 - d. More TENS were submitted by both applicants, and they were deemed to be late TENS as they were less than 10 working days before the event, which the Police also objected to in the most part. Examples of those County notices have been provided in the bundle. If any relevant

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objections are made in late TENs, a counter notice is given by the Licensing Team and there is no opportunity for a hearing. A late TEN should be an exception. The intention of a late TEN is to assist premises users who are required for reasons outside of their control i.e. change of venue at short notice. The Licensing Sub-Committee do not need to consider these late TENs and is for background information to this hearing.

- e. The applicants have amended the TENs dates sought to ensure there is a 24 gap between the separate TENs notices. For the Kings Head, the TENs notice called TEN 3 is only seeking the Sunday 18 December 2022. TEN 4 remains as is and TEN 5 for the 31 December 2022 is not required. The same applies to Bar Taps; TEN 3 it is only 18 December 2022 that is being sought, TEN 4 is being sought in full and TEN 5 – 31 December 2022 is no longer required. Already on the Premises Licence, both premises are permitted to be open effectively 24 hours a day, based on their seasonal variation against their timings.
 - f. Both applicants indicated that they did not want to withdraw the TENs and wish for them to be considered by the Licensing Sub-Committee.
 - g. As the objection notices from the Police contain similar information to both premises and the Premises Licences are both held effectively by Michael Fallon, it was deemed appropriate to hold the hearing for each premises simultaneously.
2. The statement of Jayne Diaz on behalf of the Kings Head Public House and Bar Taps Public House:
- a. Jayne Diaz apologised for the errors in the completion of the TENs applications.
 - b. They had always worked with the Licensing Team but in recent times they had noticed some changes with retirements and maternity leave and had been unable to have regular meetings as they had done previously. They had worked for 12 years very closely with the Licensing Team since being in the Enfield Town area with the premises. They would always discuss local issues and would exchange information, but this had not happened in recent times.
 - c. The premises had been very dis-appointed with the reasons for objections as they were unfounded. How could the objections be irrelevant to other licensed premises in Enfield Town? For example, O'Neills Public House have constant Police Presence every weekend. The Kings Head and Bar Taps should not be associated with this as they have had Police attend their premises only 3 times over a 3-year period. The premises employ an experienced security team over the past 3 years.
 - d. The premises records supply that has been shared with the Licensing Team, show that they go over and beyond to comply with their licensing commitments. These include the following:

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- A breathalyser which is used on customers entering their premises. This was not a condition of the premises licence but has been retained to monitor under-age and intoxicated customers from entering the premises. This is used on the premises busy evenings on Thursday, Friday, and Saturday nights. These refusals are recorded and logged.
 - An accident book and Health & Safety training records. Every employee must know all the licensing commitments they have signed, to show that they have read them. All staff attend a licensing over 21 meeting monthly. So, all staff are aware of what is expected of them.
- e. The extra hours sought, would help the premises especially after the Covid Pandemic and high energy prices, during their quiet periods in January and help keep their staff employed.
3. In response, the following comments and questions were received:
- a. Councillor Rye referred to the 3 incidents in 3 years across the two premises where Police assistance was required. It would be helpful if Jayne Diaz could answer what the nature of those 3 instances were, so the Committee could be aware of why the Police attended on those 3 occasions. Jayne Diaz responded with the following:
- 1st occasion – 30 people of the traveller community refused to leave the premises. They were buying alcohol from the shop next door, during the day and then coming into the premises. The premises had no security and the 30 people were getting rowdy so Police assistance was needed.
 - 2nd occasion – A mental health patient was acting in a bizarre manner in the premises. This was mid-week, and the premises were quiet with no security staff. The premises felt it was appropriate for the Police to attend as this was a sensitive issue as it may have been dangerous for the customer to be asked to leave the premises.
 - 3rd occasion – A bag had been taken within the premises and staff had assisted with CCTV evidence. The premises had not called the Police, they had come to the premises about a crime.
- b. The Chair enquired whether Jayne Diaz was not drawing any distinction between the two Public Houses in terms of either operation or behaviour by customers. Jayne Diaz responded that there was no distinction, and that the same door staff are used for both premises who liase with one another.
4. The statement of PC Justyna Golota providing Police representations regarding the Kings Head Public House:

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- a. PC Golota sought clarification from Jayne Diaz there were only the 3 incidents over 3 years that Police assistance was requested for both the Kings Head and Bar Taps. Jayne Diaz confirmed that this was correct. There had only been 3 instances where the Police had been called for assistance by the premises over 3 years.
 - b. The Police were objecting to the Kings Head TENs applications for the 21st, 22nd, 23rd, 24th, 27th, 28th, 29th, 30th and 31st of December 2022. These were based on evidence of Crime and Disorder happening near and around the closing times of the premises.
 - c. PC Golota had prepared an additional document, which she could e-mail to interested parties if they wished. PC Golota detailed the contents of the e-mail as evidence of crime and disorder happening near and around the time of closing of the premises. The Police database showed that there were 78 total incidents relating to the Kings Head over three years. Several of them being theft committed on the premises.
Violence, suspicious circumstances, cannabis possession, stop and searches, etc in the last 12 months showed 37 incidents related to the Kings Head of which 20 related to crime and disorder.
 - d. In summary, over the last 12 months, not 3 years, crime and disorder incidents around the closing terminal time occurred 13 times. Nine of which were violent disorder and 4 incidents of theft from a person. The remaining 7 incidents referred to crime and disorder not relevant to terminal times.
5. In response, the following comments and questions were received:
- a. Councillor Savva asked whether, the reported incidents of violence and disorder associated with the Kings Head, occurred inside the premises or outside in the square? PC Golota responded that most of the incidents occurred outside of the premises and all related to the Kings Head. Because people involved in those incidents had attended the premises prior to the incident.
 - b. Councillor Rye's enquiry that whilst there was a small number of incidents happening inside the Kings Head the majority happened outside. But the Police were able to ascertain from those involved that they had been drinking in the Kings Head. This was confirmed by PC Golota.
 - c. The Chair asked for clarification regarding the number of incidents that had occurred at the closure time of the public house during the extension times of the Licence. PC Golota's response that of the 20 incidents, 13 had occurred at the closure or around the closure time of the public house.

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- d. Jayne Diaz's (Kings Head) concerns that her and her team were totally dumbfounded with the list of allegations that PC Golota had read out. She felt that this was a list of crime in the area that the square is in which was not the Kings Head's responsibility. Customers from the O'Neills pub. opposite the premises, had customers who try to enter the Kings Head once they have left O'Neills. They are stopped from doing so by Kings Head security staff but could not stop those customers from walking over to the square. Jayne Diaz requested the Police reports that stated that these customers had been drinking in the Kings Head. The Kings Head were totally unaware of the incidents that PC Golota had listed against the Kings Head.

In response PC Golota stated that in relation to O'Neill's public house, this was a completely different matter which she would not be discussing. The Kings Head should have a record of all the incidents that were mentioned. A meeting could be arranged between the Police and Kings Head for the reports, but the Kings Head would have to put in a data request. However, only basic information could be provided. PC Golota agreed that the Kings Head did call the Police 3 times over 3 years but there were more incidents relating to their premises.

- e. Councillor Rye's question regarding these incidents associated with the Kings Head and if the Police normally consult the licensee at the Kings Head of these incidents by e-mail/telephone call of your concerns? As it would appear from what Jayne Diaz has said that this hasn't happened. PC Golota responded that she had tried to personally contact both the Kings Head and Bar Taps when she was trying to review the TENs applications. She was unsuccessful trying to call the Kings Head and she would have to check her e-mails to see which premises she e-mailed. She never got a reply to any e-mails. She had a deadline of 3 days to review TENs applications so never gave up trying to contact the Kings Head. Jayne Diaz refused to accept that the Police tried to contact her premises.

The Legal representative interjected at this point and asked; on average in premises in the area, how many complaints did the Police receive in a year, as it would be unusual for a premise to go a whole year without any? PC Golota's response that it would be unusual but having 13 reported incidents in a year relating to the premises closing time was not that unusual.

6. The statement of PC Derek Ewart providing Police representations regarding the Bar Taps Public House:

- a. The Police were objecting to the TENs applications from the 9th December 2022 through to 29th December 2022. These are shown in the agenda pack. PC Ewart's statement as detailed at page 121 of the supplementary agenda was read out.

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- b. PC Ewart clarified the use of crime indices and the CAD system (computer aided dispatch system). The Police use the CAD system as a recording device when a person (anonymous individual or passer-by) rings 999 or 101 regarding an incident or incidents occurring. A computer aided message is then created and is used to assess whether resources are assigned or not by the Police. PC Ewart used the CAD system to access Bar Taps incidents of note from the 23rd February 2022 to 8th December 2022, a period of 9 months and 2 weeks. PC Ewart found 10 incidents in total, 9 of which related to violence with 8 of those occurring after 22:00 hours. There were 4 calls made to the Police by Bar Taps staff within the last 3 months. PC Ewart then described the 10 CAD incidents that he identified during that time frame of 9 months and 2 weeks regarding the Bar Taps Public House.
 - c. PC Ewart referred to the Bar Taps License that Jayne Diaz having held for 12 years now. Reference was then made to page 5, paragraph 4.3 of the supplementary agenda that on the 23 February 2016 there was a summary review of the premises, that was listed on the CAD system, as the Police believe the premises to be associated with serious crime and disorder, namely an assault had taken place at 01:45am on the premises. So this was not the first time that has happened as it had also been reviewed in 2016.
7. In response, the following comments and questions were received:
- a. Councillor Rye clarified that PC Ewart listed 10 CAD incidents in 9 months, 9 of which were of a violent nature around about the closing times along the lines of the incidents that have been described and often related to intoxication. This was confirmed by PC Ewart.
 - b. Ellie Green provided clarity to Councillor Savva regarding the Page 3 of the supplementary agenda as he could not see any reference to TEN1. This was mentioned under paragraph 3.3.
 - c. The Kings Head's following comments that a CAD would also include a call to an ambulance whereby the Police are informed, these are not necessarily related to Police CADs, there had been incidents whereby Taps Bar staff have had to call an ambulance for their patrons to assist them in that way. The review in 2016, that PC Ewart had mentioned, was overturned. In response, PC Ewart confirmed that a review had been bought by the Police in 2016 for Bar Taps. Lorna Coulson, DPS of Bar Taps, referred to two of the phone calls made to the Police, that were both related. Lorna Coulson queried the timings that alcohol was being served which in her opinion was incorrectly reported by PC Ewart. Bar Taps were allowed to serve alcohol up to 11:30pm so a patron could be served alcohol at 11:25am. PC Ewart's response that when

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looking at the CAD system, all he could go by is what the operator has typed in for that incident. He was not aware of what the times of operation were. PC Ewart also clarified that when a call is made for an ambulance, that would be recorded on the London Ambulance Service CAD system. The CAD system that PC Ewart uses relate to licensed premises.

8. The summary statement of Ellie Green, Principal Licensing Officer:
- a. Having considered the TENs, the objection notice(s) received from responsible authorities and any further representations made by parties to the hearing the licensing sub-committee must decide whether:
 - To issue a counter notice under Section 105, sub-section 2 of the Licensing Act 2003 and the event cannot take place.
 - To issue a counter notice under section 106A, sub-section 2 of the Licensing Act 2003 and the event can take place subject to conditions. This could include any amendments to dates and times as well as usual conditions.
 - To not issue a counter notice and the event can take place.
 - b. The Licensing sub-committee must consider whether the tenant applications at both the Kings Head and the Bar Taps are appropriate and in support of the licensing objectives. Financial implications are not the licensing objective and should not be taken into consideration.
9. Application was made by **CHELSIE DAKIN** for the premises situated at **THE KINGS HEAD, 9 MARKET PLACE, ENFIELD, EN2 6LL** for three Temporary Event Notices (TENs) covering the following dates:

TEN	Date	Timings
TEN3	Sunday 18 th Dec	02:00 to 03:00
TEN4	Wednesday 21 st Dec	00:00 to 01:00
	Thursday 22 nd Dec	00:00 to 01:00
	Friday 23 rd Dec	00:00 to 01:00
	Saturday 24 th Dec	02:00 to 03:00
TEN5	Tuesday 27 th Dec	00:00 to 01:00
	Wednesday 28 th Dec	00:00 to 01:00
	Thursday 29 th Dec	00:00 to 01:00

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	Friday 30 th Dec	00:00 to 01:00
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The Licensing Sub-Committee **RESOLVED** to:

- a. **Issue a Counter Notice under section 106A(2) of the 2003 Act and the event can take place subject to conditions;**

Conditions (in accordance with Section 106A(2) of LA03):

1. For the duration of the TENs all the licence conditions of premises licence LN/201100360 shall apply.
2. For the duration of the TENs there shall be an SIA qualified door supervisor on each entrance/ exit to the premises.

Reasons:

The Chair made the following statement:

“After considering the papers supplied and hearing the parties, the Licensing Sub-Committee are not persuaded that the TENs should be completely refused. However, they were persuaded that some conditions were required to allow the TENs to be granted, especially as customers from Bar Taps may decide to continue drinking in the Kings Head.”

10. Application was made by **LORNA COULSTON** for the premises situated at **BAR TAPS, 29 SILVER STREET, ENFIELD, EN1 3EF** for three Temporary Event Notices (TENs) covering the following dates:

TEN	Date	Timings
TEN3	Sunday 18 th Dec	02:00 to 03:00
TEN4	Wednesday 21 st Dec	00:00 to 01:00
	Thursday 22 nd Dec	00:00 to 01:00
	Friday 23 rd Dec	01:00 to 02:00
	Saturday 24 th Dec	02:00 to 03:00
TEN5	Tuesday 27 th Dec	01:00 to 02:00
	Wednesday 28 th Dec	00:00 to 01:00
	Thursday 29 th Dec	00:00 to 01:00
	Friday 30 th Dec	01:00 to 02:00

The Licensing Sub-Committee **RESOLVED** to:

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- (a) Issue a Counter Notice under section 105(2) of the 2003 Act and the events cannot take place.

Reasons:

The Chair made the following statement:

“The LSC are satisfied, after reading papers and hearing the parties, that the MPS has made clear that the events reported on the MPS CAD showed incidents of violence at or around the terminal hour and that there is a strong possibility of this recurring if the TENs are allowed.”

LICENSING SUB-COMMITTEE - 4.1.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 4 JANUARY 2023**

COUNCILLORS

PRESENT Esin Gunes (Chair), Michael Rye OBE and Doug Taylor

ABSENT None

OFFICERS: Esther Hughes (Head of Service for Consumer Protection & Waste Protection), Catriona McFarlane (Legal Adviser), Tayo Hassan (Corporate Lawyer), Amanda Butler (Senior Fair-Trading Officer) Stacey Gilmour (Governance Officer)

Also Attending: Mrs Aylin Yengin - Premises Licence Holder/Designated Premises Supervisor (with regards to Licence when review was submitted)
Kemal Altun - Company Director/Owner of Maxi Food & Wine
Mrs Nuray Ozdemir – Transfer of Premises Licence Holder applicant
Mr Robert Sutherland, RDS Law Ltd – Representing the Premises Licence Holder, Mrs Aylin Yengin
Mr Hass Caliskan, Atlas Licensing Consultants - Representing Mrs Aylin Yengin
PC Justyna Golota – Police Licensing
Simon Allin, Local Press Officer

**1
WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Gunes as Chair welcomed all attendees to the meeting and explained the order of the meeting.

**2
DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of the items on the agenda.

**3
MAXI FOOD & WINE, 38 CHASE SIDE, SOUTHGATE, N14 5PA**

RECEIVED the application made by Licensing Authority for a review of the Premises Licence (LN/200600265) held by Mrs Aylin Yengin at the premises known as and situated at Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA.

LICENSING SUB-COMMITTEE - 4.1.2023

NOTED

1. The introduction by Esther Hughes, Head of Service for Consumer Protection & Waste Enforcement, including:
 - a. The application was for a review of the premises licence for premises known as Maxi Food & Wine, 38 Chase Side, Southgate, N14 PA.
 - b. The premises have held various premises licences over the years and has had a history of note as detailed from page 1 of the report.
 - c. The Premises Licence Holder for this premises is Mrs Aylin Yengin officially since 7 June 2022 but has been reported to be active as the owner of the premises prior to that date. Mrs Aylin Yengin is also the Designated Premises Supervisor (DPS) since the same date as the transfer application.
 - d. The review application for Maxi Food & Wine has been submitted by the Council's Trading Standards Team and seeks to revoke the premises licence as it is believed that Mrs Aylin Yengin is not promoting the prevention of crime and disorder licensing objectives. A wide range of unlawful activity has taken place whilst Mrs Aylin Yengin has been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity includes:
 - illicit tobacco has been seized from the premises;
 - breaches of licence conditions;
 - selling non-compliant vapes and e-cigarettes;
 - selling Viagra and Sildenafil without a medical registration from MHRA;
 - selling drug paraphernalia;
 - selling nitrous oxide (known as NOx)
 - e. The review application and supporting documents can be found in Annex A, page 12 of the report.
 - f. Furthermore, Mrs Aylin Yengin's husband is now known to be Mr Kemal Altun who has a history of selling illicit tobacco and has been linked to premises where illicit tobacco has been seized. Trading Standards have produced more information relating to this in agenda item 4, page 1 of the report.
 - g. The review received two supporting representations from the Police and the local Ward Councillors which can be found in Annexes D and E from page 234 of the report.
 - h. On Monday 12 December 2022, a transfer and vary DPS application has been received in relation to this premises licence naming Ms Nuray Ozdemir as both the new PLH and DPS.
 - i. At the preliminaries for the last hearing of this review we heard that Ms Ozdemir was the sister of Mr Kemal Altun. As the Police did not object to either of these transfer applications the licence will be issued to Ms Ozdemir. The Licensing Officer dealing with these applications has not done this yet.
 - j. The review is still deemed relevant despite the newly named PLH in light of the history of the premises, Mr Kemal Altun's history and his family link to Ms Ozdemir.

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- k. The licence conditions arising from this application are set out in Annex F found from page 238 of the report.
 - l. I understand that Trading Standards would like to revise proposed condition 20 from that set out in Annex F to read 'no nitrous oxide (laughing gas) to be stored or sold on the premises.' Trading Standards confirmed this amendment.
 - m. On behalf of Mrs Aylin Yengin a document bundle has been provided and circulated in the supplementary report referred to as Annex G. In these documents a birth certificate has been provided and it is noted that Mrs Aylin Yengin is officially known as Mrs Aylin Altun but this was not the name applied for on the new premises licence application. Furthermore, some of the documents provided in this bundle are in Turkish and are without a translation or covering note. The Premises Licence Holder has been asked for such translations and may be able to advise further on these documents later.
2. The statement on behalf of the Trading Standards Authority by Amanda Butler (Senior Fair-Trading Officer).
- a. At the time of submitting the Licensing Application in regard to Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA, Mrs Aylin Yengin was the DPS and PLH. However, as my colleague and manager has outlined, there has been an application for transfer of the licence by a Ms Nuray Ozdemir on 12 December 2022. However, this review application has been submitted to seek revocation of the premises alcohol licence in its entirety.
 - b. If the Licensing Sub-Committee are not minded to revoke the premises licence, then the Trading Standards Authority request that the licence be suspended until the actions outlined within 5.2 of the licensing application have been demonstrated.
 - c. The grounds for seeking a review of the said premises licence are based on several enquiries received from members of the public pertaining to illegal tobacco being stored and sold, nitrous oxide being sold to underage persons and to persons that may misuse the laughing gas, allegedly causing anti-social behaviour, and also illegal medicines and drug paraphernalia being displayed for sale at Maxi Food & Wine. All of this we say undermines the licensing objectives.
 - d. On 31 March 2 packets of illegal cigarettes (i.e. Marlboro Gold) were test purchased from Maxi Food & Wine. This led to a tobacco enforcement session being conducted by Enfield Council on 4 August 2022 whereby 50 packets of cigarettes (i.e. 1,000 cigarette sticks) were seized from Maxi Food & Wine, illegal Viagra medicines were also seized as were 27 non-complaint vapes. On 24 March 2022 343 non-compliant vapes were also seized from Maxi Food & Wine.
 - e. Subsequent to this there has been licensing enforcement inspections conducted on 22 January 2022, 30 September 2022 and 22 November 2022 and all of these inspections highlighted breaches of the premises licence conditions.

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- f. A warning letter was subsequently issued to Mr Kemal Altun on 30 November 2022 in regard to the criminal breaches that were alleged in regard to the illegal tobacco vapes that were seized on 4 August 2022. Since then, a voluntary surrender form has now been signed by Mr Kemal Altun and those illegal cigarettes and vapes will be destroyed and disposed of by Enfield Council. However, this is separate to this licensing application to revoke the licence at Maxi Food & Wine.
 - g. Mrs Aylin Yengin is the business rates payer at Maxi Wine Centre. This is a company namely Yengin Ltd T/A Maxi Wine Centre, situated at 495 Hertford Road Enfield. Illegal tobacco was seized from Maxi Wine Centre on 17 February 2022. Mr Kemal Altun, although a separate retail premises i.e. 495 Hertford Road Enfield T/A Maxi Wine Centre was prohibited from having anything to do with that business because of a history of illegal tobacco and alcohol being seized from Maxi Wine Centre. Therefore we, the Trading Standards Authority, say that there is a lack of confidence in the Premise Licence Holder and a lack of confidence in the management of Maxi Food & Wine and therefore we ask that the Licensing Sub-Committee consider this.
3. The statement of PC Justyna Golota, providing Police representations regarding Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA.
 - a. PC Justyna Golota provided a supporting representation for the above premises to review the premises licence on the following objectives:
 - Prevention of crime and disorder
 - Prevention of public nuisance.
 - b. From a police perspective there had been a number of complaints and incidents related to the above-named premises. The complaints vary in nature from nuisance to violent disorder.
 - c. Police database was checked for the period between December 2018 and December 2022. In this period of 4 year there was a total of 34 incidents related to the area of the Maxi Food & Wine, however only a small number was evidentially linked to Maxi Food & Wine premises.
 - d. In the last 2 years from 2021 to 2022, which is the period the police have been visiting the premises alongside the council, there was a total of 8 incidents which vary from suspicious circumstances to anti-social behaviour and violence against the person. CAD numbers and dates are detailed on page 235 of the report for the above mentioned 8 incidents.
 - e. There was one CRIS: 5224712/22 where the police were unable to obtain CCTV upon request which is a direct breach of the licence condition.
 - f. In summary the police do not believe that the premises and the current way in which it is operating is upholding licensing objectives.
 4. In response, the following comments and questions were received:
 - a. Councillor Rye asked whether the incidents referred to relating to anti-social behaviour and drugs took place inside the premises or just in the general proximity of the premises? PC Golota responded that most of the

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incidents were in the general proximity of the premises, but people had also been seen going in and out of the actual store, although she confirmed that none of the recorded incidents had taken place in the actual premises.

5. The statement by Mr Robert Sutherland of RDS Law Ltd on behalf of the applicant including:
 - a. It is very difficult to deal with this matter in a time limit of 5 minutes as a lot of the allegations made are wrong.
 - b. With regards to the police representation and the list of incidents detailed on page 235 of the agenda pack, all intelligence from the police is graded both to the source and the quality but none of this is detailed in their report therefore it appears that we have no idea as to who has provided this and whether it has come from somebody passing by or someone who has an axe to grind.
 - c. The licence has now been transferred, with no objection from the police therefore the current licence holder is Miss Ozdemir.
 - d. Everybody relating to this premises has been brought together today so that the Licensing Sub-Committee can see how they all fit together as a family business.
 - e. The circumstances are very much that over the past 12 months there has been a concentration of family attendance at several family matters. Documents provided include a birth certificate for Mrs Yengin's daughter who was born on 30 September 2022, therefore during the period we are dealing with as part of this licensing review, Mrs Yengin has been focusing on issues to do with her pregnancy and the subsequent birth of her daughter.
 - f. Prior to this date, other documentation provided includes a death certificate for an individual known as Mehmet Altun and that is Mr Kemal Altun's father who died in December 2021.
 - g. Other documents provided show a number of dates between December 2021 and January 2022 during which time Mrs Yengin was travelling regularly between Turkey and the UK.
 - h. It is not accepted that there has been breaches of the licence. It is not an offence to sell nitrous oxide. It is also not accepted that there is any drugs paraphernalia on the premises. The items referred to in the report are pipes which can be used for the smoking of any substance whether that be drugs or not. They are therefore not drugs paraphernalia.
 - i. With regards to the issue of illegal vapes, documents provided on pages 5 and 6 of the supplementary report show that that these were bought legitimately and in good faith via a wholesaler. However, regulations have since changed and unfortunately it would appear that these vapes are no longer legitimate.
 - j. In relation to the sale of illicit tobacco at the premises in August 2022 it is accepted that Mr Altun was in Turkey during this visit, and he responded to questions put to him at this time. It is believed that this incident related to a previous employee who has since been fired and new staff are now employed at the premises.

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- k. It was felt that the focus and the main issue behind the application for the revocation of this licence is to do with the illicit tobacco and therefore in conclusion Mr Sutherland said that it is about ensuring that this does not happen again and that is what he would like to address the committee on.
6. In response the following questions and comments were received:
- a. In response to Councillor Taylor's question regarding the selling of Viagra Mr Sutherland accepted that this had been on offer for sale at the premises, it should not have been and has since been removed from the shop.
 - b. Although it was not accepted that it was illegal to sell nitrous oxide and pipes, in order to avoid any further confrontation and complications with Local Authority Officers these have also been removed from the premises at the beginning of December 2022.
 - c. Following a question regarding staff training it was confirmed that training had taken place for all staff at the premises in December 2022 and a record of all training is available on request.
 - d. Councillor Taylor said that although he recognised that it is not illegal to sell nitrous oxide it is however illegal to sell it to people under 18 years of age. He went on to ask what quantities of nitrous oxide were sold at the premises on a monthly basis. It was confirmed that approximately 10-15 large cannisters were sold each month.
 - e. Councillor Rye referred to the test purchase made at the premises in March 2022 which was clearly in breach of the licence and therefore asked if it was accepted that this is a statement of fact? Mr Sutherland agreed that this is one of the more important matters relating to the licence review application as clearly the test purchase did happen and should not have. However, he highlighted that the key issue in relation to this is that there is a period between September 2021 and March 2022 when Mrs Yengin did not hold the licence and during that period it has been highlighted already that the attention of the family was very much on personal matters. The business was operated during this time by Mr Dervis Altun (Mr Kemal Altun's brother-in-law) therefore the control Mrs Yengin had during this period was negligible.
 - f. Councillor Rye responded to the above point by saying that it has been confirmed that this is very much a family business therefore the family corporately have responsibility for the licensing conditions being adhered to and on this occasion clearly, they have not been. Mr Sutherland responded by saying that by bringing the family in front of the committee today demonstrates that they have accepted that they need to 'up their game' to ensure that these things do not happen again, and it is hope that this is what is coming across to the committee.
 - g. Councillor Gunes asked what improvements have been made in the shop since the council issued the warrant on 13 November 2022 to avoid this happening again? It was advised that Atlas Licensing have been engaged to assist with and resolve the compliance issues. A licensing manual has been produced by Atlas Licensing which contains material for training,

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- refusal records (which are being checked and maintained) as well as the training records for the individual members of staff. Therefore, the documentation side of things is vastly improved.
- h. Mr Sutherland commented that previously there was no requirement to have a training record. So, although this may be deemed as good practice by council officers it was not a condition of the licence. However, those records now exist, so it is therefore possible to keep track of what training is being provided. He also added that the staff that were present at the premises in August 2022 have now been removed and the current staff are in the process of obtaining their personal licence through getting their criminal record checks and submitting their applications, so all staff will have their own person licence.
 - i. In response to a question regarding the sale of illicit tobacco at the premises, the committee sought assurances that this would not happen again. They were advised that the new PLH and DPS, Ms Ozdemir, is present at the premises on 3 to 4 days per week and is always in contact with the other two staff members. This allows for a greater degree of control to ensure that illicit tobacco is not sold again.
 - j. In relation to other improvements that have been made at the premises, reference was made to pages 17-23 of the supplementary agenda pack which included photos of the point-of-sale reminder that is displayed on the cash register screens when items requiring proof of age are purchased. This is a new system which has recently been implemented. Challenge 25 signage is also now clearly displayed at the premises.
 - k. Councillor Gunes asked what, if any, improvements had been made in relation to the CCTV system at the premises. It was confirmed that this has now been updated to record for 31 days and all staff have been trained on how to use it and provide a copy if requested to do so by the Police or Local Authority. Mr Sutherland added that if it would assist the committee, they would be happy to accept an additional condition stating that there would always be a member of staff on the premises who knew how to operate the CCTV system.
 - l. Councillor Taylor asked if Mrs Ozdemir as the new Premises Licence Holder understood fully what the licensing objectives are? Mrs Ozdemir responded to this question in Turkish which was translated for the committee. She confirmed that she fully understood the licensing objectives and listed what she understood these to be.
 - m. Councillor Taylor referred to the training record in the supplementary agenda pack and asked whether Mrs Ozdemir had been through the necessary training process. It was advised that she had not yet undertaken the training. Councillor Taylor said that it would give the sub-committee greater confidence going forward if Mrs Ozdemir as the new PLH and DPS had already undertaken this training. This point was accepted, and Mr Caliskan of Atlas Licensing confirmed that this training would be arranged as soon as possible.
7. The summary statement from Esther Hughes, Head of Service for Consumer Protection & Waste Protection, that having heard from the

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representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and polices were highlighted.

8. The summary statement from Amanda Butler, Senior Fair-Trading Officer that having heard the licence holder's representation the Trading Standards Authority submits to the Licensing Sub-Committee to consider total revocation of the premise licence as a result of illegal tobacco, vapes and medicines being seized from the premises on 4 August 2022. Although it is noted that Mrs Ozdemir is now the Premise Licence Holder the lack of confidence in the running of the family-owned business is to be questioned in regard to illegal tobacco being stored at the premises. However, it is noted that improvements have been made in regard to refusal registers and age restricted signage and it is for the sub-committee to consider that. If you are not minded to revoke the licence in its entirety please have regard to paragraph 5.2 in regards to demonstrating the licensing conditions.
9. The summary statement on behalf of the applicant that a lot of things have been said within the papers but probably the two most important issues are the test purchase in March 2022 and the items seized in August 2022. It is important to assure the committee that this will not happen again, and the approaches taken to demonstrate this have been to remove the staff responsible for the situation in August 2022, transferring the licence and putting Mrs Ozdemir in charge, improving signage around the premises as well as providing the appropriate training for all staff members. One of the factors to consider as a committee is suspending the licence and it is accepted that the committee can use a suspension as a deterrent. What we would ask the committee to look at is certainly imposing the conditions that are set out at Annex F with the suggestion of one additional condition of ensuring that there is a member of staff always present at the premises who is able to operate the CCTV system, which will deal with one of the issues raised by the police. The proposal to the committee is that these steps will address the failings and would ensure that the licensing objectives are promoted. If the committee is considering a suspension of the licence, then it is asked that as short of a suspension as possible be imposed if it is felt appropriate and proportionate. If the committee felt that further conditions were appropriate in relation to the storage and purchase of tobacco products, then again, these conditions could be looked at and added.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chair made the following statement:

“This Licensing Sub Committee (LSC) have read and considered all the information put before them and attentively listened to all the points made by each party.

Given the seriousness of the allegations the Committee were at first minded to consider revocation of the premises licence.

The LSC have been told this is a family run business and it is concerning that those who were previously involved in the failures outlined in the review are still involved.

However, their advocate (Mr Sutherland of RDS Law) has made it very clear that the families involved in the business acknowledge their previous failures. They want to do better in the future and have now employed consultants (Atlas Licensing Consultants), who have trained them and put in place a proper manual, a training system and will be undertaking test purchases in future to ensure staff are using their policies appropriately.

Nevertheless, the wrongdoing discovered was so serious that despite the acknowledged changes the LSC feel that anything short of a 3-month suspension would be inadequate.

The LSC anticipate that the Local Authority will be undertaking checks to ensure the business is now promoting the licensing objectives. The LSC will be very disappointed if this business should be back before them because further failures have been discovered.

3. The Licensing Sub-Committee resolved:

(a) that it considers the steps listed above to be appropriate for the promotion of the licensing objectives;

(b) to modify the conditions of the licence in accordance with Annex A attached to the Decision Notice;

AND

(c) to suspend the licence for a period of three months.

4

MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meetings held on 3rd August 2022 as a correct record.

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MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
22 February 2023

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : SKEWD KITCHEN, 113-115 COCKFOSTERS ROAD, BARNET, EN4 0DA</p> <p>WARD : Cockfosters</p>	

1 LICENSING HISTORY & CURRENT POSITION - LN/201200257:

- 1.1 Skewd Kitchen was previously situated nearby at 12 Cockfosters Parade, Cockfosters Road, BARNET, EN4 0BX and has held premises licence LN/201200257 since 15 June 2012. Mr Serdar Demir is the named premises licence holder and Designated Premises Supervisor (DPS). This premises licence is still in place.
- 1.2. No review action has been taken in regard to this premises licence.
- 1.3 This premises licence LN/201200257 permits:
- 1.3.1 Hours the premises are open to the public: 11:00 to 00:00 (midnight) daily.
- 1.3.2 Supply of alcohol (on supply only): 11:30 to 23:00 daily.

2 LICENSING HISTORY & CURRENT POSITION - LN/202100333:

- 2.1 The premises at 113-15 Cockfosters Road was formerly used as a bank, which used to open latest until 5.30pm.
- 2.2 On 8 November 2021, a new premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Mazlum Demir as both the Premises Licence Holder (PLH) and as the Designated Premises Supervisor (DPS).
- 2.3 The premises did not open immediately upon grant of the licence in November 2021 but is thought to have opened around 20 October 2022.
- 2.4 This Premises Licence LN/202100333 permits:
- 2.4.1 Hours the premises are open to the public:
9.30am to 11.30pm Sunday to Wednesday;
9.30am to 00:30am Thursday to Saturday

- 2.4.2 Supply of alcohol (on and off supplies):
10am to 11pm Sunday to Wednesday
10am to midnight Thursday to Saturday
- 2.4.3 Late night refreshment (indoors and outdoors)
11pm to midnight, Thursday to Saturday only
- 2.5 A copy of Part A of the current premises licence LN/202100333 is produced in Annex 1 of the review application and supporting documents (see Appendix A).

3 THIS APPLICATION:

- 3.1 On 30 December 2022 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/202100333 and is produced in Appendix A, including the Annexes to support that review.
- 3.2 The review application has been submitted as the Licensing Authority believes that Mr Mazlum Demir is not promoting the prevention of public nuisance licensing objective. The council have received several complaints from local residents regarding loud music emanating from Skewd Kitchen, particularly from a DJ playing in the premises. A noise abatement notice has been served as a statutory noise nuisance was witnessed by Council Noise Officers. This notice has been subsequently breached as officers witnessed a further statutory noise nuisance.
- 3.3 The premises licence does not specifically state any regulated entertainment as a licensable activity. However, as the premises is authorised for alcohol on sales, the premises currently benefits from being entitled to play live and recorded music between 8am and 11pm, as long as the audience does not exceed 500 persons.
- 3.4 This review seeks to disapply that entitlement under the provisions of Section 177A of the Licensing Act 2003 by adding a condition to the effect that regulated entertainment, including live music, recorded music and DJ music are not permitted at any time.
- 3.5 Therefore, the premises would only be able to offer music at background level only.
- 3.6 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.7 Each of the Responsible Authorities were consulted in respect of the application.

4 RELEVANT REPRESENTATIONS:

- 4.1 No representations have been received from any of the Responsible Authorities in response to this review application.

- 4.2 **Commercial Noise** – a representation has been received from the Council’s Commercial Noise Officer which is in support of the review based on the number of complaints received and statutory noise nuisance witnessed. An opinion is also provided should the noise attenuation works be completed. This representation also advises that conditions could be applied to the licence, the specific conditions are not yet provided (awaiting outcome of noise acoustic report). A copy of this representation can be seen in Appendix B.
- 4.3 **Other Persons** – five local residents who all live in Braemore Court (which are the flats above the commercial parade and Skewd Kitchen) have submitted representations in support of the review as they experience noise disturbance from loud music from the restaurant. A copy of their representations can be seen in Appendix C.
- 4.4 **Premises Licence Holder** – Written representation/information has been provided on behalf of Mr Mazlum Demir in response to this review application. Conditions are also offered (see more information below). A copy of this representation can be seen in Appendix D.
- 4.5 The Licensing Authority have produced additional information to support the review application, which is produced in Appendix E.

5 PROPOSED LICENCE CONDITIONS:

- 5.1 If the Licensing Committee are asked to modify the premises licence by adding further conditions to the premises licence to further support the prevention of public nuisance licensing objective.
- 5.2 A copy of the proposed conditions arising from the review application can be seen in Appendix F.
- 5.3 This list includes conditions A to D which are offered by the premises licence holder.

6 RELEVANT LAW, GUIDANCE & POLICIES:

- 6.1 See Annex 2 of the review application (Appendix A) for the guidance set out in relation to this review application.
- 6.2 Section 177A(4) of the Licensing Act 2003 states:
“On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to ... music as if—
(a) the... music were regulated entertainment, and
(b) the licence or certificate licensed the ... music.”
- 6.3 To assist, S.177A(4) can allow the Licensing Sub-Committee to add conditions to the premises licence, for example, noise control conditions which would apply throughout the hours of operation, as if the music was considered regulated entertainment.

- 6.4 It should be noted that the Licensing Authority are seeking a condition be applied to the premises licence which means that the premises licence should not have regulated entertainment to be permitted at all, at any time, and that this premises licence does not benefit from the usual entitlement for on supply premises for music, 8am to 11pm. The condition sought by this review effectively means the premises will only be permitted to play background music at all times.

Review:

- 6.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Decision:

- 6.6 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

6.6.1 to modify the conditions of the licence;

6.6.2 to exclude a licensable activity from the scope of the licence;

6.6.3 to remove the designated premises supervisor

6.6.4 to suspend the licence for a period not exceeding three months;

6.6.5 to revoke the licence [Act s.52].

- 6.7 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 0208 1322 128

London Borough of Enfield

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Charlotte Palmer, Senior Licensing Enforcement Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Skewd Kitchen, 113-115 Cockfosters Road

Post town Cockfosters

Post code (if known) EN4 0DA

Name of premises licence holder or club holding club premises certificate (if known)

Mr Mazlum Demir

Number of premises licence or club premises certificate (if known)
LN/202100333

Part 2 - Applicant details

I am

Please tick ✓
yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Team B Block South Civic Centre Silver Street Enfield EN1 3XA
Telephone number (if any)
E-mail address licensing@enfield.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The prevention of public nuisance licensing objective has been undermined: a statutory noise abatement notice has been served and subsequently breached. This is in relation to the large number of noise complaints received from local residents, who are being disturbed by recorded music including a DJ, from Skewd Kitchen.

Please provide as much information as possible to support the application
(please read guidance note 3)

Skewd Kitchen – Background History

Skewd Kitchen was previously situated nearby at 12 Cockfosters Parade, Cockfosters Road, BARNET, EN4 0BX and has held premises licence LN/201200257 since 15 June 2012. Mr Serdar Demir is the named premises licence holder and Designated Premises Supervisor (DPS). No review action was taken under this licence. This premises licence is still in place.

Premises Licence LN/202100333 – Background History

This premises was previously used as a bank, which used to open latest until 5.30pm.

On 7 October 2021, Mr Mazlum Demir applied to the Council for a new premises licence application and on the application form described itself as a restaurant. The licensable activities were sought as follows:

Licensable Activity	Permitted Days & Timings
Open	9.30am to 11.30pm Sunday to Wednesday 9.30am to 00:30am Thursday to Saturday
Late night refreshment (indoors and outdoors)	11pm to midnight, Thursday to Saturday only
Sale of alcohol (both on and off supplies)	10am to 11pm Sunday to Wednesday 10am to midnight Thursday to Saturday

Mr Demir was also to be named as the DPS.

The Operating Schedule which formed part of the application form offered a thorough list of conditions, however the Licensing Authority made representation, namely seeking conditions/amended conditions during the consultation period. Those conditions were subsequently agreed by Mr Demir.

The required blue notice was displayed at the premises, and some residents did contact the Licensing Team with their concerns, for example:

- not that the premises was to be a restaurant but of the earlier opening hours and later closing hours, namely after 10.30pm;
- that residents live above the premises, including families with children;
- of loud noise from the premises, from both music and customers;
- that no double door on entry (i.e. a lobby) was not included on the plan of the premises;
- of noise disturbance from customers seated at outdoor tables and chairs;

- of noise and nuisance caused by customers smoking outside;
- concern that staff could not manage customers and intervene appropriately to prevent noise disturbance;
- that the late licence will bring ASB to the area, especially on dispersal;
- Concluded that no music should be permitted and earlier closing times to be implemented.

The following condition offered in the operating schedule indicated that the premises was to be a restaurant and not be a vertical drinking establishment, namely Condition 21: All alcohol shall be ancillary to the operation of the premises as a restaurant and alcohol may only be supplied with a substantial food order.

Regulated entertainment had not been specifically applied for with the licence application, therefore no noise control conditions were offered or requested. This meant that no live or recorded music could be provided after 11pm.

The concerns raised by residents were deemed to be addressed by the conditions offered/agreed, and they were also advised that no regulated entertainment was sought. As the restaurant is a new premises, the concerns regarding ASB were only speculative, and other premises in the parade nearby had the same, if not later, hours, which had not attracted ASB etc.

As there were no outstanding relevant representations, the new premises licence application was granted, and Premises licence LN/202100333 was issued on 8 November 2021. A copy of Part A of this premises licence is now produced in **Annex 1**.

It is not known exactly when the premises actually started using this premises licence, but on review of the complaints, it is thought to be on 20 October 2022.

Under a separate licensing regime, pavement licence LN/202200342 was issued on 6 September 2022, permitting 13 tables and 26 chairs, in a designated licensed area, no more than 16.2 sq m. Therefore, with this pavement licence, and off sales permitted by premises licence LN/202100333, alcohol can be consumed at the outdoor tables and chair area.

Regulated Entertainment - Legal Provisions

The relevant extracts from the statutory guidance are produced in **Annex 2**.

To summarise, premises that have alcohol (on sales) on their premises licence are automatically entitled to provide regulated entertainment, including recorded music, between the hours of 8am and 11pm, without the regulated entertainment being specified as a licensable activity on the premises licence. This only applies if the capacity is 500 and under.

Before the de-regulation of this entertainment, if premises had regulated entertainment on their licence and conditions relating to that, for example, a requirement to undertake noise checks, the conditions are not effective between

8am and 11pm, and only apply to when the regulated entertainment is provided in accordance with their premises licence times, from 11pm up to 8am.

However, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment. The condition should include a statement that Section 177A does not apply to the premises licence. This condition is being sought through this review.

Complaint History in relation to Skewd Kitchen, 113-115 Cockfosters Road:

On Thursday 20 October 2022 at 19:03, Resident 1 complained that “from around 3pm till closing time for the restaurant, they are playing continuous songs with a loud bass. The flats can hear and feel the bass of the music.”

Also, on Thursday 20 October 2022 at 20:07, Resident 2 complained that “from 6pm-1am, music vibrates through the floor, the noise radiates upwards and also loud music from the street coming out we can hear it from my windows”.

On Friday 21 October 2022 daytime (general complaint), Resident 3 complained of “very loud music lasting until at least 12am, if not 1am followed by people leaving and being very loud until 2am. This is every night, as the restaurant is open 7 days a week. Further there are industrial extractor fans at rear”.

Also, on Friday 21 October 2022 at 22:05, Resident 4 complained of “loud music (bass) coming up from the restaurant and loud extractor fans at rear.” This complaint was received by the Out of Hours (OOH) Noise Team, who called Resident 4, who provided more information: “very loud music since the premises opened up yesterday (20 October 2022) and the noise is travelling up through the residential block.” The OOH Noise officers were only able to attend Skewd Kitchen at 00:05am and stated that the music was only audible by the front door. Officers met with owner, Mr Mazlum Demir, who advised they had spent lots of money on acoustic panelling in the ceiling to prevent noise escape to upstairs. Music was not loud at the time of the visit. Officers noted two large speakers at the front of the premises, next to the bar.

On Thursday 27 October 2022, at 22:08, Resident 5 reported that loud music was emanating from Skewd Kitchen at that time and also in general Thursdays to Sundays, mainly from a DJ who has a subwoofer. Resident 5 does not understand why this is needed in a restaurant. This loud music is causing a great deal of disturbance, and the residents are not able to rest or sleep due to the vibration of the DJ and subwoofer. Even at 1am when customers leave, the customers pour onto the street which creates even more noise. This resident represents 15 local residents in the flats around Skewd Kitchen.

On Saturday 29 October 2022, Resident 6 complained of excessively loud music with a heavy bass from the Skewd restaurant, between the hours of 19:00 and 23:30. The OOH noise officers received this complaint and at 23:45, they visited the resident to assess the noise levels in their property. The officer was of the opinion that the noise had the potential to be or likelihood to be a statutory noise nuisance if

the music was at a higher volume. The officer could not make out what type of music it was or hear any clear lyrics but confirmed the music could be heard in every room. The resident advised officers it was louder before they arrived. The resident maintained that if they were in bed, the loud music would prevent them from sleeping. The officer recommended that a second opinion should be gained by another officer. At 00:15, the officers entered Skewd Kitchen and advised them of the noise issues. **BREACH - MUSIC AFTER 11PM.**

On Thursday 3 November, Resident 7 advised they were experiencing disturbance from loud music from Skewd Kitchen.

On Friday 4 November 2022, Ellie Green, Licensing Team Manager, called the premises and spoke to Ilyas, who introduced himself as the manager, and discussed the large number of complaints and how the licence is affected, namely that no music was permitted after 11pm as not a specified licensable activity. A follow up email with a summary of that discussion and advice, was sent to Mr Demir, to keep him in the loop. A copy of that email is now produced as **Annex 3.**

Shortly after, Ellie Green updated the residents of the advice given, further information was provided by Resident 5: "the problem that we are having is the music from the DJ booth and subwoofers... they are playing music in the evenings and promoting people to have to shout over the volume... the DJ is playing and the volume of the noise could be heard from the flats... it shouldn't have the atmosphere of a club such as a DJ playing... I'm quite happy for them to play music at a reasonable volume if it isn't heard in any of our flats... it's quite upsetting for us as a lot of the people above have children and they're not sleeping... even last night customers were screaming and shouting leaving the building and it's causing a lot of disturbance in the area and we are not resting like we was before it was a lovely area before they moved in and now we're extremely tired from the lack of care they're taking for the people that live near this premises".

Later on Friday 4 November 2022, at 22:35, the OOH Noise team carried out observations in nearby flats. The officer stated that the music from Skewd Kitchen was clearly audible, both the bass beat and volume. People noise was also audible. Residents advised officers that the music continued after 11pm in general. The officers determined that the noise from the music was at such a level **it was deemed a statutory noise nuisance.**

On Saturday 5 November 2022, the OOH Noise team responded to a complaint from Resident 6 that the music from Skewd Kitchen was very loud. At 22:40, the officers carried out observations in nearby flats and stated that the music was clearly audible in the living room, with loud bass and volume. At 22:45, the volume of music increased and was clearly audible in the bedroom. At 22:48, the volume increased again, as did the bass. At 23:03, the volume of music was clearly more than background level, and the same applied at 23:18 in the hallway to all flats. **The officers determined that the noise from the music was at such a level it was deemed a statutory noise nuisance. MUSIC LOUD AND ALSO AFTER HOURS.**

On Tuesday 8 November 2022, the Noise officer left a voicemail for Mr Demir in order to discuss the recent statutory noise nuisances witnessed.

On Thursday 10 November 2022, the Noise Officer, Joynul Islam issued the Section 80 Environmental Protection Act 1990 Noise Abatement Notice on Mr Mazlum Demir. A copy of that notice is now produced in **Annex 4**. That notice was not appealed during the 21-day notice period.

Later on Thursday 10 November 2022, at 23:25 Resident 6 reported that very loud techno music with heavy bass was coming from Skewd Kitchen, which had started at 7pm and still ongoing at 11:25pm. The loud music was interfering with the resident's TV watching in the living room, and they could not concentrate on watching the programme. The loud music then prevented the resident from sleeping in their bedroom. The resident reported that in general they are being deprived of sleep, which is causing them to be very stressed. Resident 6 advised that the premises had also started playing loud music early in the morning (between 5.50am and 7.45am), whilst the kitchen staff were preparing food – the premises not open to the public at the time.

On Friday 11 November 2022, at 21:35, Resident 6 reported loud music from Skewd Kitchen. The OOH noise officers attended their premises at 23:05, and Resident 6 advised the music had only just been reduced. The music was still audible, as was the bass but not deemed to be a statutory nuisance at this time. The Noise officer entered Skewd Kitchen and spoke with "Maz". The Noise officer confirmed the music was background level at this time. The Noise officer noted the two larger speakers at the bar were louder, and had more bass, than the other speakers. The bar is situated under the residential flats. Advice was given to reduce the volume, specifically from those two speakers.

On Saturday 12 November 2022, at 21:09, Resident 6 complained to the OOH Noise team that loud music was emanating from Skewd Kitchen. The OOH Noise officers attended the residential property at 22:28 and observed that music was audible in the living room and the bass was thumping. In the hallway, the bass was louder, and in the bedroom the bass thumps were audible. The OOH noise officer called Mazlum (owner of Skewd Kitchen) on the phone and advised of the complaint. Whilst on the phone, Mazlum adjusted the volumes of each of the speakers in various positions in the restaurant for the officer to observe any improvement. The OOH Noise officer then met with Mazlum in the restaurant and discussed the noise issues further. Advice was given on the outcome of the speaker positions and their volume, as this did appear to have some impact on the noise level in residential flats. Mazlum advised he would instruct a sound engineer as would rather not reduce the volume by 30%, as per the officer advice. It was noted the DJ finished after 11pm, but the Noise officer believed that it was later because of the live testing they were doing together at this time.

On Saturday 18 November 2022, Licensing Enforcement officers carried out observations of the premises at 19:15. The music was found to be at a reasonable level.

On Saturday 26 November 2022, at 21:06, Resident 6 reported to the OOH Noise Team that loud music was emanating from Skewd Kitchen and had been since 8pm. The Noise officer attended the residential property at 22:03. The officer could clearly

hear music from Skewd Kitchen and deemed it to be unreasonably loud and would make watching TV or reading very difficult. **The music was so loud that the officer deemed it to be a statutory noise nuisance.** The volume level did not alter throughout the visit, nor did the bass beat. At 22:22, the Noise officer entered the premises and spoke to the manager, Maz, and was advised of the noise nuisance. Maz stated the music goes down at 11pm and that a noise consultant was coming next week to look at solutions.

On Thursday 1 December 2022, Resident 5 reported to Licensing Enforcement that the music continues to be an issue, so much so that it has become a terrible place to live and people are moving out of the flats.

On Friday 2 December 2022, at 21:07, Resident 6 reported to the OOH Noise Team that loud music from DJ was coming from Skewd Kitchen. The Noise officer arrived at the residential property at 23:21 and was advised by the resident that the music had only just ceased. The Noise officer then visited Skewd Kitchen and hand delivered the Fixed Penalty Notice (FPN) to Mr Demir.

This FPN relates to the noise abatement notice served on 10 November 2022, which was observed to have been breached on Saturday 26 November 2022. The FPN is £400. A copy of the FPN served on Mr Mazlum Demir by the Noise Officer is now produced as **Annex 5**. The FPN must be paid by 30 December 2022.

Also on Friday 2 December 2022, at 21:25, Resident 8 (a separate address to that of Resident 6) complained of loud music coming from Skewd Kitchen. See above for outcome of officer visit.

On Saturday 3 December 2022, at 21:16, Resident 6 complained to the OOH Noise Team of loud music and shouting emanating from Skewd Kitchen. At 22:30, the Noise officer attended the residential property and observed 5 customers outside the front of the premises. The music from Skewd Kitchen was audible in the living room, and very audible and much louder in the bedroom, where the resident was trying to sleep but could not.

On 9 December, the Noise Officer, Joynul Islam, had a discussion on the phone with Mr Mazlum Demir about the FPN that had been served, and warned that the licence could also be reviewed.

On Friday 9 December 2022, at 21:04, Resident 6 complained to the OOH Noise Team that loud music was emanating from Skewd Kitchen. When officers arrived at the residents property at 22:19 to undertake observations, the complainant advised the music volume had just been lowered.

On Saturday 10 December 2022, at 21:10, Resident 6 complained to the OOH Noise Team that loud music was coming from Skewd Kitchen. When the officers called the complainant back at 21:40, they advised the loud music had stopped, so the officers did not visit.

Later on Saturday 10 December 2022, at 21:45, the OOH Noise officers contacted the OOH Licensing Enforcement officers to advise that they had received a noise

complaint regarding Skewd Kitchen but when they called the complainant back, the noise level had gone down. When the Licensing Enforcement officers attended the premises at 01:04am, the premises was closed.

On 16 December 2022, Ellie Green emailed Mr Demir to advise of the recent noise complaints, and in light of the breach of the noise abatement notice being witnessed, then a review would be pursued. Advice was given to prevent further noise issues. A copy of that email is now produced as **Annex 6**.

On 22 December 2022, and also again on 28 December 2022, the Licensing Team emailed the premises licence holder to advise that they are aware that Skewd Kitchen is advertising late music/DJ over the Christmas and New Year period, and specifically up to 2am on New Year's Eve. However, the premises licence does not permit this and no Temporary Event Notices (TENs) had been sought, however it will be too late to submit a TEN. Advice/warning was given about unauthorised licensable activity. At the time of writing this review application, no response had been received. A copy of those emails are now produced as **Annex 7**.

Skewd Kitchen Website:

Skewd Kitchen has a website: <https://skewd.com/> which does not mention any DJ or closing times, instead the information simply states open until "late" rather than providing the opening hours in line with the premises licence, which I repeat are:
9.30am to 11.30pm Sunday to Wednesday
9.30am to 00:30am Thursday to Saturday

The screenshot shows the Skewd Kitchen website with a dark theme. The header includes the 'SKEWD' logo, 'Order Takeaway | 0208 449 7771', and a menu icon. The main content area features a central card titled 'Christmas/December Hours' with the following schedule:

MON	1:00 PM - LATE
TUES	1:00 PM - LATE
WED	1:00 PM - LATE
THURS	1:00 PM - LATE
FRI	1:00 PM - LATE
SAT	1:00 PM - LATE
SUN	12:00 PM - LATE
25TH DEC	CLOSED
1ST JAN	CLOSED

To the right of the schedule, the text 'XMAS HOURS' is displayed. At the bottom of the card, it says 'BOOK NOW VIA OUR WEBSITE WWW.SKEWD.COM'. Below the card, there are three buttons: 'GIFT', 'BOOK', and 'CALL'.

Skewd Kitchen Facebook:

Skewd Kitchen also has a Facebook page: <https://www.facebook.com/SkewdKitchen>

On several of the Facebook posts, they refer to “parties” and the live DJ from 7.30pm until late night, so the DJ is advertised as part of the evening in addition to the food. This cannot be considered incidental music and the finishing times are not specified.

Some posts relate to cocktails only rather than food, which does not support Condition 21, namely that alcohol shall only be supplied with table meals.

The Facebook post dated 8 December 2022, for example, states “live DJ until 2am!” in relation to New Year’s Eve.

NB. No TEN application has been submitted to the Licensing Team for any dates over the Christmas or New Year period. Furthermore, the premises licence does not permit music after 11pm, and there is no seasonal variation to extend music even on New Year’s Eve. Therefore, if this event goes beyond 11pm with music on any date, including New Year’s Eve, this is an offence under Section 136 of the Licensing Act 2003. The premises licence holder was advised of this on 22 and 28 December 2022.

A copy of the Facebook posts can be seen in **Annex 8**.

Trip Advisor Reviews (dated 20 December 2022):

On Trip Advisor, an external site, reviews from customers can be seen in this link here: https://www.tripadvisor.co.uk/Restaurant_Review-g1480935-d4579186-Reviews-Skewd_Kitchen-Barnet_Greater_London_England.html

A copy of those reviews relating to music can be found in **Annex 9**.

Extracted comments from the reviews are:

“I will say that we and many of the tables around us found the music far too loud. I had been warned by friends and family that this was the case, but I hadn’t realised just how loud it would be. I’d say that if the volume had been 20% less, it would have been perfect. Will definitely be back but on a night when the DJ isn’t around.”

“...background of unbelievably loud beat music, making normal conversation impossible.”

“... there was continuous, almost deafening music, such that conversation was seriously compromised. I requested lowering the intensity of the sound but was told that sound was all set, and it could not be adjusted.”

NB. One review mentions they are excited to be making reservations in the bank vault – it is not clear that this bank vault is shown on plan attached to premises licence and forms part of the authorisation. An amendment to the plan via a variation application would be required.

Summary

- Total no. of complaints received between 20 October 2022 and 10 December 2022, by 8 different residents/addresses: 18
- Total no. of occasions advice given in writing by officers to premises regarding loud music and timings: 5
- Total no. of occasions advice given in person by officers to premises: 5
- Total no. of occasions officers observed unauthorised regulated entertainment (i.e. music after 11pm) at Skewd Kitchen: 2
- Total no. of occasions officers witnessed loud music from Skewd Kitchen: 3 (including 4 November 2022, the very same day that advice by officers had been given over the phone and in a follow up email).
- Noise abatement notice served on 10 November 2022.
- Noise abatement notice breached on 26 November 2022.
- Fixed Penalty Notice (FPN) served on 2 December 2022.

During a conversation between Ellie Green and Ilyas (manager) on 4 November 2022, Ilyas advised:

- No later hours would be sought over festive period, would just stay as normal hours as they want to keep it as a restaurant.
- That the DJ was employed to create an atmosphere, if it was a special occasion. The DJ would not be loud, but just give out good vibes not a club vibe.

This is not the case, as the DJ seems to be available every Friday and Saturday, not just special occasions. In light of the number of the reviews on Trip Advisor, even the customers think the DJ is too much for a restaurant.

Furthermore, the Facebook posts show that Christmas and New Years “parties” were planned, and later (past the permitted hours) until 2am.

The premises has been advised on at least 10 occasions, and yet issues were still observed by officers even the same day that the advice was given. Advice has been given in order to prevent the premises from providing music after 11pm over the festive and New Year’s Eve, so there is no excuse if the premises licence holder goes beyond those hours.

We are of the view that the premises is not suitable for music other than only background level, and that the persons responsible at the restaurant are not capable of ensuring that the DJ provides only background level music. As the DJ is advertised in such a manner, the DJ cannot be deemed incidental music either.

This premises has received a significantly high volume of complaints (in comparison to other like for like premises) and in such a short time frame, it has barely been open 2 months and significant issues have already been evidenced.

Seek:

To conclude, as the premises licence does not specify any regulated entertainment under the licensable activities, no conditions can be applied to control the regulated entertainment. Regardless, the premises is not deemed to be suitable to have any music other than background level.

Therefore, this review requests that the Licensing Sub-Committee apply the following condition to the premises licence:

Section 177A does not apply to this premises licence, therefore no regulated entertainment is permitted at any time, including a DJ.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

.....

Date **30 December 2022**

.....

Capacity **Senior Licensing Enforcement Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
E-mail address	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

Location	Whole premises
Activity	Open to the Public
Sunday	08:00-23:30
Monday	08:00-23:30
Tuesday	08:00-23:30
Wednesday	08:00-23:30
Thursday	08:00-00:30
Friday	08:00-00:30
Saturday	08:00-00:30
Non-Standard Timings & Seasonal Variations	

Location	On & Off supplies
Activity	Supply of Alcohol
Sunday	08:00-23:00
Monday	08:00-23:00
Tuesday	08:00-23:00
Wednesday	08:00-23:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00

Non-Standard Timings & Seasonal Variations	
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Location	Indoors & Outdoors
Activity	Late Night Refreshment
Sunday	-
Monday	-
Tuesday	-
Wednesday	-
Thursday	23:00-00:00
Friday	23:00-00:00
Saturday	23:00-00:00
Non-Standard Timings & Seasonal Variations	

Part 2

Name and (registered) address of holder(s) of premises licence:

Name: Mr Mazlum Demir

Address: [REDACTED]

Registered number of holder (if applicable):

Not applicable

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name: Mr Mazlum Demir

Address: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number: [REDACTED]

Issuing Authority: London Borough of Haringey

Signed: [REDACTED]

Date: 8 November 2021

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.**
- 3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 4. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 5. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.**
- 6. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.**
- 7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken out of the licensed area to be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.**
- 9. Staff shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its**

junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

10. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between the hours of 22:00 and 07:00.

11. Deliveries shall not be made to the premises between the hours of 22:00 and 07:00.

12. All 'off' sales of alcohol shall be made in a sealed container.

13. All those delivering to and from the premises shall be instructed to do so quietly so as not to disturb local residents.

14. Delivery of alcohol or late-night refreshment shall only be made to a domestic dwelling or place of business.

15. If there is no one available to take in the delivery, the courier shall not leave alcohol in an unattended place for collection later. It can be left with a neighbouring property only if the Think 25 condition above is taken into account.

16. Delivery of alcohol to anybody who appears to be under the age of 25 shall require evidence of proof of age to be shown to the person making the delivery. If proof is not provided or if there is any doubt about the I.D. the delivery of alcohol shall be refused.

17. A telephone number for the premises shall be provided to local residents, the Police and/or the Local Authority upon request to enable them to express any concerns about the running of the business. Staff shall be trained on the importance of answering calls.

18. The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.

19. (a) A CCTV system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.

(b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

(c) All staff who may work front of house shall be trained to operate the CCTV system and download images.

(d) At least one member of staff trained to operate the CCTV system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police

on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

20. An incident book shall be kept at the premises, and made available to the police or authorized council officers, which will record the following:

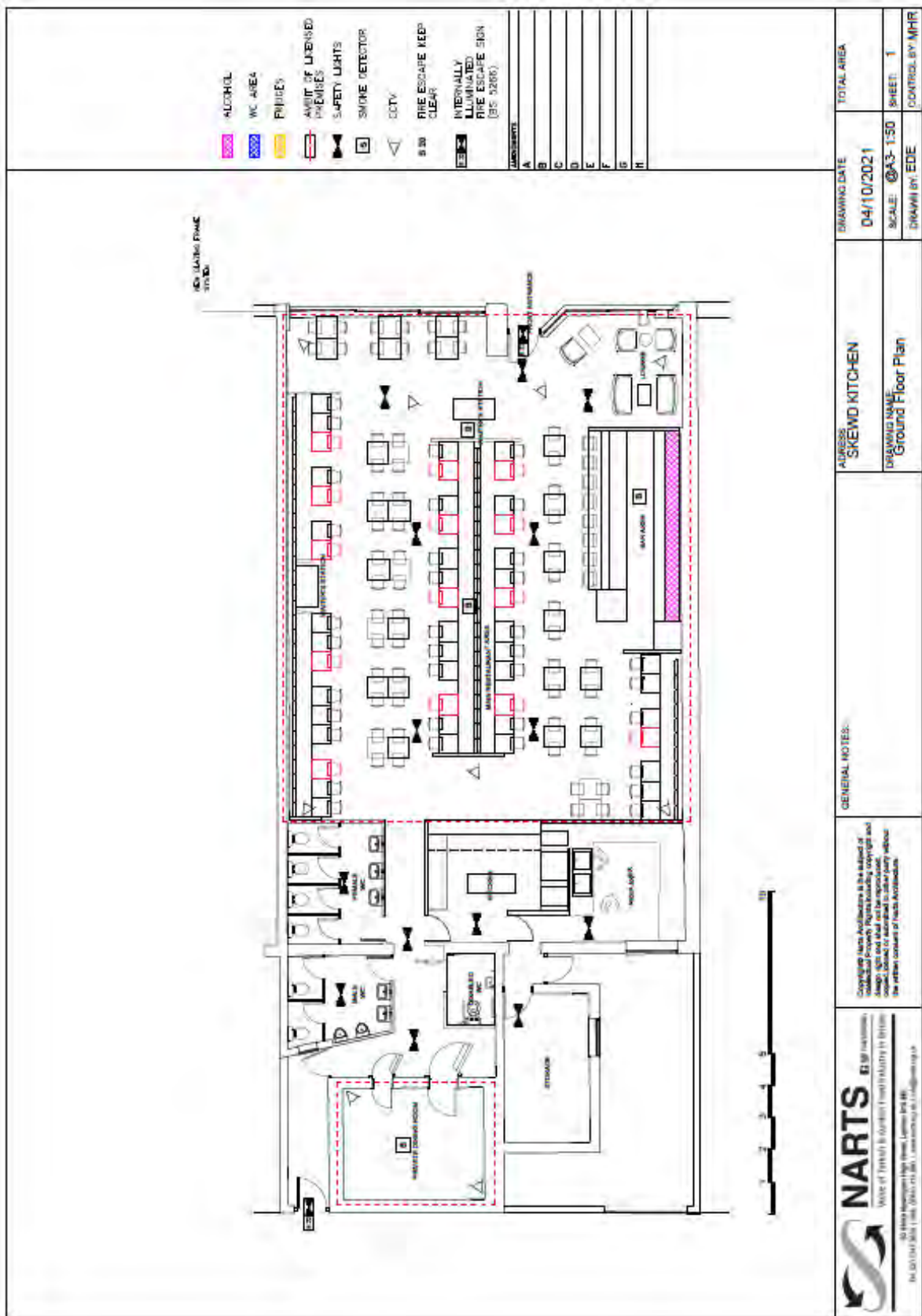
- (a) All crimes reported,
- (b) Lost property,
- (c) All ejections of customers,
- (d) Any complaints received,
- (e) Any incidents of disorder,
- (f) Any seizure of drugs or offensive weapons,
- (g) Any faults in the CCTV,
- (h) Any refusal in the sale of alcohol,
- (i) Any visit by a relevant authority or emergency service.

21. All alcohol shall be ancillary to the operation of the premises as a restaurant and alcohol may only be supplied with a substantial food order.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

These Mandatory Conditions form part of the Operating Schedule of your licence. You must ensure that the operation of the licensed premises complies with these Mandatory Conditions, as well as the Conditions stated in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2

Section 182 Licensing Act Statutory Guidance, Revised December 2022

The full guidance can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf

Extracted sections relevant to this review and regulated entertainment:

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are: (only included relevant information, not the exhaustive list)

- a performance of live music;
- any playing of recorded music; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities: (only included relevant information, not the exhaustive list)

- Recorded Music: no licence permission is required for:

– any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an

audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

16.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

Incidental music

16.57 The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place

between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment⁷⁶ such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

16.59 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?

16.60 Conversely, factors which would not normally be relevant in themselves include:

- the number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
- whether musicians are paid;
- whether the performance is pre-arranged; and
- whether a charge is made for admission to the premises.

16.61 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is “incidental” in the individual circumstances of any case.

Annex 3

From: [Ellie Green](#)
To: info@skewd.com
Cc: [Joynul Islam](#)
Subject: Complaints at Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA.t
Date: 04 November 2022 16:09:00
Attachments: [Annual Fee Reminder Letter 4.11.22.pdf](#)

Dear Mr Demir

This afternoon, I spoke to your manager, Ilyas, for the above premises regarding the recent complaints. I believe you are aware of the complaints that have been received since the premises opened in mid-October, via my colleague, Joynul Islam.

Here is a brief summary of our conversation:

- DJ until 10.30pm/11pm Thursday to Saturday.
- Only just opened premises.
- Opening party vibes, much quieter now.
- State when OOH officers came when music was background level only, no DJ on site as they had finished.
- Who's in charge of the background music – Ilyas.
- There is a noise panel on the side of the wall near the front, need a pin to access it.
- Type of music – restaurant dining music as background, so does DJ, not dance music
- Premises before was a bank.
- Not playing live music, just DJ.
- DJ the same each day/each week? Resident DJ? No, get different DJs Suggest before they start, they sign record to be aware to keep music at lower level and be mindful of local residents.
- Noise limiter within the panel, can set to three different levels, and also on the DJ deck. DJ deck only provided when DJ playing. Provided by premises and DJ links into it.
- EVG advised officers will monitor premises as new and complaints. Advised to remind all staff of times and conditions.
- Residents become harassing and bullying, Ilyas advised he will record any communication. Advised they should contact council if cannot be polite.
- Ilyas has sent letters to residents, sent vouchers. Residents have rung in.
- Resident rang premises around 10pm, to advise of loud noise, Ilyas turned down. Afterwards resident confirmed happy with action taken.
- Number to call Ilyas mobile if any noise issues , agreed to give to residents. Want to work with residents to resolve matter.
- No customers after 11.30pm, not got a reputation for that. Latest they arrive is 9.30pm.
- Christmas events – no later hours to be sought, stay as normal hours. Not planned. Want to keep it as a restaurant.
- Asked why a DJ? Part of atmosphere, if special occasion, not loud, but good vibes. Not club vibe.
- Only allowed drinks with food, not drink only. Ilyas aware of this.
- EVG Warned about review/prosecution.
- Best email is: info@skewd.com
- EVG Advised annual fee due 8/11/22
- Ilyas wants enforcement to come and test out music level.

I would now like to confirm the licensing advice regarding the noise issues.

Premises licence LN/202100333 does not specify any music as a licensable activity. As the premises is licensed for the sale of alcohol (on sales), you are automatically entitled to provide music between 8am and 11pm. After 11pm, only background music is permitted. We consider background music to be quiet enough so that customers or staff do not need to raise their voice to be heard, and so that it is at a level that does not encourage singing or dancing.

Providing music deemed to be regulated entertainment that is not licensed is a criminal offence. If found guilty, there is an unlimited fine and/or up to 6 months imprisonment.

Furthermore, your premises licence could be reviewed to reduce hours for example, or even be revoked. Through a review, the Licensing Authority could seek to disapply the above automatic entitlement, so you would not be permitted music at any time.

I hope you take on board these timings, as the (5) complaints we have received allege that the loud music goes on until 1am. Please take this opportunity to remind all staff about the times and conditions of the premises licence.

As complaints have been received, officers will be monitoring the premises.

I will pass on Ilyas' number to residents should they need to call regarding any noise issues.

I am aware Joynul has given you advice about the noise complaints. Just to add that simply turning the volume of music down and undertaking regular checks outside will help manage the noise.

A reminder has been sent today to the accounts email address, that the annual fee is due by 8/11/22. I attach a copy for your information.

If you wish to discuss this matter further, please do not hesitate to contact me, but I also welcome any further comments you may have.

Yours sincerely
Ellie

Ellie Green (she/her)

**Licensing Team Manager
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

Website: www.enfield.gov.uk

Protect the Environment – Think Before You Print.

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

Mr Mazlum Demir
Skewd Kitchen
113-115 Cockfosters Road
BARNET
EN4 0DA

Please reply to: Joynul Islam
Pollution Control and Planning
Enforcement,
Civic Centre, Silver Street,
Enfield, EN1 3XY
E-mail: [REDACTED]
[REDACTED]
Your Ref:
Date: 10/11/2022

Dear Sir or Madam

Environmental Protection Act 1990

Section 80 Abatement Notice (Noise Nuisance)

Premises: Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA

Please find enclosed an Abatement Notice served in respect of a statutory nuisance coming from the above premises.

The Notice specifies what matters constitute a statutory nuisance and requires that you abate the nuisance.

If you wish to appeal against the Notice, you should do so directly to the Magistrates Court within 21 days of the notice being served (Highbury Corner Magistrates' Court, 51 Holloway Road, London N7 8JA). The rear of the Notice explains the grounds of appeal.

Please do not hesitate to contact me if you have any queries.

Yours faithfully


Joynul Islam
Environmental Protection (Commercial Nuisance) Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Website: www.enfield.gov.uk

LONDON BOROUGH OF ENFIELD

REF NO. XXXXXXXXXX

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: **Mr Mazlum Demir**
of: **Skewd Kitchen**
113-115 Cockfosters Road
BARNET
EN4 0DA

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the likely occurrence and recurrence of noise amounting to a nuisance under section 79(1)(g) of the above Act at **Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA** within the district of the said Council arising from:

The playing of amplified music on the said premises and causing a nuisance to persons in neighbouring premises.

HEREBY REQUIRE the abatement of the said nuisance and also,
HEREBY PROHIBIT the RECURRENCE of the said nuisance, and for that purpose require you, as the occupier/owner responsible for the premises concerned, **forthwith** to:

Not play or permit the playing of amplified music at such a volume to cause a nuisance to persons residing in the vicinity and/or to implement measures necessary to abate any noise that's crossing the premises boundary and causing a nuisance beyond in other premises.

IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided, would not be disproportionate to the public benefit to be expected in that period from such compliance.

REF NO. [REDACTED]

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale*, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. (*A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine of unlimited amount).

The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance. (Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute those works and recover from you the necessary expenditure incurred).

Signed: [REDACTED]

Joynul Islam, Environmental Protection Officer

Dated: **10/11/2022**

NOTE – The person served with this notice may appeal against the notice to a magistrates' court within 21 days from service of the notice.

NB See attached explanatory notes PH27 (N)

Address for all communications:
London Borough of Enfield
Pollution Control & Planning Enforcement
PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XY

Contact: **Mr Joynul Islam**

Telephone: [REDACTED]

ENVIRONMENTAL PROTECTION ACT 1990-SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

NOTES

(as amended)

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
- (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga)[4] of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance; or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

(i) the person responsible for the nuisance, or
(ii) the person responsible for the vehicle, machinery or equipment, or
(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being -

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or
(ii) a person who is also owner of the premises, or
(iii) a person who is also an occupier of the premises, or
(iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

(a) quash the abatement notice to which the appeal relates, or
(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
(c) dismiss the appeal;
and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.





Suspension of notice

- 3.- (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Mazlum Demir
 Skewd Kitchen
 113-115 Cockfosters Road
 BARNET
 EN4 0DA

Please reply to : Joynul Islam,
 Pollution Control & Planning
 Enforcement,
 Environment, Place Directorate,
 E-mail : 
 Phone : 

 Your Ref : 
 Date : 02/12/2022

Dear Sir/Madam,

Environmental Protection Act 1990, Part III, Section 80(4).
London Local Authorities Act 2004.
Fixed Penalty Notice for a breach of a Section 80 Noise Abatement Notice.
Re: Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA.

I write in regard to the Noise Abatement Notice served on 10/11/2022 and the subsequent breach of the terms of that Notice witnessed on 26/11/2022.

The Council have decided to issue you with a Fixed Penalty Notice (FPN) for this criminal offence. The FPN offers you an opportunity to discharge any liability to conviction for the offence of breaching the Abatement Notice by payment of the FPN. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of the FPN. If you fail to pay the FPN within the 28-day period, legal proceedings for the offence may be commenced against you.

I hope this explains the situation clearly; should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely


 Joynul Islam
 Environmental Protection (Commercial Nuisance) Officer

Notice number: [REDACTED]
 FPN_LLA & EPA 1990



FIXED PENALTY NOTICE:
London Local Authorities Act 2004
(Schedule 2)

OFFENCE: BREACH OF A SECTION 80 ABATEMENT NOTICE

Mazlum Demir
Skewd Kitchen
113-115 Cockfosters Road
BARNET
EN4 0DA

I, Joynul Islam, an authorised officer of Enfield Council have reason to believe that you have committed an offence details of which are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of **£400**. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of this notice. The expiration date is **30/12/2022**. You will not be liable to conviction for the offence if you pay the fixed penalty before 28 calendar days. An early payment discount will apply if the penalty is paid before the end of the period of 14 calendar days beginning with the date of the notice. The last date for early payment is **16/12/2022**. The amount to be paid for an early payment discount is **£240**.

Date of offence:

26/11/2022

Location of offence:

Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA

Offence:

Breach of Section 80 Abatement Notice served under Environmental Protection Act 1990

Circumstances alleged to constitute the offence:

Statutory Nuisance caused by the playing of loud music, in breach of the Section 80 Abatement Notice which was served on 10/11/2022.

PLEASE NOTE: If you do not pay the fixed penalty within the period of 28 calendar days, you are liable to be prosecuted for the offence described above and if convicted could receive a fine of up to 'unlimited' in the Magistrates Court.

Signature of Authorised Officer [REDACTED]	Name	Joynul Islam
[REDACTED]	Date	02/12/2022

Environmental Protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

PAYMENT INFORMATION IS GIVEN ON THE BACK OF THIS NOTICE

Notice number: [REDACTED]
FPN_LLA & EPA 1990

HOW TO PAY YOUR FIXED PENALTY NOTICE

You can pay by debit/credit card, or cheque:

Online

Visit the Council website: www.enfield.gov.uk

[Click '**Make a Payment**' on the home page. Then click '**Pay a penalty Notice**' under the sub-section 'Other'. Click on '**Pay a Fixed Penalty Notice (FPN) prefixed with WK/**']

Internet or phone banking

Pay us directly into the London Borough of Enfield bank account using account number: 81228307 and sort code: 40-20-23 (HSBC Bank), **quoting your notice number** [REDACTED] **as the reference.**

By Post:

Send a cheque made payable to: London Borough of Enfield. Write the notice number [REDACTED] and cost code **ES0198 67703** on the back of the cheque.

Post to:

Exchequer Services
London Borough of Enfield
Civic Centre
Silver Street
Enfield
EN1 3XA

If sending by post to qualify for early payment we must receive the payment before the expiration of 14 days starting with the date of this notice (you should post your payment in good time to allow delivery of it within the stated period).

Annex 6

From: [Ellie Green](#)
To: info@skewd.com
Cc: [Joynul Islam](#)
Subject: RE: Complaints at Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA.t
Date: 16 December 2022 14:54:00

Dear Mr Demir

In response to my email, Mr Islam has updated me further that Fixed Penalty Notices have been served already.

Therefore we have no option but to pursue the review outlined below, I will be in touch shortly regarding this.

Kind regards
Ellie

Ellie Green (she/her)

**Licensing Team Manager
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

**Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.**

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From: Ellie Green
Sent: 16 December 2022 14:36
To: info@skewd.com
Cc: Joynul Islam <Joynul.Islam@enfield.gov.uk>
Subject: RE: Complaints at Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 0DA.t

Dear Mr Demir

Since my last email to you, I am aware that you have been served with Section 80 Noise abatement notices following officers witnessing a statutory noise nuisance. The Council has still received 12 further complaints since this, relating to loud music emanating from the premises.

Most recently, noise officers also received a noise complaint from a local resident on Saturday 10 December 2022, but later confirmed the music had been turned down before the officers could assess.

I am sure you have been made aware of the penalty should the noise abatement notice be witnessed to be breached, for example, a fixed penalty notice can be issued.

As mentioned before, from a licensing perspective, we know we have advised you on more than one occasion about the loud music. If complaints persist/a nuisance is further witnessed, we would certainly consider reviewing the premises licence to disapply the music entitlement before 11pm, which means you could not provide any regulated entertainment (other than background level).

It appears that a DJ and the associated equipment is not suitable for this restaurant, nor does the building appear adequate to prevent sound travelling. Therefore you are strongly advised to stop providing the DJ and/or similar loud music.

If you wish to make any comments relating to what actions you have or will take in relation to preventing any further noise complaints, I look forward to hearing from you.

Finally, please confirm receipt of this email.

Yours sincerely
Ellie

Ellie Green (she/her)

**Licensing Team Manager
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

**Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.**

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

From: Ellie Green
Sent: 04 November 2022 16:10
To: info@skewd.com
Cc: Joynul Islam <Joynul.Islam@enfield.gov.uk>
Subject: Complaints at Skewd Kitchen, 113-115 Cockfosters Road, BARNET, EN4 ODA.t

Dear Mr Demir

This afternoon, I spoke to your manager, Ilyas, for the above premises regarding the recent complaints. I believe you are aware of the complaints that have been received since the

premises opened in mid-October, via my colleague, Joynul Islam.

Here is a brief summary of our conversation:

- DJ until 10.30pm/11pm Thursday to Saturday.
- Only just opened premises.
- Opening party vibes, much quieter now.
- State when OOH officers came when music was background level only, no DJ on site as they had finished.
- Who's in charge of the background music – Ilyas.
- There is a noise panel on the side of the wall near the front, need a pin to access it.
- Type of music – restaurant dining music as background, so does DJ, not dance music
- Premises before was a bank.
- Not playing live music, just DJ.
- DJ the same each day/each week? Resident DJ? No, get different DJs Suggest before they start, they sign record to be aware to keep music at lower level and be mindful of local residents.
- Noise limiter within the panel, can set to three different levels, and also on the DJ deck. DJ deck only provided when DJ playing. Provided by premises and DJ links into it.
- EVG advised officers will monitor premises as new and complaints. Advised to remind all staff of times and conditions.
- Residents become harassing and bullying, Ilyas advised he will record any communication. Advised they should contact council if cannot be polite.
- Ilyas has sent letters to residents, sent vouchers. Residents have rung in.
- Resident rang premises around 10pm, to advise of loud noise, Ilyas turned down. Afterwards resident confirmed happy with action taken.
- Number to call Ilyas mobile if any noise issues , agreed to give to residents. Want to work with residents to resolve matter.
- No customers after 11.30pm, not got a reputation for that. Latest they arrive is 9.30pm.
- Christmas events – no later hours to be sought, stay as normal hours. Not planned. Want to keep it as a restaurant.
- Asked why a DJ? Part of atmosphere, if special occasion, not loud, but good vibes. Not club vibe.
- Only allowed drinks with food, not drink only. Ilyas aware of this.
- EVG Warned about review/prosecution.
- Best email is: info@skewd.com
- EVG Advised annual fee due 8/11/22
- Ilyas wants enforcement to come and test out music level.

I would now like to confirm the licensing advice regarding the noise issues.

Premises licence LN/202100333 does not specify any music as a licensable activity. As the premises is licensed for the sale of alcohol (on sales), you are automatically entitled to provide music between 8am and 11pm. After 11pm, only background music is permitted. We consider background music to be quiet enough so that customers or staff do not need to raise their voice to be heard, and so that it is at a level that does not encourage singing or dancing.

Providing music deemed to be regulated entertainment that is not licensed is a criminal offence. If found guilty, there is an unlimited fine and/or up to 6 months imprisonment.

Furthermore, your premises licence could be reviewed to reduce hours for example, or even be revoked. Through a review, the Licensing Authority could seek to disapply the above automatic entitlement, so you would not be permitted music at any time.

I hope you take on board these timings, as the (5) complaints we have received allege that the loud music goes on until 1am. Please take this opportunity to remind all staff about the times and conditions of the premises licence.

As complaints have been received, officers will be monitoring the premises.

I will pass on Ilyas' number to residents should they need to call regarding any noise issues.

I am aware Joynul has given you advice about the noise complaints. Just to add that simply turning the volume of music down and undertaking regular checks outside will help manage the noise.

A reminder has been sent today to the accounts email address, that the annual fee is due by 8/11/22. I attach a copy for your information.

If you wish to discuss this matter further, please do not hesitate to contact me, but I also welcome any further comments you may have.

Yours sincerely

Ellie

Ellie Green (she/her)

**Licensing Team Manager
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

Website: www.enfield.gov.uk

Protect the Environment – Think Before You Print.

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

Annex 7

From: Licensing
Sent: 28 December 2022 09:32
To: 'accounts@skewd.com' <accounts@skewd.com>; 'info@skewd.com' <info@skewd.com>; <xxxxx@skewd.com>
Subject: RE: Skewd Kitchen, 113-115 Cockfosters Road, EN4 0DA. - Unauthorised music [SEC=OFFICIAL]

Copying in Songul for your attention also – see email below.
Please confirm receipt.
Yours sincerely

**Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

From: Licensing
Sent: 22 December 2022 16:03
To: accounts@skewd.com; info@skewd.com
Subject: FW: Skewd Kitchen, 113-115 Cockfosters Road, EN4 0DA. - Unauthorised music [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Mr Demir

It has come to the attention of the Licensing Team that you are advertising a DJ until late over the Christmas period, and more specifically until 2am on New Year's Eve.

Your premises licence LN/202100333 does not permit any music after 11pm as it does not specify any regulated entertainment as a licensable activity. The licence does not refer to any seasonal variations such as New Year's Eve/New Year's Day.

No Temporary Event Notice (TEN) has been applied for in relation to 31 December 2022/1 January 2023.

TENs should be submitted 10 full working days before the first day of the TEN event, and Late TENs must only be submitted as an emergency, which this is a planned event so does not fall under this category. Furthermore, Late TENs must be submitted between 10 but no less than 5 full working days between the day after the receipt of the TEN and the first day of the TEN. Therefore, you are out of time to submit any TEN for New Year's Eve.

You are warned that you cannot proceed with providing music or offering any licensable activities other than that stated on your premises licence. If you go after hours, this is a criminal offence under Section 136 of the Licensing Act 2003. If found guilty of such offences, this attracts an unlimited fine and/or up to 6 months imprisonment.

You could also face a review of your premises licence.

Both council and police licensing officers are aware that this advice has been provided to you.

Yours sincerely

**Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES**

Website: www.enfield.gov.uk

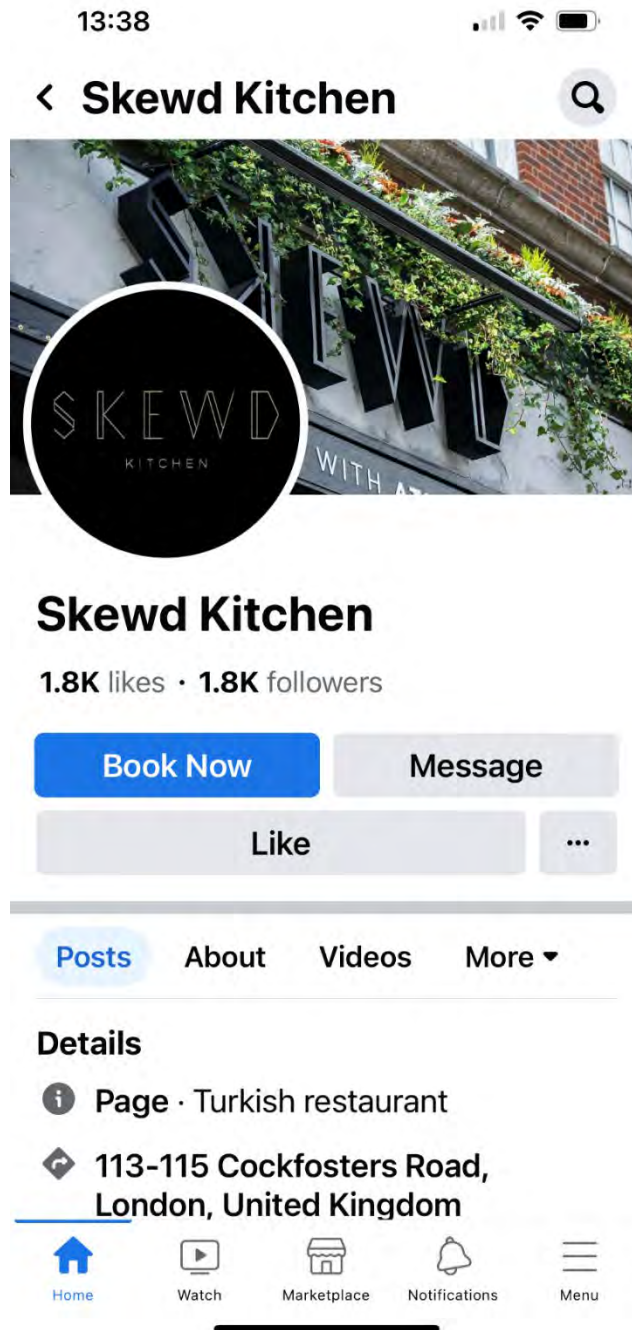
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"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

ANNEX 8

Skewd Kitchen Facebook Posts

Extracted from public facebook post on 19 December 2022



13:38



Skewd Kitchen

1.8K likes · 1.8K followers

Book Now

Message

Like



Posts

About

Videos

More ▾

Details

 Page · Turkish restaurant

 113-115 Cockfosters Road,
London, United Kingdom

 020 8449 7771

 info@skewdkitchen.com

 skewdkitchen.com



Home



Watch



Marketplace



Notifications



Menu

13:38



Posts

About

Videos

More ▾

✉ info@skewdkitchen.com

🔗 skewdkitchen.com

🕒 Open now

⋮ See Skewd Kitchen's About Info

📍 Menu

[View menu](#)



Main Menu 'A... Drinks Menu

Skewd Kitchen's posts



Skewd Kitchen



19 h · 🌐

Join us for the ultimate New Year's Eve dining experience at Skewd Kitchen with a live DJ until 2am! 🔥 Indulge in our carefully curated



Home



Watch



Marketplace



Notifications



Menu

17:45



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



1 d · London · 🌐

The most luxurious feast in North London! 🌟
We're taking our flavours to new heights so you won't ever be disappointed! Make a reservation during the festive season via our website now! 📱 Our live DJ begins at 7:30pm tonight! [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:45



  **Skewd Kitchen is at Skewd Kitchen.** 

2 d · London · 

The most luxurious feast in North London! 🌟
We're taking our flavours to new heights so you won't ever be disappointed! Make a reservation during the festive season via our website now! 📱 Our live DJ begins at 7:30pm tonight! [#AnatolianWithAttitude](#)



 Write a comment...   


Home


Watch


Marketplace


Notifications


Menu

17:45





Skewd Kitchen is at Skewd Kitchen.


2 d · London · 



Skewd Kitchen

Turkish restaurant

[See Menu](#)

 Like  Comment  Share

 6

Most relevant



Steve Maddams

We are coming Friday night from Norfolk and can't wait!



Write a comment...



Home



Watch



Marketplace



Notifications



Menu

17:45



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



1 d · London · 🌐

Indulge in our innovative Anatolian flavours with our Wrapped Beyti, filled with seasoned minced lamb in lavas bread, hung yoghurt and halep sauce 🔥 Reserve a table in advance for your upcoming Christmas and New Year's Eve parties this year by calling us on 020 8449 7771 📞 #AnatolianWithAttitude



Skewd Kitchen

Turkish restaurant

See Menu



Home



Watch



Marketplace



Notifications



Menu

17:46



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



3 Dec · London · 🌐

A seafood special! 🌟 Here at Skewd Kitchen we have perfected our culinary skills; you simply won't find flavours like ours! 🔥
Cooked and marinated to perfection, our dishes are ready to make an impression 🙌
Our live DJ begins at 7.30pm this evening!
[#AnatolianWithAttitude](#)



Skewd Kitchen

See Menu



Home



Watch



Marketplace



Notifications



Menu

17:46



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All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



28 Nov · London · 🌐

...e your senses with an evening at Skewd!
...you're looking for a luxury restaurant to
...your Christmas party then you've come
...e perfect place 🎄 Make your
...reservation by calling us on 020 8449 7771
and get ready for a night of extraordinary
flavours! Limited availability so be sure to
enquire right away! 📞
[#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:46



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



8 Dec · London · 🌐

New Year's Eve at Skewd 🍷🥂 Join us for the ultimate New Year's Eve dining experience at Skewd Kitchen with a live DJ until 2am! 🔥 Indulge in our carefully curated set menu from 8.30pm for £125 per person 🍴 À La Carte menu served until 6pm. Limited availability so book now to avoid disappointment www.skewd.com ➡️ Skewd Kitchen is the only place to be to see in the new year! 🍷 You know what to do! Give us a call to secure your seat at the hottest venue in Cockfosters! ✨ [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:47



skewd kitchen

All

Posts

People

Groups

Photos



Skewd Kitchen is at Skewd Kitchen.



12 Dec · London · 🌐

3 is never a crowd when it comes to our cocktails... 🙄🔥 Experience the magic of mixology this Christmas season at Skewd, and spend an evening indulging at the bar! 🍸 Tag the girls in the comments to arrange your night out at the best restaurant in Cockfosters ➡️ [#AnatolianWithAttitude](#)



Skewd Kitchen

Turkish restaurant

See Menu



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



18 Nov · London · 🌐

Whether you're looking for delicious food inspired by the flavours of the Mediterranean Coast or you're wanting the buzz of an evening atmosphere with a live DJ from 7:30pm, we have the perfect night just for you! 🔥🍷 Start your weekend with a bang and dine with us tonight! Find us in Cockfosters! 📍 [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



11 Dec · London · 🌐

Give the gift of Anatolian attitude this year when you purchase a Skewd Gift Voucher for a loved one! 🌲🔥 Visit our website to make your purchase, or call us on 020 8449 7771 for more information... Late evening reservations are available tonight, so find us in Cockfosters 🔥👏 #AnatolianWithAttitude



Skewd Kitchen

Turkish restaurant

See Menu



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



2 Dec · London · 🌐

Sip on sensational flavours at Skewd! 🔥
Allow our talented mixologists to mix up something magical this weekend when you join us for the finest dining experience in Cockfosters! 🍸 Live DJ every Friday & Saturday night! Make your reservation via our website, www.skewd.com ➡️
[#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



8 Dec · London · 🌐

Experience a Christmas party like no other at Skewd Kitchen! 🎄🔥 Indulge in the fiercest flavours in Cockfosters, as well as listening to our talented live DJ every Thursday to Saturday night. 🔥 Reserve your table via our website: www.skewd.com ✨
[#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is in Cockfosters. ⋮

19 Nov · 🌐

How about Anatolian With Attitude for your Saturday mood 🤩 If you know Skewd, you know just how well we do it! 🙌 Adding passion and flavour into every bite, join us this weekend in Cockfosters and indulge! 🥰 Our live DJ starts at 7:30pm tonight! 🎧

[#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:47



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



26 Nov · London · 🌐

A Signature Skewd Sour is a must try when joining us this weekend! 🍸 Our mixologists have perfected their craft and will always mix you up something spectacular to sip on! 🔥 Reserve a table at the finest restaurant in Cockfosters or if you want a late night booking call 020 8449 7771 📞 [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:48



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



1 Dec · London · 🌐

Let the festivities begin! 🍷 Gift your loved ones with the most exclusive dining experience they will remember for a lifetime with our gift vouchers that you can now purchase via our website www.skewd.com just in time for Christmas! 🎄 Our Christmas hours are Monday-Saturday 1pm until late and Sunday 12pm until late. We will be closed on Christmas Day and New Years Day! [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:48



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



25 Nov · London · 🌐

Will you be dining with us at the most exclusive restaurant in North London this weekend? 🔥 Expect your mind to be blown with our stunning interior and spectacular Anatolian Inspired dishes that have been cooked by our expert chefs! 🙌 Our live DJ starts at 7.30pm tonight and tomorrow night! [#AnatolianWithAttitude](#)



Home



Watch



Marketplace



Notifications



Menu

17:48



< 🔍 skewd kitchen

All Posts People Groups Photos \



Skewd Kitchen is at Skewd Kitchen.



6 Dec · London · 🌐

Classic cocktails with a Skewd twist! 🙌 Get ready for an explosion of flavours as soon as you take a sip of one of our signature cocktails ✨ What will you go for this evening? 👁️ #AnatolianWithAttitude



Skewd Kitchen
Turkish restaurant

See Menu

👍 Like 💬 Comment ➦ Share



Home



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Marketplace



Notifications

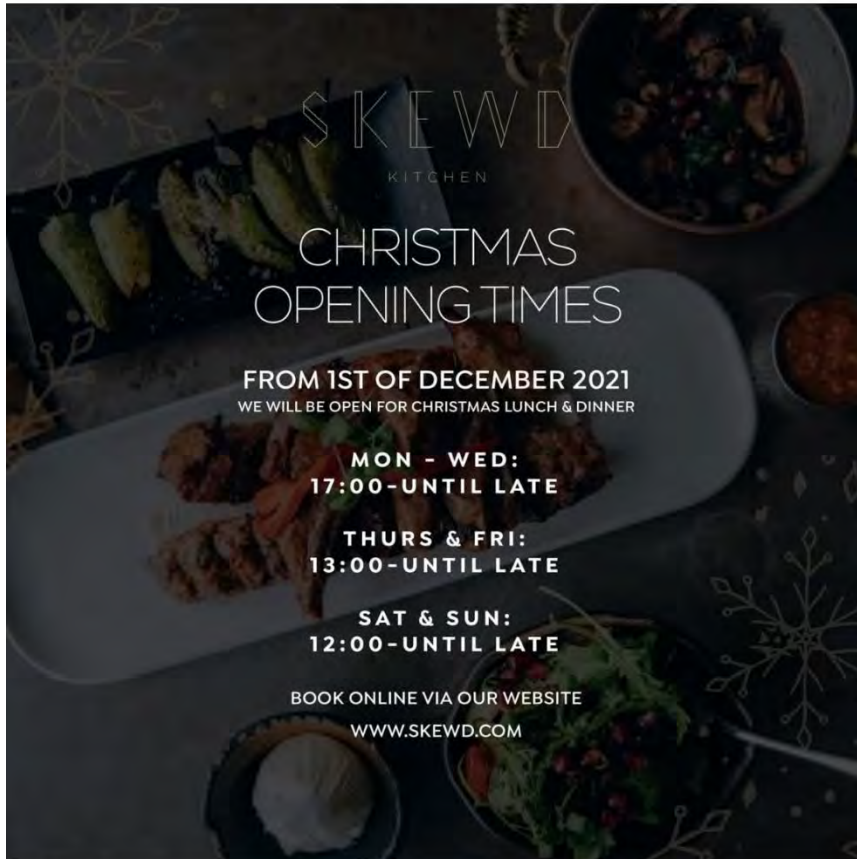


Menu

17:49



Photo



Skewd Kitchen · [Follow](#)

8 Nov 2021

Are you ready for a Skewd Christmas? 🔥 Our Christmas menu is back and better than ever, available for lunch and dinner from... [See More](#)

👍 4

👍 Like

💬 Comment

➦ Share

More photos



Home



Watch



Marketplace



Notifications



Menu

Annex 9

Trip Advisor Reviews

Trip Advisor Reviews, dated 20 December 2022, from:

https://www.tripadvisor.co.uk/Restaurant_Review-g1480935-d4579186-Reviews-Skewd_Kitchen-Barnet_Greater_London_England.html



Jmark82
London, United Kingdom

14 11

Reviewed 2 weeks ago via mobile

Faultless apart from the music

My husband & I live locally & have been frequenting Skewd for a number of years. We thought we would try it's new location with friends.

The manager was very welcoming & although it was heaving, he was super attentive. We were seated quite quickly with the waitress never too far if we needed anything.

The menu was varied with options for all dietary requirements. As always the food was delicious. The decor was carefully considered & couldn't believe that we were sitting in what was a bank a few months ago.

I would say that the plates made it quite hard to eat as they were quite small & couldn't manoeuvre our food around to cut etc. A very small gripe considering.

I will say that we & many tables around us found the music was far too loud. I had been warned by friends & family that this was the case but I hadn't realised just how loud it would be. I'd say that had the volume been 20% less, it would've been perfect.

Will definitely be back but maybe on a night when the dj isn't around!

Show less

Date of visit: December 2022



[Ask Jmark82 about Skewd Kitchen](#)

1 Thank Jmark82

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC. Tripadvisor performs checks on reviews.



Gary H

8 6

Reviewed 2 weeks ago
There was a group of 8

I thought fine dining was about meeting friends in a relaxed atmosphere, having a good meal and good conversation. This restaurant believes all that should be put aside and one should try and converse and eat to a background of unbelievably loud beat music, making normal conversation impossible. Anyway, the place was packed with young people who must have really strong vocal chords, so I must be wrong, but I won't be going again. Food was good, but overpriced compared to other really decent Turkish restaurants I visit.

Show less

Date of visit: December 2022

Value

Service
 Food

[Ask Gary H about Skewd Kitchen](#)

2 Thank Gary H

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC. Tripadvisor performs checks on reviews.



JGQMF
Kings Langley, United Kingdom

3 2

Reviewed 8 November 2022

Excellent lunch with family and friends

We visited the Skewd new premises after just a couple of days of opening and enjoyed an excellent lunch. The decor is modern and comfortable. The food is just as good if not better than at their old premises. The service was professional and friendly with excellent value for money.

We are excited about booking their private dining room in the bank vault of the previous bank!

Show less

Date of visit: November 2022

Value

Service
 Food

[Ask JGQMF about Skewd Kitchen](#)

Thank JGQMF

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC. Tripadvisor performs checks on reviews.



956tenf

1 2

●●●●○ Reviewed 29 October 2022

THIS WAS A LONG-AWAITED FAMILY MEAL FOR 5 OF US

This was a long-awaited family meal for 5 of us on 22nd October ,

The food was really good. But there was continuous, almost deafening music, such that conversation was seriously compromised.

I requested lowering the intensity of sound but was told that sound was all set, and it could not be adjusted. This is why my overall rating is not high

Prof Ten Feizi

Show less

Date of visit: October 2022

●●●●○ Value

●●●●● Food

[Ask 956tenf about Skewd Kitchen](#)

2 Thank 956tenf

This review is the subjective opinion of a Tripadvisor member and not of Tripadvisor LLC. Tripadvisor performs checks on reviews.

Representation from LBE Commercial Nuisance

Dear Licensing,

Under the licensing objective of prevention of public nuisance, I provide the following representations based on noise nuisance caused to neighbouring premises.

Complaints about noise started on 20/10/2022 where noise was allegedly affecting residents residing in the flats located on the upper floors of the building. These complaints were received by both Commercial Nuisance and Licensing Enforcement teams.

The premises has been converted to a restaurant from its former use as a bank. Under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, such a change is permitted without the need for planning permission. Planning records do not show any previous restrictions to opening hours.

On 02/11/2022 I contacted Mazlum Demir by phone and advised him of the noise complaints. I then visited the restaurant the same day and looked at the layout of the premises and how the loudspeakers were affixed to the ceilings. I was shown some acoustic panels fitted to the ceiling and was told they had employed acoustic specialists to help avoid noise nuisance. I gave advice regarding how nuisance was assessed and that the onus was on them to avoid causing nuisance.

Afterwards I met a group of residents who all resided in the flats on the upper levels who explained to me the problems they had with noise. I advised them of the need to contact the council when noise occurs so that officers could visit to assess for statutory nuisance.

Subsequently a series of complaints and visits made by Out of Hours officers. Not all were visited on time and on several occasions the noise was only considered to be an annoyance rather than the higher bar of a nuisance.

However, on one occasion a Statutory Nuisance for noise was witnessed and an Abatement Notice was served on 10/11/2022 under the provision of Section 80 of the Environmental Protection Act 1990.

On 12/11/2022 I was on Out of Hours (OOH) duty and visited a complainant. As agreed on a previous occasion, I called Mazlum Demir by phone whilst in a flat and talked with him whilst he adjusted volume levels for different speaker around the restaurant (front/middle/rear banks). I then went down to meet him to discuss options, whereupon he said we could try adjusting left/middle/right banks of speakers. Unfortunately, I was the unable to go into the flat to test further. Mr Demir stated he is still going to hire an acoustic specialist to find a permanent solution to help cease causing a nuisance without having to resort to lowering music levels too much.

Following on from this, further complaints had come in at weekends and though some of these resulted in the noise only being an annoyance , another Statutory

Nuisance was witnessed on 26/11/2022. This was a breach of the notice meaning an offence was committed. As a result, a Fixed Penalty Notice was served, giving opportunity to discharge any liability to conviction for this offence. I made Licensing Enforcement aware of this, triggering a licence review process, whilst the FPN was paid on 16/12/2022 which was acknowledged by Commercial Nuisance. No further breach of notice has been witnessed since, which could lead to another FPN or prosecution.

On 23/01/2023 a meeting was held between representatives of the business and the council. Present were Mazlum Demir (owner), Mahir Kilic of NARTS (licence review rep), Ned Johnson (Principle Pollution Control Officer) and myself (Commercial Nuisance officer). We discussed what actions taken so far and proposals of future actions to prevent noise nuisance.

The owners commissioned an acoustic survey and report to measure the airborne sound insulation of the separating floor between the restaurant and the first-floor flats above. Following completion of the measurements the acoustic consultant predicted the sound levels in flats 11 and 14 due to musical entertainment in the restaurant. On the basis of the calculation the consultant proposed a Noise Rating Curve 14 (NR14) would be a suitable criteria to be met in flats 11 and 14 due to musical entertainment. In order to achieve NR14 a music sound level limit for the restaurant was calculated and this will be controlled by the installation of an electronic noise limiter. The consultant will set-up the noise limiter, once installed, according to the sound levels they recommended; once this has been done the music volume will not be able to go beyond the set levels. It is my considered opinion that this will adequately control the sound from musical entertainment. There were also some structural works required in terms of isolating all of the loudspeakers from the building structure using neoprene fixings. The report also stated that if the restaurant wanted to play music louder than the level recommended in the report, they proposed sound insulation works to the separating floor.

A condition could be applied to the licence for controlling sound levels with the use of a calibrated noise limiter. The precise wording of which will need to be decided once their acoustic consultant has completed all testing.

Regards,

Mr Joynul Islam, *BEng(Hons)*
Environmental Protection (Commercial Nuisance) Officer
Pollution Control & Planning Enforcement
Development Management
Place Directorate
Enfield Council
Civic Centre, Silver Street, Enfield, EN1 3XE

Skewd Kitchen Review – Representations from Other Persons in Support of the Review

All 5 “Other Persons” representations received are from residents of Braemore Court, 119 Cockfosters Road, EN4 0AE. Skewd Kitchen is one of the commercial premises below these residential flats.

IP1 Representation

To whom it may concern,

SKEWD KITCHEN: REVIEW OF PREMISES LICENSE LN/202100333

Skewd Kitchen
113-115 Cockfosters Road
Barnet
EN4 0DA

I, xxxxx fully support the Council’s proposal to disapply the automatic entitlement of regulated entertainment by applying a condition to that effect to the premises licence (LN/202100333), which would mean regulated entertainment was not permitted at any time.

This representation relates to the following licensing objective “**The Prevention of Public Nuisance.**”

The grounds for representation are:

There have been numerous complaints by the residents of Braemore Court regarding the loud music being played on the premises since opening in October 2022. This has been documented by Enfield Council Environmental Protection resulting in a noise abatement notice being served, officers witnessing a breach and a fixed penalty notice issued.

Please find below a copy of the Noise Nuisance Record Form for the period 3/11/22 - 14/1/2023.

I certify that the following entries are a true record of events:

Thursday 3/11/22

Time noise starts: 8pm

Time noise ends: 11pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Friday 4/11/22

Time noise starts:8pm
Time noise ends:After 1am

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Enfield Council Noise Team Officer Charles LeBesque visited and confirmed that this was a statutory noise nuisance

Saturday 5/11/22

Time noise starts:8pm
Time noise ends:After 1am

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Enfield Council Noise Team Officer David Dollemore visited and confirmed that this was a statutory noise nuisance

Sunday 6/11/22

Time noise starts:6pm
Time noise ends:8am

Source of disturbance and type of noise:
Skewd restaurant - loud traditional Turkish music, loud metal banging

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Monday 7/11/22

Time noise starts:6.30am
Time noise ends:7.45am

Source of disturbance and type of noise:
Skewd restaurant - loud traditional Turkish music, loud metal banging

Weather conditions:
raining

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Tuesday 8/11/22

Time noise starts:6pm

Time noise ends:11.30pm

Source of disturbance and type of noise:

Skewd restaurant - loud ventilation fan noise and grilling meat smells

Weather conditions:

dry and clear

Effects of disturbance:

Had to shut all windows and door to prevent noise and smell when using the kitchen

Location recording noise:

Kitchen

Wednesday 9/11/22

Time noise starts:6am

Time noise ends:7.15am

Source of disturbance and type of noise:

Skewd restaurant - loud traditional Turkish music, loud metal banging

Weather conditions:

raining

Effects of disturbance:

Sleep disturbance

Location recording noise:

Bedroom

Thursday 10/11/22

Time noise starts:8pm

Time noise ends:11pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Noise abatement notice served

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living room

Friday 11/11/22

Time noise starts:8pm

Time noise ends:12.30am

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Enfield Council Noise Team Officer Joynul Islam visited

Saturday 12/11/22

Time noise starts: 8.30pm

Time noise ends: 11.30pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV

Location recording noise:
Bedroom
Living Room
Enfield Council Noise Team Officer Joynul Islam visited

Sunday 20/11/22

Time noise starts:6pm
Time noise ends:8am

Source of disturbance and type of noise:
Skewd restaurant - loud traditional Turkish music, loud metal banging

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance

Location recording noise:
Bedroom

Thursday 24/11/22

Time noise starts:9pm
Time noise ends:11.30pm

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass
Noise abatement notice served

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV
Location recording noise:
Bedroom
Living room

Friday 25/11/22

Time noise starts:9pm got louder 10.30pm
Time noise ends:12.30am

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass
Also loud cheering and singing Happy Birthday

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV

Location recording noise:
Bedroom
Living Room

Saturday 26/11/22

Time noise starts:8pm
Time noise ends:12am

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Enfield Council Noise Team Officer Charles LeBesque visited and confirmed that this was a statutory noise nuisance and therefore the abatement notice has been breached.

Sunday 27/11/22

Time noise starts:6am

Time noise ends:8am

Source of disturbance and type of noise:

Skewd restaurant - loud traditional Turkish music, loud metal banging

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Location recording noise:

Bedroom

Thursday 1/12/22

Time noise starts:8.15pm

Time noise ends:11.30pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living room

Friday 2/12/22

Time noise starts:8.15pm

Time noise ends:11.15pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Reference 192108

Enfield council environment officer Ray visited

Saturday 3/12/22

Time noise starts:8pm

Time noise ends:11.30pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Sound of people shouting and cheering

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Enfield Council Noise Team Officer Marcia Waterman visited

Reference number 193485

Thursday 8/12/22

Time noise starts:8.15pm

Time noise ends:11.30pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living room

Friday 9/12/22

Time noise starts:8pm

Time noise ends:10pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Reference 195597

Enfield council environment officer Ray visited

Saturday 10/12/22

Time noise starts:7.45pm

Time noise ends:10pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Sound of people shouting and cheering

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living Room

Enfield Council Noise Team Officer David Dollemore contacted

Reference number 196359

Thursday 22/12/22

Time noise starts:8pm

Time noise ends:11pm

Source of disturbance and type of noise:

Skewd restaurant - loud techno music with heavy bass

Weather conditions:

dry and clear

Effects of disturbance:

Sleep disturbance

Interfered with watching TV

Location recording noise:

Bedroom

Living room

Wednesday 28/12/22

Time noise starts:8pm
Time noise ends:11pm

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV
Location recording noise:
Bedroom
Living room

Friday 13/1/23

Time noise starts:8pm
Time noise ends:10.30pm

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV

Location recording noise:
Bedroom
Living Room

Reference 209957
Enfield council environment officer David Dollemore visited and spoke with the manager of Skewed restaurant about the excessively loud music complaint.

Saturday 14/1/23

Time noise starts:8pm
Time noise ends:10.30pm

Source of disturbance and type of noise:
Skewd restaurant - loud techno music with heavy bass

Weather conditions:
dry and clear

Effects of disturbance:
Sleep disturbance
Interfered with watching TV

Location recording noise:
Bedroom
Living Room

Reference 210512
Enfield council environment officer David Dollemore visited following the complaint.

IP2 Representation

I am writing to you after numerous complaints have been lodged by the residents of Braemore Court over the noise levels from Skewd Kitchen 113-115 Cockfosters Road, Barnet. EN4 0DA.

We, the residents are grateful that the Council and the Environmental Protection officers have now decided to review the premises licences for the reasons given under the notice.

The restaurant and the owners have ignored and breached the licensing laws by causing a regular and ongoing public nuisance with loud music being played by a DJ every night until 1.00 a.m. As the restaurant is below residential flats where most residents have lived for over 15 years, our peaceful nights have been replaced by noise pollution as a direct result of noise emanating from Skewed restaurant.

Please also refer to our representations against the original application back in October/Nov 2021 when we raised objections which have all turned out to be true and should not have been dismissed so quickly by Enfield Council. **(See Annex A)**

We therefore request that the licence be revoked as a matter of urgency.

IP3 Representation

I am pleased to hear about the decision you made to review the premises license because they have been ongoing public nuisance almost regularly, loud music and most nights well past midnight. Most of us have lived here for a long time and me 22 years and have never experienced this noise here.

We did object back in November 2021 about this and it's turned out to be true.

IP4 Representation

SKEWD KITCHEN: REVIEW OF PREMISES LICENSE LN/202100333

Skewd Kitchen
113-115 Cockfosters Road
Barnet
EN4 0DA

I, xxxxx of xxxxx fully support the Council's proposal to disapply the automatic entitlement of regulated entertainment by applying a condition to that effect to the premises licence (LN/202100333), which would mean regulated entertainment was not permitted at any time.

This representation relates to the following licensing objective "**The Prevention of Public Nuisance.**"

The grounds for representation are:

There have been numerous complaints by the residents of Braemore Court regarding the loud music being played on the premises since opening in October 2022. This has been documented by Enfield Council Environmental Protection resulting in a noise abatement notice being served, officers witnessing a breach and a fixed penalty notice issued.

IP5 Representation

The licence for the above restaurant on 113-115 Cockfosters Road EN4 0DA for providing music entertainment should be revoked.

We the residents of Braemore Court are fed up of loud music, noise from the extractor fan, rubbishy dumping and infringement of our peace and privacy which all comes under the statutory nuisance under the environmental Protection Act 1990.

The restaurant has been warned and fined if you look at your records. We oppose stringently to you granting this licence.

Please respond to me as to your decision.

From The Residents of Braemore Court

119 Cockfosters Road

Barnet

EN4 0AE

2ND NOVEMBER 2021

To the Licensing Dept. Enfield

Dear Sir/Madam,


We wish to object to the application by Mr Mazium Demir for a new premises licence for "Skewed" at 113-115 Cockfosters Road. We are concerned that this application will undermine the Licensing Objectives of Public Nuisance and Crime and Disorder. The proposed premises will replace a bank that has closed with something entirely different with late opening hours especially from Thursday to Sunday. The residents in the flats above will inevitably suffer from the noise, antisocial behaviour and nuisance associated with such a late night operation and are concerned about noise levels as people enter and leave and also with the issue of drinkers standing outside to smoke and chat. We are also concerned at the application for an off sales licence and worry that this could easily contribute to late night drinking in the surrounding area.

We are also worried about the public nuisance associated with noise breakout from these premises and would expect to see a condition in place to install double doors at the front to prevent any noise egress. Such an arrangement can still be difficult to manage so we would expect to see a provision for security staff to control entry and exit and to ensure that internal and external doors are not open at the same time. In addition, I would want the comfort of knowing that an acoustic consultant has investigated the possible noise breakout from both customers and any music. Any noise should be set at a fixed level which meets the requirements of the Council's Pollution Control/Environmental Health officers.

It is not immediately clear what style of operation is planned here. Given that this is a residential area, we do not think that it is appropriate to allow a premises which could easily become a "vertical drinking establishment" which is typically associated with more noise and a higher risk of crime and disorder. While we object to the licence in principle, we recognise that there are conditions which would mitigate potential nuisance by requiring a certain number of fixed tables to be in place at all times.

In terms of the Late Night Refreshment offer, this can only encourage people to linger in the area rather than going home which will add to the likely noise nuisance. It also risks drawing in customers from other establishments risking confrontations and crime and disorder.

we also wonder what is proposed in terms of a dispersal procedure at closing times and what steps the operators would have in place so that residents living above would have a means of getting in touch to raise any concerns. Signed by 14 residents



Appendix D



Flat 10

2nd January 2023

ACCESS REQUIRED FOR NOISE IMPACT ASSESSMENT BY ACOUSTIC ENGINEER

Re: SKEWD, 113-115 Cockfosters Road, Barnet, London EN4 0DA

Dear Sir/Madam,

We have been instructed to address the noise concerns of the residents who live above the SKEWD restaurant.

The owner of SKEWD restaurant does take noise pollution and its effects on your home and your family very seriously. He recognises the necessary steps to limit the issue. One of the most effective ways to do this is to invest in a noise limiter device at the restaurant.

The assessment is a necessary step, and it's important to ensure that the right equipment is used to reduce noise pollution in your area. An acoustic engineer will be able to come to your property and assess the noise levels. By taking detailed measurements and readings, they will be able to recommend the best noise limiter device for the restaurant.

SKEWD restaurant has instructed and will pay all the cost of the noise survey and noise impact assesment to be done by Clement Acoustics. The survey will take about 5-10 minutes. We have following dates available:

10:30 to 11:00 on 10th January 2023 or

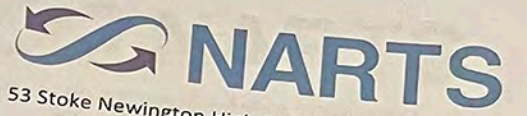
10:30 to 11:00 on 11th January 2023

Could you please send a text or WhatsApp message to 07940 414 890 or email licensing@narts.org.uk for your availability?

This assesment will be costing around about 4-5K with installation of noise limiter device. We look forward to hear back from you soon.

Kind Regards,
Mahir Kilic

2



53 Stoke Newington High Street, London N16 8EL
Tel: 020 7241 3636 | Mob: 07940 414890

info@narts.org.uk

2nd January 2023

Flat 15

Flat 10

ACCESS REQUIRED FOR NOISE IMPACT ASSESMENT BY ACOUSTIC ENGINEER

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ACC

Re: SKEWD, 113-115 Cockfosters Road, Barnet, London EN4 0DA

Dear Sir/Madam,

We have been instructed to address the noise concerns of the residents who live above the SKEWD restaurant.

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10:30 to 11:00 on 10th January 2023 or

10:30 to 11:00 on 11th January 2023

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Could you please send a text or WhatsApp message to 07940 414 890 or email licensing@narts.org.uk for your availability?

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This assesment will be costing around about 4-5K with installation of noise limiter device. We look forward to hear back from you soon.

Kind Regards,
Mahir Kilic

Flat 17

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Re: SKEWD,

Dear Sir/Ma

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Mahir Kilic

Flat 18

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Re: SKEWD, 113

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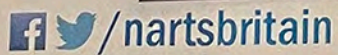
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Helping Turkis



Help



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Registered in England & Wales Company No: 10041572
Narts Food & Leisure Limited

119



Caution
Floor slippery
when wet

This property is protected by 24 hour CCTV surveillance

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shut

Untitled Map

Write a description for your map.

113-115 Cockfosters Rd



1.78 m



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12

Flat 12

ACCESS REQUIRED FOR NOISE IMPACT ASSESSMENT BY
ACOUSTIC ENGINEER

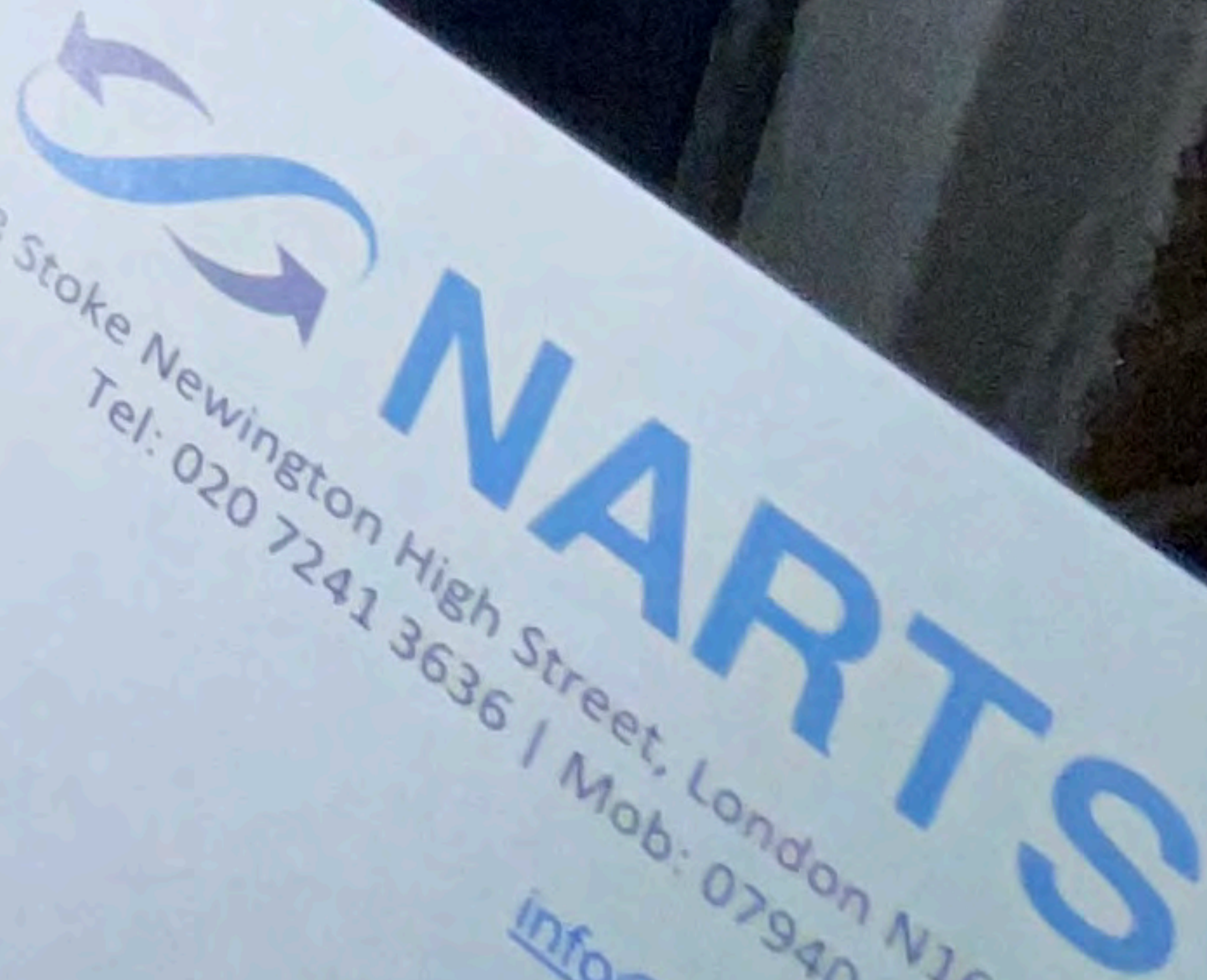
Re: SKEW

53 Stoke Newington High Street, London N16 8EL
Tel: 020 7241 3636 | Mob: 07940 414890
info@narts.org.uk
2nd January 2023

Flat 13

ACCESS REQUIRED FOR
ACOUSTIC ENGINEER

113-115 Cockfosters Road, Barnet, London EN4 0DA



13

Flat 13

Re: SKEWD, 113-115 Cockfosters, Ro

ACCESS REQUIRED FOR NOISE IMPACT ASSESMENT BY
ACOUSTIC ENGINEER

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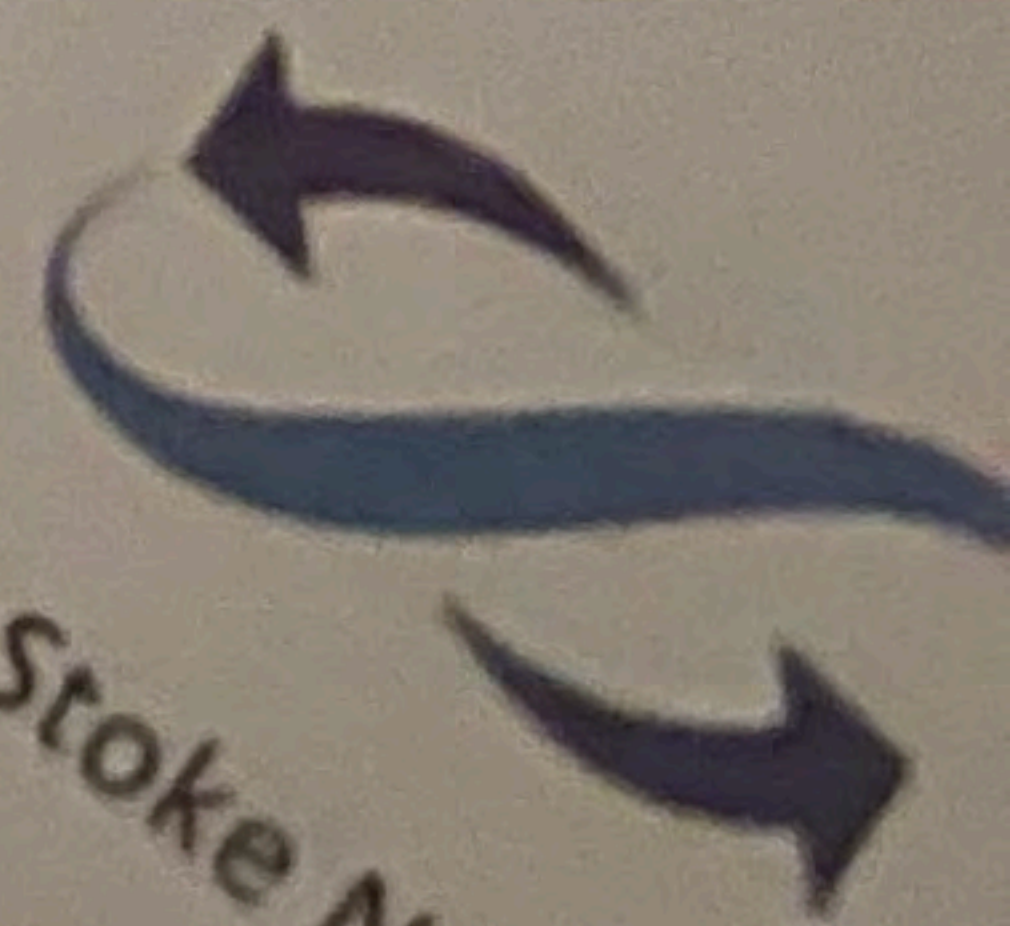
53 Stoke Newington High Street, London N16 8EL
Tel: 020 7241 3636 | Mob: 07940 414890
info@narts.org.uk

2nd January 2023

Flat 14

ACCESS REQUIRED FOR NOISE IMPACT ASSE
ACOUSTIC ENGINEER

Re: SKEWD, 113-115 Cockfosters Road, Barn
Dear Sir/Madam




53 Stoke Newington
Tel: 020 7241 3

EN4 0D

Flat 15

**ACCESS REQUIRED FOR NOISE IMPACT
ACOUSTIC ENGINEER**

Re: SKEWD, 113-115 Cockfosters Road.


53 Stoke Newington
Tel: 020 7353 1234

16

Flat 16

ACCESS REQUIRED FOR NOISE IMPACT ASSESSMENT
ACOUSTIC ENGINEER

3-115 Cockfosters Road, Barnet, London EN4 0DA



53 Stoke Newington
Tel: 020 7353 1234

10

17

Flat 17

**ACCESS REQUIRED FOR NOISE IMPACT AS
ACOUSTIC ENGINEER**

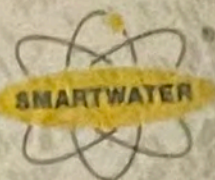
Re: SKEWD, 113-115 Cockfosters Road, Enfield, London N4 3JF
Dear Sir/Madam

53 St

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arnet, London

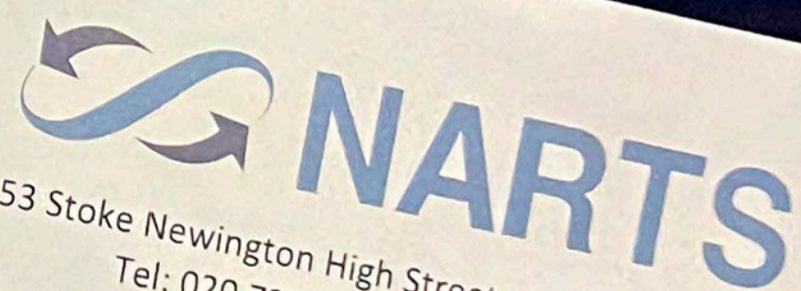
SmartWater[®]
in use here.



MetTrace
PROTECTING LONDON'S HOMES

18

Flat 18



53 Stoke Newington High Street, London N16 8EL
Tel: 020 7241 3636 | Mob: 07940 414890

info@narts.org.uk

2nd January 2023

**ACCESS REQUIRED FOR NOISE IMPACT ASSESMENT BY
ACOUSTIC ENGINEER**

Re: SKEWD, 113-115 Cockfosters Road, Barnet, London EN4 0DA



13



London office

1B(c) Yukon Road
London
SW12 9PZ

Tel: 0203 475 2280

Manchester office

105 Manchester Road
Bury
BL9 0TD

Tel: 0161 850 2280

113-115 COCKFOSTERS ROAD, COCKFOSTERS

NOISE IMPACT ASSESSMENT

Report **18141-NIA-01**

Prepared on 17 January 2023



Executive Summary

This noise impact assessment has been undertaken in order to assess the impact of operational noise from an existing ground floor restaurant to residential flats above, in response to complaints from residents relating to noise disturbance due to amplified music playback.

The site comprises a parade of commercial units, including the Skewd Kitchen restaurant at 113-115, within a larger building of residential flats (Braemore Court) on the first and second floors above.

Sound insulation testing was undertaken to the floor separating the restaurant from the 2 flats directly above.

Calculations were undertaken in order to set appropriate noise limits for amplified music in order mitigate the complaints of noise in residential spaces above.

It has been demonstrated that compliance with the established criterion is feasible, dependant on the following material considerations:

- A suitable in-line cut-off or compression noise limiter is installed in the sound system
- The noise limiter is calibrated by a competent person to the required threshold level
- The noise management plan detailed herein is followed

If there is any deviation from the above, Clement Acoustics must be informed, in order to establish whether a reassessment is necessary.

Clement Acoustics has used all reasonable skill and professional judgement when preparing this report. The report relies on the information as provided to us at the time of writing and the assumptions as made in our assessment.

This report is designed to address noise breakout from amplified music within the restaurant. The scope of this assessment does not extend to general operational noise such as that arising from customers interacting or noise generated by the kitchen, etc.

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List of Attachments

18141-SP1	Indicative Site Plan
Appendix A	Glossary of Acoustic Terminology

Issue	Date of Issue	Author	Reviewed	Authorised
0	17/01/23			
		Matthew Markwick Principal Consultant BSc (Hons) MSc MIOA	John Smethurst Director BSc (Hons) MIOA	Duncan Martin Director BSc (Hons) MIOA

Issue	Comment
0	First issue

1.0 INTRODUCTION

Clement Acoustics has been commissioned by NARTS Food and Leisure Ltd to undertake sound insulation (breakout) testing at Skewd Kitchen, 113-115 Cockfosters Road, Cockfosters. The measured results, alongside a site inspection and consultation with the client and residents of flats above, have been used to determine maximum noise limits for amplified music playback within the ground floor restaurant.

This report presents the results of a break out assessment followed by an assessment of anticipated noise emission levels and outlines any necessary mitigation measures.

2.0 SITE DESCRIPTION

The site comprises a parade of commercial units, including the Skewd Kitchen restaurant at 113-115, within a larger building of residential flats (Braemore Court) on the first and second floors above. The restaurant's front of house area is positioned directly below first floor flats 11 and 14.

The site and surroundings are shown in attached site plan 18141-SP1.

The restaurant dining room consists of a large open plan space with open kitchen and bar to one side, and storage/preparation areas to the rear. The dining room features an exposed concrete ceiling – partially hidden by decorative panels.

A hard-wired sound system has been installed with an array of small speakers hung from ceiling mounted rails, as well as 2 large speakers (also ceiling mounted) either side of the bar. It is understood that background music is typically played through the in-house sound system during operating hours via an I-pod (or similar) or by a DJ using a Pioneer XDJ-XZ digital DJ system, installed by the bar.

Complaints have been made regarding audible noise within the flats due to amplified music in the restaurant, particularly on Friday and Saturday nights when a DJ performs during dinner service but also in the mornings during kitchen preparation periods before the restaurant opens.

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3.0 PROCEDURE

3.1 Noise Breakout Measurements

High volume “white” noise was generated from two loudspeakers in the source room, positioned in order to obtain a diffuse sound field. A spatial average of the resulting one-third octave band noise levels between 100 Hz and 3150 Hz was obtained by using a moving microphone technique over a minimum period of 15 seconds at each of two positions.

The same measurement procedure was followed in the receiver room.

Reverberation time measurements were taken following the procedure described below in order to correct the receiver levels for room characteristics.

High volume “white noise” was generated in the receiver rooms and stopped instantaneously in order to measure the reverberation time in each of the one-third octave bands between 100 Hz and 3150 Hz. The internal programme of the sound level meter was used to measure the decay time of sound in the room. This was repeated nine times in each room in order to obtain an average result.

Background noise levels in the receiver rooms were measured during the tests.

The dominant source of background noise observed during the tests was road traffic noise from the surrounding roads.

4.0 EQUIPMENT

4.1 Noise Breakout Measurements

The equipment used during the noise breakout measurements is summarised in Table 4.1.

Instrument	Manufacturer and Type	Serial Number
Sound level meter	Norsonic Nor 145	14529093
Active Loudspeaker	RCF ART 310A	LKXN31648
Active Loudspeaker	RCF ART 310A	HAX20870
Calibrator	Svantek SV33B	33110

Table 4.1 - Instrumentation used during testing

20

5.0 RESULTS

5.1 Noise Breakout Levels

The summarised results of the airborne tests are shown in Table 5.1.

The main parameter used to express airborne sound insulation of separating constructions is $D_{n,T,w}+C_{tr}$. This is an on-site measured value accounting for reverberation in the receiving space, a correction for background noise and a low frequency correction.

Test Location	Source	Element	Test Result
Flat 14 Living Room	Restaurant – Bar Area	Separating Floor to Flat Above – Concrete Slab + Floor Above ^[1]	$D_{n,T,w} + C_{tr}$ 49 dB
Flat 14 Bedroom	Restaurant – Bar Area	Separating Floor to Flat Above – Concrete Slab + Floor Above ^[1]	$D_{n,T,w} + C_{tr}$ 51 dB
Flat 11 Living Room	Restaurant – Front of House	Separating Floor to Flat Above – Concrete Slab + Floor Above ^[1]	$D_{n,T,w} + C_{tr}$ 54 dB
Flat 11 Bedroom	Ground floor – Front of House	Separating Floor to Flat Above – Concrete Slab + Floor Above ^[1]	$D_{n,T,w} + C_{tr}$ 53 dB

Table 5.1: Breakout Measurement Results

[1] As described in Section 2.0, there is no ceiling to the restaurant dining room.

6.0 NOISE CRITERIA

6.1 Internal Receivers

For noise breakout calculations to the flat above, it has been deemed appropriate to refer to BS 8233: 2014 “Guidance on *sound insulation and noise reduction for buildings*” [BS 8233]. BS 8233 describes recommended acceptable internal noise levels for residential spaces. These levels are shown in Table 6.1.

Activity	Location	Design range $L_{Aeq,T}$ dB	
		Daytime (07:00-23:00)	Night-time (23:00-07:00)
Resting	Living Room	35 dB(A)	-
Dining	Dining Room/Area	40 dB(A)	-
Sleeping	Bedroom	35 dB(A)	30 dB(A)

Table 6.1: BS 8233 recommended internal background noise levels

As the restaurant is operational during night time, we would recommend that achieving an internal ambient noise level of 30 dB(A) would be an appropriate design target for residual noise levels in general.

BS 8233 states that $NR \approx dB(A) - 6$. Therefore, a noise rating of NR 14 (targeting an ambient noise level due to restaurant activity 10 dB below the BS 8233 criteria for the operating hours) may be considered a reasonable indicator of inaudibility.

It is understood that no specific requirements have been imposed by the local authority, although it would be expected that they would require (as a minimum) suitable mitigation to avoid giving rise to a Statutory Nuisance.

It is understood that the premises are licenced to operate between 08:00 – 23:30 Sunday – Wednesday, and 08:00 - 00:30 Thursday - Saturday.

7.0 INTERNAL ACTIVITIES – BREAKOUT THROUGH SEPARATING FLOOR

7.1 Proposed Activity

Based on discussions with the client and an inspection of the installed sound system it is understood that the noise profile and levels in the restaurant are expected to be similar to that of a medium sized bar with amplified music played through the installed sound system and by a DJ on Friday/Saturday evenings. It is understood that the maximum occupancy is approximately 100 customers. Live music will not be played at any time.

Previous measurements of a similarly sized bar/restaurant have therefore been used to predict noise emissions to residential receivers.

The noise levels shown in Table 7.1 are considered representative of the expected worst-case (L_{max}) noise levels for the restaurant during a DJ performance on a busy night.

In order to provide a robust assessment, the loudest measured noise levels in a similar sized bar/restaurant have been used.

<i>Sound Pressure Level (dB) in each Frequency Band, at source</i>									
Source	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dB(A)
Restaurant	103	100	88	89	88	83	76	67	92

Table 7.1: Predicted Operational Noise Levels

These levels will be used to calculate the noise transmission to the flats above.

8.0 MITIGATION

8.1 Noise Limiter

In the first instance, it has been proposed that noise levels arising from amplified music may be treated at source by means of a suitable noise limiting device, to be installed to the in-house sound system.

Calculations have been undertaken based on the assumed worst case noise levels and the measured performance of the existing floor.

In order to achieve a noticeable reduction in noise received in the flats above, we would recommend limiting the noise in the restaurant to not exceed the spectral and overall levels shown in Table 8.1.

<i>Sound Pressure Level (dB) in each Frequency Band, at source</i>									
Source	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	dB(A)
Restaurant	75	66	63	63	62	58	56	53	67

Table 8.1: Recommended Limit Levels

With music played back at the levels shown in Table 8.1, noise levels in the flat would be expected to comply with the proposed criteria described in Section 6.1 and be at a level that was considered unintrusive and difficult to hear against typical residual noise levels (without the influence of the restaurant's music).

We would also recommend certain steps to reduce transmission of structure-borne noise (See Section 8.2 and 8.3).

8.2 Noise Management for Internal Activities

In order to ensure the calculated noise emission levels are not exceeded, we would recommend following certain steps when operating the bar, as detailed below:

- We would recommend ensuring noise levels do not exceed the noise limit levels shown in Table 8.1 above^[1].
- In order to ensure these limits are adhered to, we would recommend the installation of suitable in-line noise limiter system, set up and properly calibrated to limit maximum noise levels within the restaurant.

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Note – the above levels apply to the most noise sensitive periods – higher levels may be acceptable at less sensitive times (e.g. during typical office hours).

- All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.
- DJs should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems.
- Music should not be played through the main sound system outside opening hours. Where staff require entertainment during preparation periods, this should be provided by a smaller standalone radio or similar.

[1] It must be noted that these noise limits are a prediction only, based on the measured noise transmission to the receiving flat in relation to the source level. A final commissioning exercise should be undertaken to determine the appropriate limits in practice, which could change.

8.3 Residential Receiver Assessment – Internal Levels (Transmission through Separating Floor)

In order to predict the transmission of noise to residential spaces, calculations have been undertaken using the following standard acoustic formula:

$$SPL_{receiver} = SPL_{source} - SRI_{separation} + 10\log_{10} S - 10\log_{10} A$$

Where:

- $SRI_{separation}$ is the calculated sound reduction of the existing floor,
- S is the area of the transmitting floor
- and A is the absorption area of the receiving room

Taking all above factors into account, including mitigation measures, the predicted transmission level of noise to residential spaces would be as shown in Table 8.2.

Receiver	Design Target	Noise Rating Level at Receiver [due to proposed commercial activity]
Residential Flat	NR 14	NR 12

Table 8.2: Noise levels and criteria at noise sensitive receiver

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As shown in Table 8.3, noise transmission to residential spaces would be expected to comply with the proposed criteria, provided the specified noise limits and noise management measures are put in place.

9.0 OPTIONAL UPGRADE - IMPROVEMENT WORKS TO SEPARATING FLOOR/CEILING

Mitigation by means of a noise limiter and noise management measures described in Section 8.0 above would be expected to address the complaints received with regards to amplified music. However, the resulting sound levels will be significantly reduced compared to current practice. The restaurant operator may wish to increase the noise limit. If required, additional mitigation may be applied in order further improve sound insulation to the flats above and facilitate a higher music level to be set in the restaurant.

The measured sound insulation of the existing separating floor between the ground floor space and flat above, as shown in Table 5.1 could be improved. At the time of testing the dining room had no ceiling installed, leaving the concrete slab exposed.

In order to further reduce sound transmission to the flat above we would recommend the installation of a full ceiling within the restaurant.

Due to the sufficient floor to ceiling height and access restrictions from treating the floor from above, we would recommend the installation of an independent ceiling system.

The independent ceiling should then ideally be constructed on a timber frame (attached to the surrounding walls only) forming a new void of at least 100 mm. We would then recommend that the new ceiling void is 2/3 filled with dense mineral wool (45 kg/m³) and then 2 layers of 15 mm SoundBloc plasterboard (or 1 x 15 mm SoundBloc and 1 x 15 mm FireLine) are installed to create the new ceiling.

An overall improvement of approx. 8-10 dB would be expected by the installation of an independent ceiling. This would also aid in mitigating less controllable operational noise such as kitchen work, service noise and customer interactions.

It may then be possible to increase the noise limit for amplified music as well (further assessment would be required once any new ceiling is installed to determine appropriate amplified music limits).

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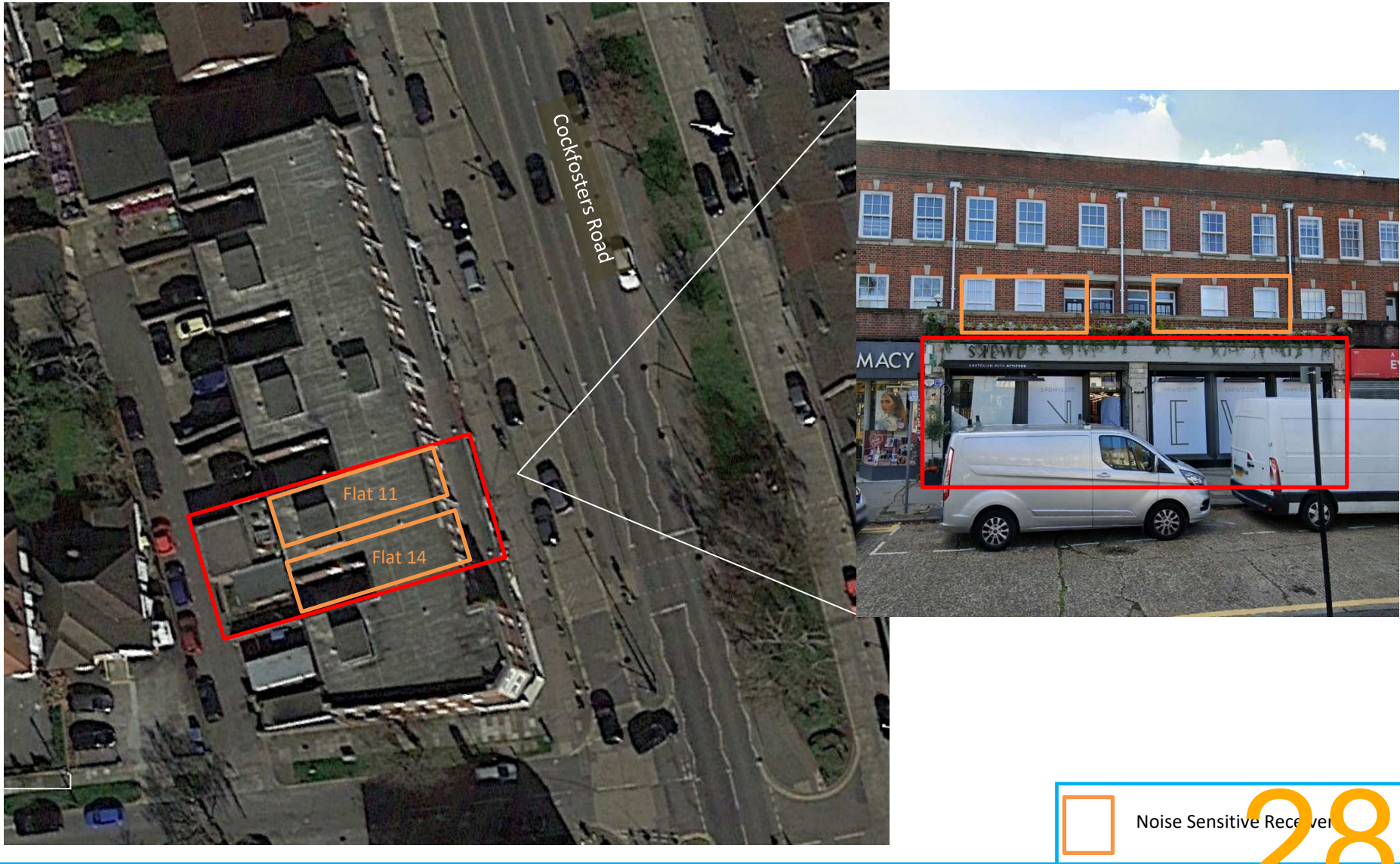
10.0 CONCLUSION

Sound insulation testing and site inspection have been undertaken at 113-115 Cockfosters Road, Cockfosters.

A noise impact assessment has been undertaken to set appropriate noise limits for noise emissions from amplified music played during restaurant opening hours.

Calculations show that noise emissions from the proposed use of the ground floor premises would be expected to be reduced to an acceptable level with the recommended mitigation and noise management measures as stated herein.

Additional advice has been provided for further improvement of the separating floor, should higher noise levels than those set be desired.



18141-SP1 Indicative site plan showing site surroundings and noise sensitive receivers

APPENDIX A



GLOSSARY OF ACOUSTIC TERMINOLOGY

dB(A)

The human ear is less sensitive to low (below 125Hz) and high (above 16kHz) frequency sounds. A sound level meter duplicates the ear's variable sensitivity to sound of different frequencies. This is achieved by building a filter into the instrument with a similar frequency response to that of the ear. This is called an A-weighting filter. Measurements of sound made with this filter are called A-weighted sound level measurements and the unit is dB(A).

L_{eq}

The sound from noise sources often fluctuates widely during a given period of time. An average value can be measured, the equivalent sound pressure level L_{eq}. The L_{eq} is the equivalent sound level which would deliver the same sound energy as the actual fluctuating sound measured in the same time period.

L₁₀

This is the level exceeded for not more than 10% of the time. This parameter is often used as a "not to exceed" criterion for noise

L₉₀

This is the level exceeded for not more than 90% of the time. This parameter is often used as a descriptor of "background noise" for environmental impact studies.

L_{max}

This is the maximum sound pressure level that has been measured over a period.

Octave Bands

In order to completely determine the composition of a sound it is necessary to determine the sound level at each frequency individually. Usually, values are stated in octave bands. The audible frequency region is divided into 10 such octave bands whose centre frequencies are defined in accordance with international standards.

Addition of noise from several sources

Noise from different sound sources combines to produce a sound level higher than that from any individual source. Two equally intense sound sources operating together produce a sound level which is 3dB higher than one alone and 10 sources produce a 10 dB higher sound level.

Attenuation by distance

Sound which propagates from a point source in free air attenuates by 6dB for each doubling of distance from the noise source. Sound energy from line sources (e.g. stream of cars) drops off by 3 dB for each doubling of distance.

Subjective impression of noise

Sound intensity is not perceived directly at the ear; rather it is transferred by the complex hearing mechanism to the brain where acoustic sensations can be interpreted as loudness. This makes hearing perception highly individualised. Sensitivity to noise also depends on frequency content, time of occurrence, duration of sound and psychological factors such as emotion and expectations. The following table is a reasonable guide to help explain increases or decreases in sound levels for many acoustic scenarios.

Change in sound level (dB)	Change in perceived loudness
1	Imperceptible
3	Just barely perceptible
6	Clearly noticeable
10	About twice as loud
20	About 4 times as loud

Barriers

Outdoor barriers can be used to reduce environmental noises, such as traffic noise. The effectiveness of barriers is dependent on factors such as its distance from the noise source and the receiver, its height and its construction.

Reverberation control

When sound falls on the surfaces of a room, part of its energy is absorbed and part is reflected back into the room. The amount of reflected sound defines the reverberation of a room, a characteristic that is critical for spaces of different uses as it can affect the quality of audio signals such as speech or music. Excess reverberation in a room can be controlled by the effective use of sound-absorbing treatment on the surfaces, such as fibrous ceiling boards, curtains and carpets.



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Proforma Invoice

Customer

Maz Demir
12 Cockfosters Parade
Cockfosters Road
Barnet,
EN4 0BX

Proforma No. : **10420**
Proforma Date : **22/01/2023**
Sales Person : **Trevor Morley**
Site Name : **Skewd**

Sound Limiter

Supply, Installation, Testing and Commissioning of a Audio Sound Limiter.

An Audio Sound Limiter is a device installed to ensure that the noise level of a venue does not exceed a certain threshold. The noise level will be measured in decibels (dB) and when the audio activity in the venue reaches the dB threshold set for more than a few seconds a signal will be sent to the house audio system to reduce the dB volume level of the system.

Description	Quantity	Unit Price Ex. VAT	Total
Supply, Installation, Testing and Commissioning of a Audio Sound Limiter	1.00	£2,800.00	£2,800.00

Sound Limiter -

Sub Total Ex. VAT : £2,800.00
Total VAT at 20 % : £560.00
Total Inc. VAT : £3,360.00

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VAT is subject to change and will be charged at the rate set by HM Revenue & Customs & invoice date
All goods will remain the property of The Hub Audio Visual Ltd until paid in full.

CEDIA
MEMBER

SENTRY MK2 SOUND LEVEL CONTROL

Sound level monitoring Complete control

The Sentry MK2 is widely recognised as one of the most effective and versatile sound level control units of its type on the market and a market leader.

The trigger level can be set between 85-125dB, when triggered there is both a low voltage and mains output which is usually used to drive a contactor.

Two separate levels can be set so if different limits are required for example weekdays and weekends or daytime and night then this can be done with a switch, a timer version is available which will automatically switch at programmed times.

The level is set by a single adjustment under the panel. The display indicates how close or far the sound level is from the set threshold, the factory setting allows about 20 seconds over limit before tripping which is generally enough for the performer to adjust their level down. The time delay can be adjusted

074K



Remote
Keyswitch

Remote reset options

074P



Remote
push button



Contactor

The display/control box is available separately and can be used as a warning display or with a mains contactor.

Our contactor is 32A and in a box with a low voltage interface and fixing points to make installation easier with only a low voltage (<18V) and low current (<100mA) connection required between display and contactor box.

A double contactor version is also available if control of more than one ring is needed.

Display/Control unit



Sentry MK2

The second level is also useful if a lower level is needed if doors/windows are open when magnetic relays can switch levels.

A connection for an external microphone and phantom power is included, plus a connection for a remote reset box option (see left).

Below is the AT1 option that provides extra control (See separate AT1 leaflet).

There is also a security loop facility and alarm connection for emergency cut off such as fire alarm. Also provided is a set of isolated contacts that switch when the unit trips for any other requirement.

A choice of linear, "A", "C" and bass weighting is fitted, the weighting is selected by moving jumpers under the panel below the display.



AT1 option



SENTRY MK2

SOUND LEVEL CONTROL

The Sentry MK2 display/control unit has an internal microphone and facility for an external mic, the display indicates how close the sound level is to a set threshold.

Sentry MK2

Threshold levels

Microphone

Display

Trip delay

Reset

Security Loop

Trip outputs

Warning output

Fire alarm interface

Weighting

Connections and adjustments

Case

Power

Dimensions

The threshold is set by an adjustable pot beneath the front panel, when the set level is exceeded a number of trigger outputs are presented.

The trigger outputs include a low voltage, a mains voltage and a set of isolated contacts.

Normally a contactor is connected to one of these outputs to control a mains ring, but equally the outputs can be used to drive a display or other device.

Our contactor uses the low voltage output and is rated at 32 Amps so is perfectly suited to controlling a 32A ring main. Using a low voltage connection also avoids unnecessary routing of mains cable.

When the display reaches warning level a warning output is enabled providing 60VA of mains power to drive a warning light if required.

For full details of the features download the product manual from our website.

A remote display option is available should a second display be required.

TECHNICAL SPECIFICATION

2 levels may be set between 85dB and 125dB, switching is by shorting two terminals

Internal electret microphone is fitted and a connection for an external microphone and 18V phantom power if required.

10 segments indicating -20dB, -10dB, -7dB, -5dB, -3dB, 0dB, -1dB, +1dB, WARNING (+2dB) and OVERLIMIT (+3dB).

Adjustable between 5 and 45 seconds.

Front panel push button or optional remote panel.

A shorting link which when broken trips the unit after a short delay.

Low voltage (12 -18V at <100mA), 60VA mains and isolated contacts.

60VA mains

Can be set for volts applied, volts removed, contacts closing or contacts opening.

A choice of linear, "C", "A" or Bass selectable on jumpers.

Located beneath the display under a removable front cover.

High impact polycarbonate, flame resistance UL 94-V2, grey with clear cover.

240V or 110V internally selectable.

320mm wide x 261mm high x 120mm deep

Formula Sound reserve the right to alter the specification without notice

Sound Level Control

Formula Sound offer what is probably the most comprehensive range of sound level control equipment available.

The Sentry Lite is a slimmer and lower cost version "cut off" control unit offering 1 level setting, 2 weighting choices, security loop, remote reset options and remote microphone option.

For fixed installations the AVC range of 1RU units provides complete control of levels, the AVC2 and AVC2D will each control 1 stereo channel (the AVC2D can be microphone driven). The AVC4 will control 2 stereo levels.

The CX4 is a 1RU unit that will control 2 stereo levels and provide a comprehensive fire alarm interface. The CX10 is a 1RU 10 line fire alarm interface.

Formula Sound Limited

Tel: + 44 (0) 208 900 0947 FAX: + 44 (0) 208 903 8657

e-mail: info@formula-sound.com

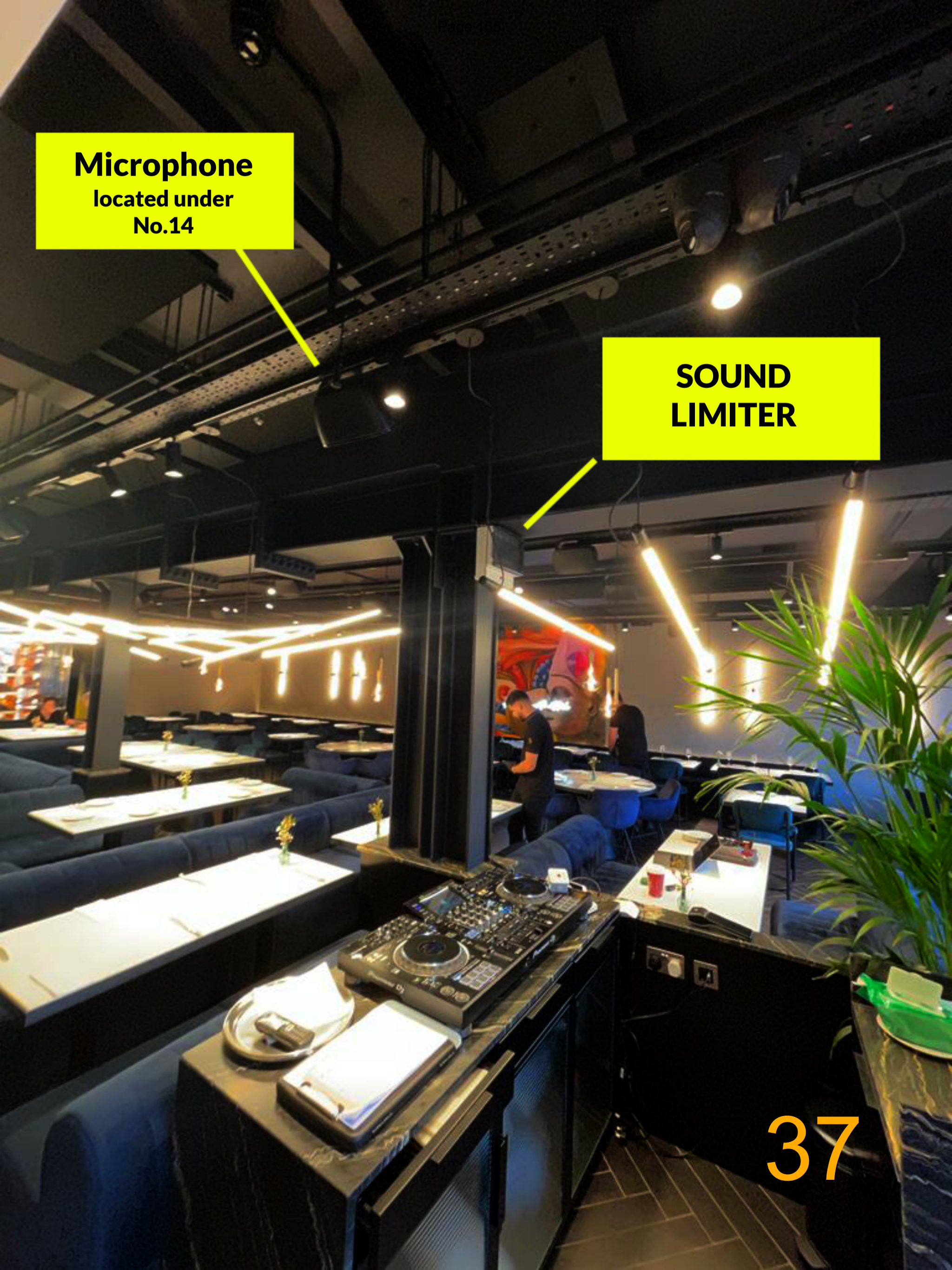
Website: <http://www.formula-sound.com>



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Microphone
located under
No.14

**SOUND
LIMITER**





07 February 2023

Ref: 18141-230207-L1

NARTS Food and Leisure Ltd
53 Stoke Newington High Street
London
N16 8EL

London office	Manchester office
1B(c) Yukon Road	105 Manchester Road
London	Bury
SW12 9PZ	BL9 0TD
Tel: 0203 475 2280	Tel: 0161 850 2280

18141: SKEWD KITCHEN 113-115 COCKFOSTERS ROAD, COCKFOSTERS

Further to our visit at the above address, we are pleased to present the results of the noise limiter sensitivity adjustment and verification undertaken in the restaurant dining room. The site comprises a restaurant dining room with sound system to provide background music, including DJ performances on select days. The nearest noise sensitive receivers have been identified as the residential flats directly above.

A previous breakout / noise impact assessment conducted by Clement Acoustics (as described report 18141-NIA-01) has set the internal noise limits at 67 dB(A) for amplified music in order to mitigate noise transmission from the premises in response to complaints received.

1.0 EQUIPMENT

The equipment used for the noise limiter sensitivity was as follows.

- Norsonic Nor145 Class 1 Sound Level Meter
- Svantek SV33B Calibrator
- Fixed PA system (Provided by venue).

The sound level meter calibration was verified before and after use and no abnormalities were observed.



2.0 MEASUREMENT PROCEDURE

In order to verify the cut-off level of the installed noise limiter, white noise was played through the house sound system while incrementally increasing in volume until the cut-off point. The procedure was repeated with various recorded music styles, played back through loudspeakers, progressively increasing the volume until cut-off point, to verify consistent cut-off level regardless of source or music style.

A continuous recording is undertaken during this process with the sound level meter in 1 second integration periods to record noise levels generated within the room.

Once the noise limiter trips the power, the generated time history will show the sound level suddenly decreasing. This procedure was repeated to verify the findings.

3.0 NOISE LIMITER ACCESS

The installed limiter is a hardwired cut-off type with an associated microphone installed in the ceiling of the restaurant dining room above the DJ booth; this product is set up to cut music playback levels to a default quiet level (present by the computer-controlled sound system) when a threshold is exceeded.

At the time of the visit it was noted that the limiter unit was properly installed and operating as described above.

Calibration measurements were undertaken by playing music / white noise from a laptop directly to the sound system. It is understood that the DY system follows the same signal pathway and cannot bypass the limiter or computer controlled sound level presents.

The limiter has a short delay between the limit being reached, and the power being cut, to avoid being triggered by short (less than 1s) exceedances that would not be expected to have a negative effect on receptors. This is set at approximately 3 seconds. Warning of potential cut-off is provided by incremental illumination of green, yellow and red LEDs on the front of the limiter. Noise levels should be immediately reduced when red lights are illuminated to prevent cut-off.

It was noted that the settings are only accessible by unscrewing the faceplate of the limiter. This measure would be deemed sufficient to ensure that the settings are not modified without authorisation.

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4.0 MEASUREMENT RESULTS

4.1 Set Noise Limits

Noise limits are required to be set to a maximum 67 dB(A) based upon the results of a previous assessment designed to ensure noise emissions are not audible at the nearest residential receiver (Noise Rating of NR 14).

4.2 Results

Verifications tests were undertaken using representative worst case recorded music from the installed sound system. Measured noise levels further to the verification of the noise limiter settings in the dining room are shown in Figures 18141-TH1 and TH2 below.

Measurements have shown that the noise limiter is **activating at or below the 67 dB max limit** for the three verification test recordings, so complying with the recommendations of Clement Acoustics Report 18141-NIA-01 and thereby achieving the agreed limit.

5.0 CONCLUSION

A site visit has been undertaken at Skewd kitchen 113-115 Cockfosters Road, Cockfosters in order to verify the sensitivity of a noise limiter installed within the dining room.

Suitable adjustments have been made to the frequency response and time delay to the meter to allow both live performance and recorded music to be facilitated.

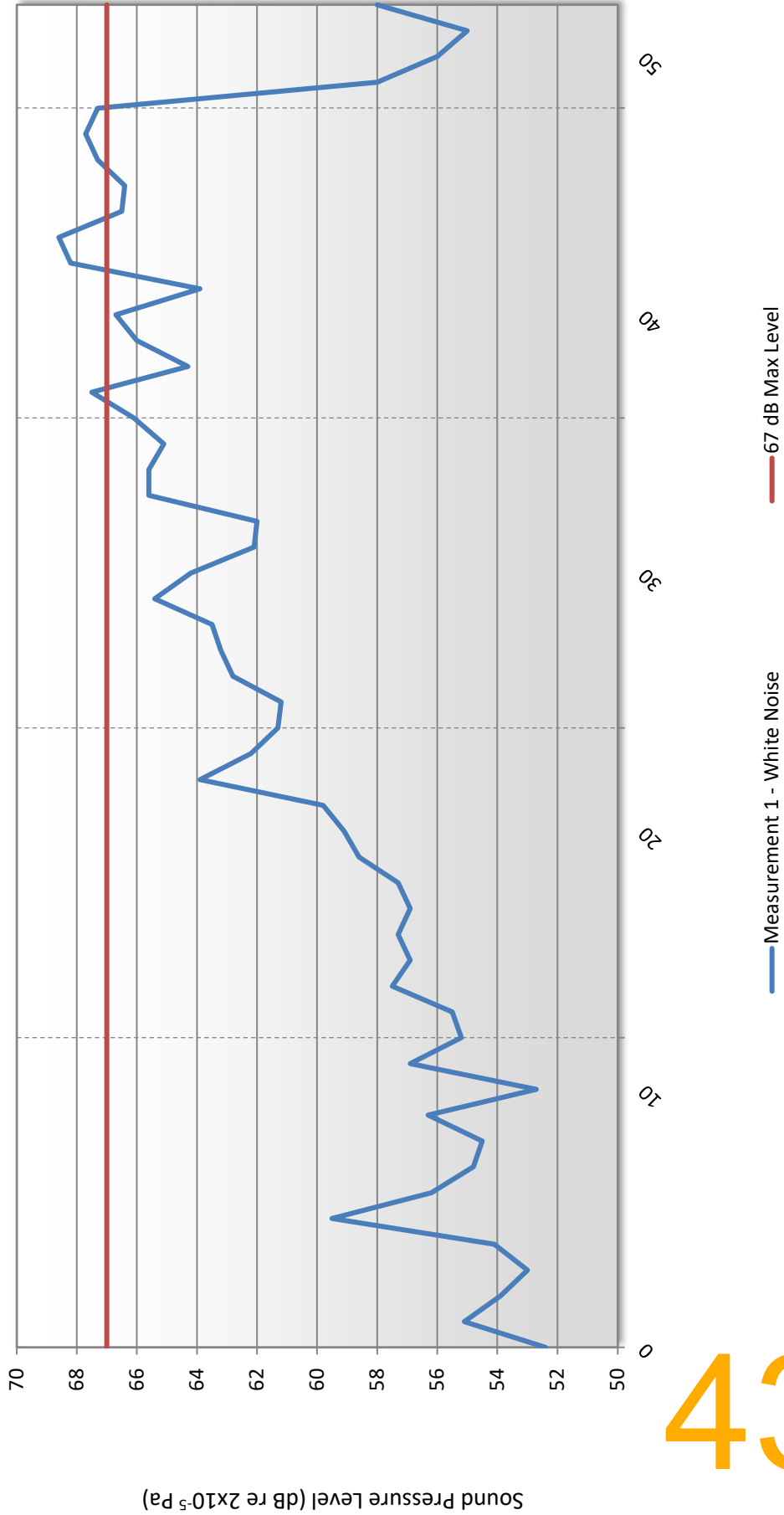
Measurements have shown that set noise levels of 67 dB(A) are not exceeded with the currently installed limiter system in operation.

It is recommended that the sensitivity of the installed noise limiter should be verified on a minimum yearly basis in order to ensure adequate operation.

Author	Matthew Markwick Principal Consultant BSc (Hons) MSc MIOA		7 February 2023
Approved	Duncan Martin Director BSc (Hons) MIOA		7 February 2023

Skewd kitchen 113-115 Cockfosters Road,

Cockfosters
Noise Limiter Time History
Test 1 White Noise

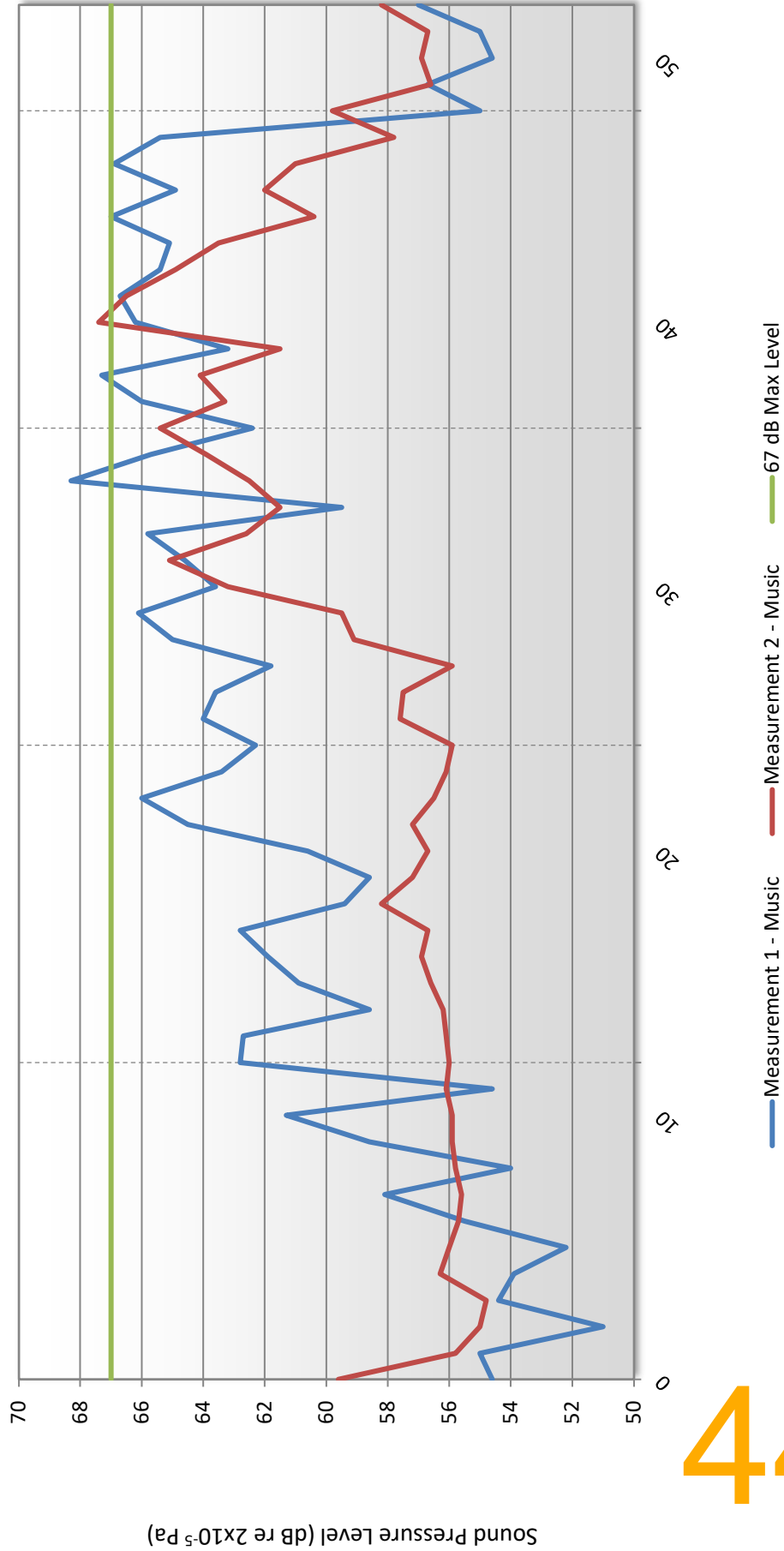


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17454-1111

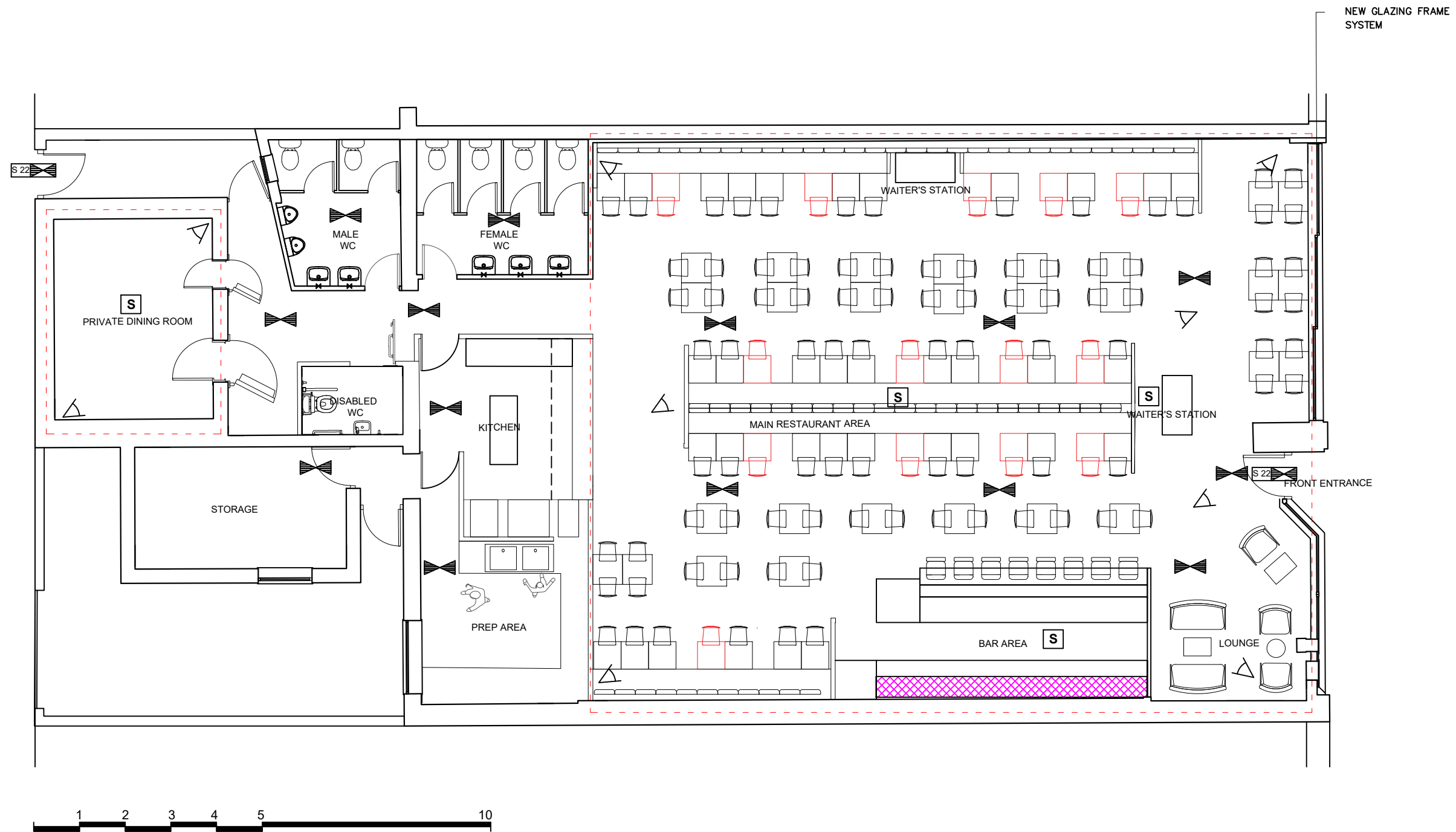
Skewd kitchen 113-115 Cockfosters Road,

Cockfosters
Noise Limiter Time History
Test 2 Music



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18141-TH2



- ALCOHOL
- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- S SMOKE DETECTOR
- CCTV
- S 20** FIRE ESCAPE KEEP CLEAR
- S 22 INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)

AMENDMENTS	
A	
B	
C	
D	
E	
F	
G	
H	

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LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Skewd Kitchen
113-115 Cockfosters Road
Barnet
EN4 0DA

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 30/12/2022:

30.12.23 – Review application hand delivered to premises. Advised Temporary Event Notice was not submitted within the timeframe so event can not take place.

11.01.23 – Senior Licensing Enforcement Officer (CPX) attended the site to display an additional Licensing Review Notice. Whilst doing so they were approached by the Premises Licence Holder's Licensing Agent who advised that he and an Acoustic Engineer had just visited one of the flats above the restaurant and he could see why they were complaining. He invited the officer into the premises and pointed out two large speakers which were mounted to the ceiling above the bar. He advised that these were directly below the bedroom of the flat above. He also pointed out a row of smaller speakers which were also mounted on the ceiling running from the front of the premise to the back. These were further over to the right-hand side of the restaurant when looking at the premises from the street. The agent did not think these smaller speakers were the ones causing the problem.

13.01.23 – 21:05 - The Out of Hours Noise Team (DWD) received a complaint regarding loud music coming from the premises. At 21:40 they visited the complainant. Music was audible in the complainant's living room and was a lot louder in the hallway and as the officer moved further into the property. The volume increased and decreased depending on the song. The complainant's windows were closed. 22:10 Volume increased and in the living room it was audible over the sound of the television. 22:33 – the officers visited the premises and spoke to staff who advised that an acoustic engineer that visited them on Wednesday and that they were trying to resolve the matter. They advised that they were waiting for a sound limiter to be installed.

14.01.23 – 21:15 - The Out of Hours Noise Team (DWD) received a complaint regarding loud music coming from the premises. At 21:49 they visited the complainant. Music was audible in the living room but was not deemed to be a statutory nuisance. The complainant's windows were closed. Some bass was audible, but it was not excessive at the time of the visit. 21:51 – volume increased a little but still not deemed to be excessive.

17.01.23 – The Premises Licence Holder's agent submitted an Acoustic Report carried out by Clement Acoustics to the Licensing Team. He advised that a sound limiter would be installed on Thursday 19th January and that it would be calibrated on Friday 20th January. The agent advised that he had also extracted the following points from

the report and proposed that they be attached as new conditions on the Premises Licence:

1. All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.
2. DJs should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems.
3. Music should not be played through the main sound system outside opening hours. Where staff require entertainment during preparation periods, this should be provided by a smaller standalone radio or similar.

Please note that although this may help prevent future noise issues conditions are only enforceable when the licence is being used.

4. Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval. The noise limiter must be set at a level in consultation with the Environmental Health Team and agreed by 30th January 2023 that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times.

Please note that as the Council are the enforcers of the legislation council officer will not set sound limiter levels. The Licensing Authority would therefore not agree to the wording of condition 4 if it were to be formally offered as a condition. Alternative wording is set out below should the Licensing Sub Committee wish to consider them.

- A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.
- The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

23.01.23 – Council Commercial Noise Officers (JI/NEJ) met with the Premises Licence Holder and his agent at a pre-arranged meeting to discuss the acoustic assessments that had been carried out on 11.01.23. Senior Licensing Enforcement Officer (CPX) was due to attend but this was not possible due to illness. A representation has been submitted by one of the noise officers which gives details regarding this meeting.

27.01.23 - 21:16 - The Out of Hours Noise Team (RCA) received a complaint regarding loud music coming from the premises. At 22:10 they contacted the complainant who advised that the music was loud from 20:00 – 21:00 but had since been turned down significantly.

28.01.23 - 21:05 - The Out of Hours Noise Team (RCA) received a complaint regarding loud music coming from the premises. At 21:28 they contacted the complainant who advised a DJ was playing loud music and that the bass was intrusive. 22:01 – the officers visited the complainant. In the living room low frequency bass could be heard. It could also be heard in the bedroom. The television could still be heard. Officer

notes state the noise was an annoyance but could become intrusive if it continued into the early hours. 22:30 – officers visited the premises and spoke to the owner and manager. The officer advised the noise was not excessive but that the bass was an annoyance He was asked to turn down the bass which he did. The officer called the complainant who advised that the bass could no longer be heard in the living room but was still audible in the bedroom.

31.01.23 – An officer (CPX) checked Facebook and Trip Advisor to see if any other reviews/posts added since the last check made reference loud music. A Trip Advisor review written on 23/12/22 stated ‘Atmosphere was good. Had to shout a bit though’. Posts on Facebook dated 20th, 27th and 29th December 2022 all related to New Years Eve and advertised a DJ. These posts can be seen below:





On 17.01.23 the Licensing Authority was advised that the sound limiter would be installed on 19th January 2023 and calibrated on 20th January 2023. If this did happen, then the Licensing Authority is concerned that the bass was still audible on 28th January 2023.

It is worth noting that music does not have to be deemed so loud that it is a statutory nuisance under the Environmental Protection Act 1990 to undermine the prevention of public nuisance licensing objective.

At this stage the Licensing Authority still recommends that the following condition be added to the licence (meaning the premises would only be permitted to provided background level music)

- Section 177A does not apply to this premises licence and this condition does not permit any regulated entertainment, including live music, recorded music and DJ music

If the Licensing Committee is not minded to disapply Section 177A of the Licensing Act 2003 then the Licensing Authority would recommend that the Committee, consider attaching the following conditions to the premises licence:

- I. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.
- II. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
- III. When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
- IV. All external doors and windows shall be kept closed but not locked whilst recorded and or live music is taking place.
- V. Section 177A of the Licensing Act 2003 does not apply to conditions I, II, III, IV. *(meaning they are enforceable at all times music is provided) (numbering will vary depending on final number of conditions attached to the licence)*

The Licensing Authority would agree to conditions 1-2 offered by the licence holder namely:

1. All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.
2. DJs should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems.

The Licensing Authority would request that condition V also cover these two conditions.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk



Signed:

Date: 08.02.23

Appendix F

Conditions arising from the Review Application

Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.
3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
4. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
5. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
6. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken out of the licensed area to be consumed in the street.

These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

9. Staff shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

10. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between the hours of 22:00 and 07:00.

11. Deliveries shall not be made to the premises between the hours of 22:00 and 07:00.

12. All 'off' sales of alcohol shall be made in a sealed container.

13. All those delivering to and from the premises shall be instructed to do so quietly so as not to disturb local residents.

14. Delivery of alcohol or late-night refreshment shall only be made to a domestic dwelling or place of business.

15. If there is no one available to take in the delivery, the courier shall not leave alcohol in an unattended place for collection later. It can be left with a neighbouring property only if the Think 25 condition above is taken into account.

16. Delivery of alcohol to anybody who appears to be under the age of 25 shall require evidence of proof of age to be shown to the person making the delivery. If proof is not provided or if there is any doubt about the I.D. the delivery of alcohol shall be refused.

17. A telephone number for the premises shall be provided to local residents, the Police and/or the Local Authority upon request to enable them to express any concerns about the running of the business. Staff shall be trained on the importance of answering calls.

18. The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.

19. (a) A CCTV system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.

(b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

(c) All staff who may work front of house shall be trained to operate the CCTV system and download images.

(d) At least one member of staff trained to operate the CCTV system & download images shall be on duty at all times the premises are open to the public. Footage

shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

20. An incident book shall be kept at the premises, and made available to the police or authorized council officers, which will record the following:

- (a) All crimes reported,
- (b) Lost property,
- (c) All ejections of customers,
- (d) Any complaints received,
- (e) Any incidents of disorder,
- (f) Any seizure of drugs or offensive weapons,
- (g) Any faults in the CCTV,
- (h) Any refusal in the sale of alcohol,
- (i) Any visit by a relevant authority or emergency service.

21. All alcohol shall be ancillary to the operation of the premises as a restaurant and alcohol may only be supplied with a substantial food order.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

**SOUGHT BY LICENSING AUTHORITY IF LICENSING SUB-COMMITTEE
DECIDES BACKGROUND MUSIC ONLY:**

- 22. Section 177A does not apply to this premises licence and this condition does not permit any regulated entertainment, including live music, recorded music and DJ music.

**SOUGHT BY LICENSING AUTHORITY IF LICENSING SUB-COMMITTEE
DECIDES REGULATED ENTERTAINMENT PERMITTED BETWEEN 8AM AND
11PM:**

- I. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.
- II. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

- III. When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
- IV. All external doors and windows shall be kept closed but not locked whilst recorded and or live music is taking place.
- V. Section 177A of the Licensing Act 2003 does not apply to conditions I, II, III, IV. *(meaning they are enforceable at all times music is provided. This numbering may need to be amended if additional conditions below are applied to the licence)*

OFFERED BY PREMISES LICENCE HOLDER

(& AGREED BY LICENSING AUTHORITY, IF, LSC DECIDES MUSIC IS PERMITTED BETWEEN 8AM AND 11PM):

A - All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.

B - DJs should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems.

OFFERED BY PREMISES LICENCE HOLDER

(& NOT AGREED BY LICENSING AUTHORITY AS DOES DEEM THIS CONDITION ENFORCEABLE):

C - Music should not be played through the main sound system outside opening hours. Where staff require entertainment during preparation periods, this should be provided by a personal mobile phones without any external bluetooth speakers.

OFFERED BY PREMISES LICENCE HOLDER

(& NOT AGREED BY LICENSING AUTHORITY, WHO HAVE OFFERED CONDITIONS I AND II ABOVE INSTEAD):

D - Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval. The noise limiter must be set at a

level in consultation with the Environmental Health Team and agreed by 30th January 2023 that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times.

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MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
22 February 2023

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP</p> <p>WARD : Haselbury</p>	

1 LICENSING HISTORY & CURRENT POSITION - LN/201500538:

- 1.1 The premises has been previously operated as a dry cleaners/laundrette, then a fishmonger, then was an off licence known as Med Off Licence before being named Late Night Food Off Licence.
- 1.2 On 24 September 2015, a new premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Ismail Acay as the Premises Licence Holder (PLH) and Mr Aydin Guven Acay as the Designated Premises Supervisor (DPS).
- 1.3 On 2 December 2016, a non-duty paid tobacco test purchase was attempted at Med Off Licence and a packet of non-duty paid Marlboro cigarettes was sold. On 6 December 2016, this premises was searched for counterfeit and non-duty paid alcohol and tobacco. The following non-duty paid items were found and seized by HMRC Officers: 1480 cigarettes and 1kg of Hand Rolling Tobacco. As a result, Licensing Enforcement requested that Mr Ismail Acay submitted a minor variation to add conditions to prevent similar unlawful activity regarding nonduty paid alcohol/tobacco.
- 1.4 On 4 January 2017, a transfer application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Hasan Alokmen as the Premises Licence Holder (PLH), and also became the DPS.
- 1.5 Mr Alokmen subsequently honoured the minor variation request, and on 7 February 2017, the minor variation application, which was not subject to any representations, was granted by officers in accordance with delegated powers, and additional licence conditions were attached to the premises licence for the reasons set out above.
- 1.6 Since January 2017, this premises licence has been transferred three times, and subject to two vary DPS applications. The last transfer application was granted on 6 May 2020, which was not subject to any representations, therefore granted by officers in accordance with delegated powers, naming

Mr Shadov Zomorodian as the Premises Licence Holder (PLH). Mr Erhan Sabri was still the DPS (since 10 April 2017).

- 1.7 On 31 October 2022, a vary DPS application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Shadov Zomorodian as the DPS (so now both the PLH and DPS).
- 1.8 The premises licence LN/201500538 has not been subject to a review application previously.
- 1.9 The current Premises Licence LN/201500538 permits:
 - 1.9.1 Hours the premises are open to the public: 07:00 to 01:00 daily.
 - 1.8.2 Supply of alcohol (off supplies only): 07:00 to 01:00 daily.
 - 1.9.2 A copy of Part A of the current premises licence LN/201500538 is produced in Annex 1.

2.0 THIS APPLICATION:

- 2.1 On 30 December 2022 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201500538 and is produced in Annex 2, including the Appendices to support that review.
- 2.2 The Licensing Authority have produced additional information to support the review application, which is produced in Annex 3.
- 2.4 The review application has been submitted as the Licensing Authority believes that Mr Shadov Zomorodian is not promoting the prevention of crime and disorder licensing objective. A wide range of unlawful activity has taken place whilst Mr Zomorodian has been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity includes:
 - illicit tobacco has been found on the premises on three occasions;
 - breaches of licence conditions.
- 2.5 The review application seeks to revoke the premises licence in its entirety.
- 2.6 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.7 Each of the Responsible Authorities were consulted in respect of the application.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 No representations have been received from any of the Responsible Authorities in response to this review application.

- 3.2 **Premises Licence Holder** – No representation has been made by Mr Shadov Zomorodian in response to this review application at the time the report was prepared, but from speaking to Mr Zomorodian, he will be submitting written representation shortly, which will be circulated in a supplementary report, if received.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1 If the Licensing Committee is not minded not to revoke the licence in its entirety, the Licensing Authority has proposed one additional condition be added to the premises licence.
- 4.2 The premises licence holder, Mr Shadov Zomorodian, has not indicated whether that condition is agreed, at the time this report was prepared.
- 4.3 A copy of the proposed conditions arising from the review application can be seen in Annex 4.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either :

5.1.1 the Licensing Act 2003 ('Act'); or

5.1.2 the Guidance issued by the Secretary of State to the Home Office of December 2022 ('Guid'); or

5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

- 5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

5.3.4 the protection of children from harm [Act s.4(2)].

- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :

5.4.1 the Council's licensing policy statement; &

5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].

5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

5.9.1 to modify the conditions of the licence;

5.9.2 to exclude a licensable activity from the scope of the licence;

5.9.3 to remove the designated premises supervisor

5.9.4 to suspend the licence for a period not exceeding three months;

5.9.5 to revoke the licence [Act s.52].

5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 0208 1322 128

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

Location	Whole premises
Activity	Open to the Public
Sunday	07:00-01:00
Monday	07:00-01:00
Tuesday	07:00-01:00
Wednesday	07:00-01:00
Thursday	07:00-01:00
Friday	07:00-01:00
Saturday	07:00-01:00
Non-Standard Timings & Seasonal Variations	

Location	Off supplies
Activity	Supply of Alcohol
Sunday	07:00-01:00
Monday	07:00-01:00
Tuesday	07:00-01:00
Wednesday	07:00-01:00
Thursday	07:00-01:00
Friday	07:00-01:00
Saturday	07:00-01:00

Non-Standard Timings & Seasonal Variations	
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Part 2

Name and (registered) address of holder(s) of premises licence:

Name: Mr Shadov Zomorodian

Address: [REDACTED]

Registered number of holder (if applicable):

Not applicable

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name: Mr Shadov Zomorodian

Address: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number: [REDACTED]

Issuing Authority: Brent Council

Signed [REDACTED]

Date: 31 October 2022

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.**
- 3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises.**
- 4. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 5. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 6. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.**
- 7. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.**
- 8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse or glass bottles outside between 23:00 hours and 08:00 hours.**
- 10. Deliveries will not be made to/from the premises between 20:00 hours and 08:00 hours.**
- 11. The premises shall install and maintain a comprehensive CCTV system.**

- (1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (2) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (3) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
- (4) The CCTV system should be updated and maintained according to police recommendations.
- (5) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (1). All crimes reported to the venue
- (2). All ejections of patrons
- (3). Any complaints received
- (4). Any incidents of disorder
- (5). All seizures of drugs or offensive weapons
- (6). Any faults in the CCTV system
- (7). Any visit by a relevant authority or emergency service

13. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme ie. Stickers.

14. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.

15. Alcohol and tobacco stock shall only be purchased from registered wholesalers.

16. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

17. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

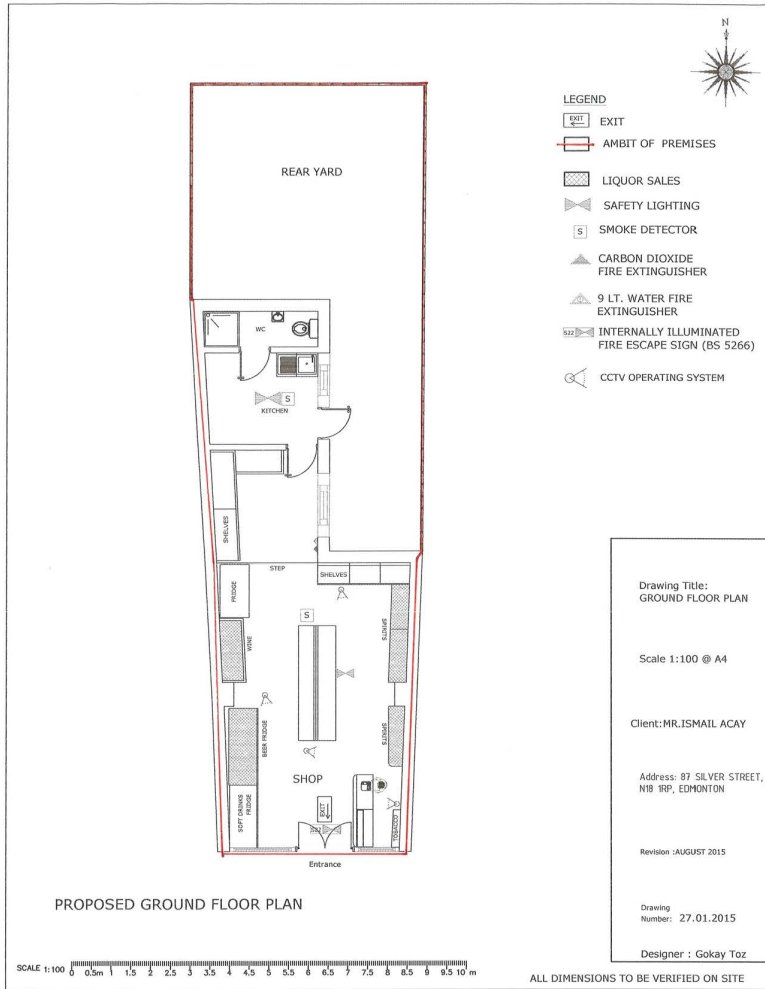
18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans

Annex 4 – Plans



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

These Mandatory Conditions form part of the Operating Schedule of your licence. You must ensure that the operation of the licensed premises complies with these Mandatory Conditions, as well as the Conditions stated in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

London Borough of Enfield
**Application for the Review of a Premises Licence or Club Premises
 Certificate under the Licensing Act 2003**
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Charlotte Palmer, Senior Licensing Enforcement Officer**

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Late Night Food Off Licence, 87 Silver Street

Post town Edmonton

Post code (if known) N18 1RP

Name of premises licence holder or club holding club premises certificate (if known)

Mr Shadov Zomorodian

Number of premises licence or club premises certificate (if known)

LN/201500538

Part 2 - Applicant details

I am

Please tick ✓
yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Charlotte Palmer, Licensing Team B Block South, Civic Centre, Silver Street, Enfield, EN1 3XA	
Telephone number (if any):	██████████
E-mail address:	████████████████████

This application to review relates to the following licensing objective(s)

- | | Please tick one or more boxes ✓ |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises three times i.e. non-duty paid cigarettes and hand rolling tobacco. The licence holder has also failed to demonstrate compliance with many of the licence conditions.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the premises licence in its entirety.**

Please provide as much information as possible to support the application

(please read guidance note 3)

Premises Licence LN/201500538 – Background History:

The licence for this premises was first granted on 24/09/2015.

On 07/02/2017 a minor variation to strengthen the licence conditions was granted. That application was submitted at the request of the Licensing Authority following the seizure of illicit tobacco. The licence was held by someone else at that time.

The licence was transferred to the current Premises Licence Holder on 06/05/2020 and a vary Designated Premises Supervisor application was granted on 31/10/22. The Premises Licence Holder is now also the DPS.

The licence currently permits the following activities:

Licensable Activity	Permitted Days & Timings
Open	07:00 – 01:00 everyday
Sale of alcohol (off supplies)	07:00 – 01:00 everyday

26/06/21 – The Council's Food Team received a complaint alleging that out-of-date beer was sold to a customer. The complainant advised that they did not notice until they got home and that they tried to speak to the staff about it but they were rude to him.

24/09/21 – Complaint received alleging the premises sells cigarettes and vapes to children in school uniform.

25/08/22 – Complaint received alleging there is woman (name not given) and a man (Ali) who work at the premises and sell vapes to children as young as 11 years old. They allegedly tell children to go behind the counter to choose which vape flavour they want. The complainant also alleged that they sell foreign cigarettes for as little as £6 a packet. The complainant alleged staff at the shop have sold vapes to their child and her friends and that children from all over the borough go there to buy vapes and that they let them off paying if they don't have enough money.

07/09/22 – Trading Standards sent an advice letter to the Premises Licence Holder setting out the law in relation to e-cigarettes, under age sales and the sale of illicit tobacco. An advisory leaflet relating to inhaling tobacco was included. **See**

Appendix 1a-b.

Another letter was also sent to the premises advising that any Vapeman Branded Products needed to be removed from sale. **See Appendix 2.**

04/10/22 – Trading Standards Officers (AB/ABT) visited the premises to check whether the premises was selling any Vape products that did not comply with legislation. As well as seizing some Vapes the officers seized non-duty paid cigarettes that were behind the shop counter namely 6 packets of 20 Marlboro Gold cigarettes and 10 packets of 20 Marlboro Touch cigarettes. Inspection Report, Seizure Notice, advice letter and advice leaflets were given to the staff. **See Appendix 3 a-e.**

12/10/22 – The Licensing Team sent a letter to the Premises Licence Holder advising them that the licence annual fee had not been paid since 2020 and that if not paid the licence would be suspended. **See Appendix 4.**

13/10/22 - The Principal Licensing Officer (EVG) emailed the Premises Licence Holder a further copy of the letter advising them that the licence annual fee had not been paid since 2020 and that if not paid the licence would be suspended. They also advised the licence holder how to amend the licence if their name was incorrectly spelt and queried whether or not the named Designated Premises Supervisor (DPS) still worked at the premises. **See Appendix 5.**

13/10/22 – Trading Standards Officers arranged for illicit tobacco test purchases to be carried out at a number of premises in the borough one being this premises. One packet of no duty paid Parliament Night Blue cigarettes was sold. **See Appendix 6.**

18/10/22 - Vary DPS application received.

23/11/22 - 11:40 - 12:15 - Senior Licensing Enforcement Officer (CPX) visited the premises to carry out a full licence inspection. There was one male and one female member of staff on the premises. Male confirmed Premises Licence Holder's (PLH) name is spelt Shadov Zomorodian as now shown on Premises Licence. The officer spoke to PLH on the phone as staff were unsure about the conditions of the licence and where records were kept. The officer told him that the visit was following the seizure of illicit tobacco and he said that the items taken were his, for his personal use and that he gets through a packet of cigarettes a day.

Condition 2,3,4 - PLH claimed training records were at head office - requested copies be emailed to officer and kept on premises in future.

Condition 5 - Think 25 posters not on display – officer advised they would email them one.

Condition 6 - Refusal book not available - advised must be kept on site so that staff can fill it in when information is fresh in their mind.

Condition 8 - Leave quietly poster not displayed - officer advised they would email them one.

Condition 11 - Unable to check 31 days of footage as staff aren't able to use the system. - further visit required.

Condition 12 - Incident book not available - must be on premises - copy to be emailed to officer.

Condition 13 - Can marking scheme not in place - set up or apply to have condition removed - will need to check with police whether they would agree to this.

Condition 16 - Receipts for last 3 months not on site - only ones for November seen. Given 7 days to comply. **See Appendix 7.**

During the visit a male came in and appeared to leave without buying anything saying he would come back later. A male and female also came in together wanting 2 packets of cigarettes. The female member of staff showed them a packet and the female customers said 'only one then' then changed her mind and said they would come back later. As they left the shop the female customers said 'it's because that lady is there'. Apart from the staff the officer was the only other person in the shop. The officer raised this with the staff and told them that they were aware that illicit tobacco had been seized from the premises recently. The female denied that the customers had come in looking for illicit cigarettes and that the first male wanted cigarettes papers and would come back with the money later and the other two had an issue with her as she had made them leave the premises before. She said the comment they made was not about the officer's presence. The officer told both members of staff that selling illicit tobacco or alcohol could result in the licence being taken away.

24/11/22 – Trading Standards Officer visited the premises to see if there was any illicit cigarettes or tobacco on site. They seized 48 packets of 20 cigarettes and 1 pouch of Hand-rolling tobacco from behind shop counter. **See Appendix 8a-b**

28/11/22 – Senior Licensing Enforcement Officer (CPX) emailed licensing resources to the Premises Licence Holder to assist them in complying with their licence conditions.

01/12/22 – Trading Standards received a complaint alleging that the premises sells vapes to under-age children.

16/12/22 – Senior Fair Trading Officer (ABT) sent a formal warning letter and Transfer of Property Disclaimer to the PLH following the seizure of illicit tobacco on 24/11/22. **See Appendix 9.**

19/12/22 - 15:27 - 15:53. Senior Licensing Enforcement Officer (CPX) visited the premises to check the outstanding licence conditions.
 Condition 2, 3, 4 - Staff training records not available
 Condition 7 - Only one member of staff working at time of officer visit - condition states there must be 2. The member of staff who was there advised that her colleague had gone to a local pizza place to collect a pizza. However, she phoned him to see if he knew where the training records might be and when she got off the phone, she advised the officer that her colleague had been rushing and had a car accident. She advised he would not be long, but he had not returned by the time the officer had finished the inspection.

Condition 11 - CCTV - Unable to check CCTV was recording. Staff member advised that her colleague could now access it via his phone but as he was not there this could not be checked.

Condition 12 - Incident logbook required. Officer advised that a diary could be used to record incidents but that it would need to be labelled as an incident book, so it was clear to staff and officers what it was for.

Condition 13 - No can marking scheme in place.

Refusal's book seen - this was a notebook that had dates hand written in it like a diary but did not go beyond 9th December 2022. Details of refusals were very short – officer recommended time of refusal be noted in case they need to look back at CCTV and also who made the refusal. Diary seen ready to use as a refusal book for 2023.

Think 25 poster and leave quietly posters now on display.

Advised that as Trading Standards have seized illicit tobacco twice a licence review will be submitted. Given 7 days to comply. Email address given and officer requested evidence of compliance with all conditions be sent to them.

See Appendix 10

During the visit a number of people entered the premises and left empty handed.

15:26 - male walked into the shop just ahead of officer. Female member of staff who was in attendance last time the officer visited was serving behind the counter, recognised officer and said hello. The officer advised her they could wait until she had served the customer. The male asked her for 3 single cigarettes. The member of staff advised him that they do not sell singles and he left.

15:28 - A female entered and left empty handed.

15:30 - Male entered looked around the shop, said he'll come back when he's cashed up and left.

Another male entered and left empty handed, and another.

15:41 - Young-looking boy (under 14) popped his head in the door and looked at the member of staff. The officer did not see what she did or hear what she said but he made an 'Oh!' expression and left. When the officer asked the member of staff who the boy was, she claimed not to have seen him.

The member of staff then locked the shop door. The member of staff told the officer that they always lock the door when the schools finish. She went to the back of the premises leaving the officer alone in the shop whilst they completed their inspection report. Three or four people tried to gain access to the shop and the officer shouted through to the member of staff telling her that people were trying to get in. She advised that she was making her lunch and asked the officer if they wanted any or a drink. The officer thanked her and said no. The member of staff did not let the customers in and said she was closing the premises whilst she had her lunch. The officer could see that she had made herself some food.

At some point before the shop was closed a young-looking couple also entered and stood around for a while. The officer told them they were not in the queue and the male said they didn't know what they wanted and were still trying to decide. He eventually approached the counter and asked for a Vape - the member of staff asked him if he had ID and checked it before serving him.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) goes on to say that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Complaints have been received alleging that this premises sells age restricted goods to children and non-duty paid goods. When the investigation began the premises licence annual fee had not been paid, the Premises Licence Holder had failed to notify the Licensing Team that his name was spelt incorrectly on the licence and it appears that the named Designated Premises Supervisor (who, guidance states (10.27) will normally have been given day to day responsibility for running the premises by the premises licence holder) no longer worked there.

Despite advice letters having been sent to the Premises Licence Holder, officer visits resulted in the sale of or seizure of illicit tobacco on three separate occasions in less than two months.

Licence inspections have shown a failure to comply with licence conditions. Staff working at the premises appear to be unfamiliar with the licence conditions. During officer visits an unusually high number of customers have been seen to leave the premises empty handed, some saying they will come back later.

The Licensing Authority has no confidence in the premises licence holder/designated premises supervisor and therefore recommends the licence for this premises be revoked.

If the Licensing Committee is not minded to revoke the licence in its entirety then the Licensing Authority would recommend that the Committee consider suspending the premises licence until such time as full compliance with the licence conditions has been demonstrated by the Premises Licence Holder and that the following condition be added to the premises licence:

- A personal licence holder shall be on duty and supervise all sales throughout the permitted sale of alcohol hours.

The Licensing Authority reserves the right to add any additional information to support this review application.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 30/12/22

Capacity Senior Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
E-mail address	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Shadov Zomorodian- Company Director of
Late Night Food Ltd
t/a Late Night Food Off Licence
87 Silver Street
LONDON
N18 1RP

Please reply Amanda Butler
to: Trading Standards, Civic Centre, Silver
Street, Enfield, EN1 3ES
E-mail : [REDACTED]
My Ref : [REDACTED]
Your Email :
Date :

Dear Shadov Zomorodian- Company Director of Late Night Food Ltd

Alleged Sale of Age Restricted Goods E.g. Vape Products
Alleged sale of Illegal cigarettes/tobacco
Nicotine Inhaling E-Liquids- The Nicotine Inhaling Products (Age if Sale and Proxy
Purchasing) Regulations 2015
The Tobacco and Related Products Regulations 2016
The Standardised Packaging of Tobacco Products Regulations 2015
Trade Marks Act 1994
Licensing Act 2003

Enfield Council has received an enquiry alleging sales of Nicotine containing liquid i.e. Vapes to underaged persons i.e. persons under the age of 18 years old and sales of illegal cigarettes/tobacco from Late Night Food Ltd t/a Late Night Food Off Licence, 87 Silver St, London, N18 1RP

The following outlines the legislation pertaining to the sale of Nicotine Inhaling Products i.e. Vape Products: -

The Legislation- The Sale of Nicotine Inhaling Products

- The Nicotine Inhaling Products (Age if Sale and Proxy Purchasing) Regulations prohibits a person who sells a nicotine inhaling product to someone under the age of 18 years old commits an offence. This is a strict liability offence. i.e. the owner of the business can be held responsible as well as the member of staff who made the sale.
- There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent that the product is authorised.

IMPORTANT – Are you Registered to Vote? Do you want to vote by post? Apply early.
To find out more go to www.gov.uk/register-to-vote

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3ES

Website: www.enfield.gov.uk



If you need this document in another language or format contact the service using the details above.

- If you sell e-cigarettes and associated devices you might want to place a poster advising customers that you will not sell to persons under the age of 18 years old.

If you sell e-cigarettes and associated devices you might want to place a poster advising customers that you will not sell to persons under the age of 18 years old.

**If I sell e-cigarettes
or nicotine refills to
people under 18
TRADING
STANDARDS WILL
PROSECUTE ME**

Note: unlike the tobacco poster, this is not a legal requirement and is simply suggested wording.

Proxy purchase of tobacco and nicotine inhaling products

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under the age of 18 years old commits an offence. This is called 'proxy purchasing'.

It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. It is advisable to refuse such sales.

Age of the person making the sale

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under the age of 18 years old. Taking 'all reasonable steps' means asking the person for evidence of their age. If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under the age of 18 years old. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

Persistent sales to persons under the age of 18 years old

If you are convicted of selling tobacco or nicotine inhaling products to persons under the age of 18 years old and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

How to avoid selling age-restricted products to underage persons

You may wish to consider the following steps to help avoid selling age-restricted products to persons underage:

- Implement a Challenge 21 or Challenge 25 policy. This means that if the person appears to be under the age of 21 or 25 years old, they will be asked to verify that they are 18 years old or over by showing valid proof of age.
- Display posters showing age limits in the sales area, which contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff. You may also wish to display notices in staff areas, perhaps with warnings about the potential consequences of selling tobacco to children.
- Ensure new and existing staff are properly trained and that all staff are regularly reminded about the legislation. Keep records of any training, and when that training was carried out.
- Ensure you have a method of documenting refused sales for example a “refusal book or diary.” This should be kept at the point of sale or recorded electronically on the till. This should be completed on each separate occasion that an individual is refused a sale of a tobacco product. A specimen of a refusals log is at:
<https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>
- It is also suggested that the person monitoring the use of the refusals book to sign and date when their checks have been made. This will help to demonstrate that it is being monitored and used properly.

- Ensure your staff are clear about how to deal with attempted purchases by underage persons and are able to refuse sales when necessary. Have a clear policy such as asking for photo identification if there is any doubt about the person's age. You might want to consider taking a 'no ID, no sale' approach to age-restricted products. Acceptable proof of age cards contains the PASS (Proof of Age Standards Scheme) hologram, which provides a guarantee that the card is authentic. Schemes include Citizen Card, Validate UK and the Portman Card. Passports and Photocard Driving licences are also acceptable means for proof of age. You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards, so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on. If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office guidance:

<https://www.gov.uk/government/publications/false-id-guidance>

- If you possess an EPoS system, then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes. You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Place) (England) Regulations 2010 as the scan and prompt takes place after the place has been made.

Age-restricted products to persons underaged persons:

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence.

For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under the age of 18 years old. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

To comply with age restricted legislation and satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and place to persons under the age of 18 years old. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers.

Please find enclosed business advisory guidance to assist you with complying with The Nicotine Inhaling Products (Age if Sale and Proxy Purchasing) Regulations 2015.

The Legislation- The sale of Illegal/Non-Duty Paid Tobacco/Alcohol

Trade Marks Act 1994

All products that belong to a registered brand holder (trade mark) must be purchased from a reputable supplier. This includes cigarettes/tobacco and alcohol.

Tobacco Products

All tobacco products must comply with The Tobacco and Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and Licensing Act 2003.

Traceability

General Food Regulations states that all businesses are required to have a system and procedures in place to identify the person from whom they have been supplied food, drinks and/or tobacco. The purchase of these products must be "traceable" and should be evidenced by documentation/receipts which must be available for inspection upon request.

Licensing Act 2003

Home Office Guidance states that there are certain criminal activities that may arise in connection with licensed premises, whereby the Secretary of State considers to be treated particularly seriously. This includes the sale or storage of smuggled/non-duty paid tobacco and alcohol. Your retail premises license may be at risk if you are found to be breaching your premises license conditions.

Enforcement

Trading Standards regularly ask youngsters to attempt to buy age restricted products from businesses to check that they are abiding by the legislation and offenders could be prosecuted. Please be advised that the volunteer may lie about their age.

This letter has been compiled from CTSI Business Companion advisory leaflets pertaining to Age restricted products legislation. It is not an authoritative document on the legislation and is only intended for guidance. If you would like to discuss how to comply with the legislation pertaining to age restricted products, please email Enfield Council at [REDACTED] or refer directly to the legislation.

Yours sincerely

[REDACTED]
Amanda Butler

Senior Fair Trading Officer

CTSI Business advisory leaflet: Tobacco & Nicotine Inhaling Products

businesscompanion

trading standards law explained

Tobacco and nicotine inhaling products

In the guide

What is meant by tobacco, tobacco products and nicotine inhaling products?

Age restriction on the sale of tobacco products

Age restriction on the sale of nicotine inhaling products

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Persistent sales to under-18s

Proxy purchase of tobacco and nicotine inhaling products

Is it legal to sell single cigarettes?

Can tobacco be sold from vending machines?

Display and price marking of tobacco products

Cigarette lighter refills

Matches and lighters

Defences

Keeping within the law

- Age verification checks

- Operate a Challenge 21 or Challenge 25 policy

- Staff training

- Maintain a refusals log

- Till prompts

- Signage

- Closed circuit television (CCTV)

- Online sales

Packaging, labelling, advertising and tracking

Trading standards

Key legislation

This guidance is for England

Certain products cannot be sold to persons below a legal minimum age; for tobacco and nicotine inhaling products this legal minimum age is 18.

A packet of cigarettes must contain a minimum of 20 cigarettes and must only be sold in its original packaging. A notice must be displayed stating 'It is illegal to sell tobacco products to anyone under the age of 18'.

Tobacco products must not be on display in-store and there are also restrictions on how prices and price lists are displayed.

Young people should always be asked for proof of their age.

What is meant by tobacco, tobacco products and nicotine inhaling products?

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff) and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes). 'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as "a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed".

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' or 'vapes' and the law covers both disposable and rechargeable types.

Age restriction on the sale of tobacco products

The law states that it is an offence for any person to sell any tobacco products (including cigarette papers) to a person under 18, whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. The '**Keeping within the law**' section of this guide includes steps that can be taken to provide a 'due diligence' defence.

You must display a notice that states:

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

The notice must be displayed in a prominent position and be easily visible at the point of sale. The notice must be no less than 297 mm x 420 mm (A3) and the characters must be no less than 36 mm in height. Your local trading standards service or your tobacco supplier may be able to provide a notice for you to use. It is an offence if you do not have the required notice on display, although the 'due diligence' defence is available to you.

Age restriction on the sale of nicotine inhaling products

A person who sells a nicotine inhaling product to someone under 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent to which the product is authorised.

If you sell e-cigarettes and associated devices you might want to display a poster advising customers that you will not sell to under-18s:

If I sell e-cigarettes or nicotine refills to people under 18 TRADING STANDARDS WILL PROSECUTE ME

Note: unlike the tobacco poster, this is not a legal requirement and is simply suggested wording.

Additional guidance for pharmacies (and other retailers that have not traditionally sold age-restricted products) has been produced by the Department of Health and Social Care (which was known simply as the Department of Health at the time), the Medicines and Healthcare products Regulatory Agency and the Chartered Trading Standards Institute.

Age of the person making the sale

If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

Persistent sales to under-18s

If you are convicted of selling tobacco or nicotine inhaling products to persons under 18, and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

A restricted sales order prohibits a specified person who has been convicted of a tobacco or nicotine offence from selling any tobacco, cigarette papers or nicotine inhaling products to any person and from having any management function related to the sale of tobacco, cigarette papers or nicotine inhaling products for a period of up to one year.

Offences are committed if a person sells tobacco, cigarette papers or nicotine inhaling products when a restricted premises order is in place or if a person fails to comply with a restricted sales order.

Proxy purchase of tobacco and nicotine inhaling products

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under 18 commits an offence. This is called 'proxy purchasing'.

It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. It is advisable to refuse such sales.

Is it legal to sell single cigarettes?

No. A packet of cigarettes must contain a minimum of 20 cigarettes. It is an offence to sell cigarettes to any person other than in their original package. This means you must not split a pack and sell in lesser quantities.

Can tobacco be sold from vending machines?

No. Under the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010, the sale of tobacco from an automatic vending machine is prohibited. If a sale takes place, the person who

controls, or is concerned with the management of the premises where the automatic vending machine is located, commits the offence.

Any machines still on the premises can only be used for storage where the public do not have access to them (such as behind the bar) and must not display any advertising material.

Display and price marking of tobacco products

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person aged 18 or over.

It is not an offence to display tobacco-related accessories such as cigarette papers.

If you are charged with an offence where a requested display was to a person under 18, you have the defence that you believed the person was 18 or over and you had taken all reasonable steps to establish their age or from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and the evidence would convince a reasonable person. If you are charged with an offence of causing the display of a tobacco product, you have the defence available that you exercised all due diligence to avoid committing the offence.

There are also strict requirements relating to the manner in which tobacco products are price-marked, as set out in the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010; there are only three forms of lists and labels that are allowed (see paragraphs 49-62 of the detailed guidance linked to below).

There are specific rules for bulk and specialist tobacconists (see paragraphs 38-39 and 60-62 of the detailed guidance).

Detailed guidance has been produced by the Department of Health and Social Care (DHSC, which was known simply as the Department of Health at the time) and the Chartered Trading Standards Institute to assist you in compliance.

A Q&A document from DHSC and CTSI is also available.

Cigarette lighter refills

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous. See 'Cigarette lighter refills' for further details.

Matches and lighters

It is not illegal to sell matches or lighters to children. However, it is recommended that you do not sell these items to children, who are unlikely to have a legitimate use for them.

Defences

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and display to under-18s. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or UK photocard driving licence is also acceptable but make sure that the card matches the person using it and the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure that the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office *False ID Guidance* for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals of tobacco and tobacco products should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Till prompts

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010 as the scan and prompt takes place after the display has been made.

Signage

You must display the legally required tobacco notice (see '**Age restriction on the sale of tobacco products**' above). It is not a legal requirement but you can, if you wish, display a poster advising customers that you will not sell e-cigarettes or nicotine refills to under-18s (see '**Age restriction on the sale of nicotine inhaling products**' above). These should deter potential purchasers and act as reminders to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Packaging, labelling, advertising and tracking

For information on the requirements regarding packaging etc, see 'Tobacco etc: packaging, labelling, advertising and tracking'.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Children and Young Persons Act 1933

Children and Young Persons (Protection from Tobacco) Act 1991

Cigarette Lighter Refill (Safety) Regulations 1999

Tobacco Advertising and Promotion Act 2002

Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010

Tobacco Advertising and Promotion (Display) (England) Regulations 2010

Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010

Children and Families Act 2014

Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015

Standardised Packaging of Tobacco Products Regulations 2015

Last reviewed / updated: November 2021

In this update

No major changes

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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Source URL:

<https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

APPENDIX 2

Shadov Zomorodian-
 Company Director of
 Late Night Food Ltd
 t/a Late Night Food Off Licence
 87 Silver Street
 LONDON
 N18 1RP

Please reply to: Amanda Buter

E-mail: [REDACTED]

Phone: [REDACTED]

Textphone:

Fax:

My Ref: Vapeman Branded Products

Your Ref:

Date: 07/09/2022

Dear Shadov Zomorodian- Company Director of Late Night Food Ltd

Warning Letter: Urgent Action Required.

**Re: Sale of Vapeman Branded vapes/e-cigarettes.
 Tobacco and Related Products Regulations 2016: Part 6: Regulation 35**

The Tobacco and Related Products Regulations 2016 requires all electronic cigarettes and refill containers to be notified to the MHRA (Medicines and Health Care Products Regulatory Agency). The product cannot be exposed for sale until the information submitted by the producer has been published by the MHRA.

An authorised representative is any natural or legal person established within the UK who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks.

The authorised representative for Vapeman products has not completed the notification process and the products are therefore deemed 'unnotified' and must not be offered for sale.

MHRA have required a recall of the products, please advise if you have received a recall notification.

Sarah Cary
Executive Director Place
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY

www.enfield.gov.uk

What you need to do.

1. Remove all Vapeman vapes/e-cigarettes/refill products from sale immediately.
2. Seek assistance from your supplier regarding disposal/return of the product. Report any lack of assistance to us including copies of all correspondence and invoices.
3. If you are a wholesaler or cash and carry you must instigate a localised recall of the products. You must contact you customers who have purchased the product and ask them to return to you. You must also place a recall notice up in your business premises advising your customers of the recall.

Enfield Council's Trading Standards will be carrying out compliance visits to premises we suspect of selling Vapeman branded products. If you are found to have Vapeman branded products exposed for sale, these will be seized and enforcement action may be considered against you. Please be advised this can include prosecution, and you should consider this letter as a warning letter for urgent action.

Should you wish to discuss this matter please do not hesitate to contact me.

Yours faithfully



Amanda Butler
Senior Fair Trading Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

CONSUMER PROTECTION TEAM – TRADING STANDARDS PREMISES INSPECTION REPORT

WK:	Ward:
TRADING NAME: <i>Late night food</i>	DATE OF INSPECTION <i>04/10/23</i>
ADDRESS: <i>79 Silver Street W18 1RP</i>	TIME INSPECTION COMMENCED: <i>13.35</i>
Tel/mobile	EMAIL:
REGISTERED OFFICE/	NUMBER OF PAGES: <i>1</i>
HOME ADDRESS:	

Person(s) Seen / *Au Ghani* Responsibility in business :

Owner (if different from above) *Shabour Zamorathion*

Type of Premises: *off licence* Type Activities: Retail/Importer/other *Demat/Rainbow*

General Comments:

RandM 76 Bag number 10821005296

Elux 132

Vape products removed from sale

25 packets of Shisha removed from sale

6 packets of 20 Marlborough Gold seized

10 packets of 20 Marlborough Touch seized

Further information can be found at <https://www.businesscompanion.info/>

AREAS INSPECTED	Whole of Premises <input type="checkbox"/> Yes/No	Part of Premises <input type="checkbox"/> Yes/No
Details of Samples procured: <input type="checkbox"/> Yes/No	Details:	Details:

Records / Documents Examined:

Technical File <input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No
Test Certificates <input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No	:

Action to be taken by Authority:

Full report to follow: Yes/No

Revist Yes/No

Date: _____

Seizure/Suspension: Yes/No

Voluntary/Formal: Yes/No

THIS REPORT ONLY COVERS THE AREAS SEEN AND DISCUSSED AT THE TIME OF THE INSPECTION. IT REMAINS THE RESPONSIBILITY OF THE BUSINESS (Ltd Co/Director/Sole Trader) TO COMPLY WITH THE LEGISLATION. Other legal requirements are listed in the attached report and must also receive your attention and I advise that you carry out the recommendations

THIS INSPECTION WAS CONDUCTED UNDER: Consumer Rights Act 2015.

other *Tobacco & Related Products Regs*

IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).

Issued by *Ann Bowes* Designation *Trading Standards/Fair Trading Officer* Telephone No. 020 8379

Received By (Name in Block Capitals) *Shabour Zamorathion* Signature _____

Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3XD

Email: Tradingstandards@enfield.gov.uk / _____ @enfield.gov.uk

Worksheet: *MIRA*

Property: *Tobacco*

advisory letter for vape leaflets sent

TS INSP 1

NOTICE OF SEIZURE

Page 215

APPENDIX 3b

No 2302

Owner: Shabir Zomrodian
Name: Hot Night Food Off Licence

Address: 87 Silver St
N18 1RP

ENFIELD
Council



Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XA

trading.standards@enfield.gov.uk

4/10/2022

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

Consumer Protection Act / Tobacco Related
Standardised Packaging Products Rego
of Tobacco Products Regulations

x6 packets of 20 Marlboro Gold Cigarettes
x10 packets of 20 Marlboro Touch Cigarettes
Sealed into evidence bag no:
M08214005296

Cigarettes seized as alleged breach
of Consumer Protection Act

Consumer Rights Notice issued via
Inspection Sheet

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: Amanda Butler
Senior Team Trading Officer

Date: 4/10/2022

Signature: [Redacted]

Direct Dial: [Redacted]

Received by: [Signature]

Position in Business: Director

Please reply to: Trading Standards
 Business Regulation, Civic Centre,
 Silver Street, Enfield, EN1 3ES
 E-mail : Trading.standards@enfield.gov.uk
 My Ref : WK/
 Your Ref :
 Date :

Dear Proprietor

**Electronic Cigarettes(E-Cigarettes) and Nicotine containing E-liquid products
 Tobacco and Related Products Regulations 2016
 Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit)
 Regulations 2020**

This is an advisory letter for retailers and producers of e-cigarette and Nicotine containing e-liquid products with the aim to ensure compliance with Part 6 of the Tobacco and Related Products Regulations 2016 /Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020.

An e-cigarette is defined as any product used for the consumption of vapour containing nicotine via a mouth piece.

Medicinal products or devices are regulated separately by the Medicines and Healthcare Products Regulatory Agency (MHRA) who are also the Competent Authority for the notification scheme for e-cigarettes and refill containers in Great Britain.

When purchasing e-cigarettes or nicotine e-liquid products, ask your supplier to confirm that the product complies with product safety legislation such as the Tobacco and Related Products Regulations 2016, Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 and that the product has been notified to the MHRA.

As a retailer, you do not need to notify any e-cigarette/Nicotine containing e-liquid products to the MHRA **unless you are also a 'producer'** of the product. Although, retailers would need to ensure that they sell compliant e-cigarette/e-liquid products.

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

Sarah Cary
Executive Director Place
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY
 Website: www.enfield.gov.uk



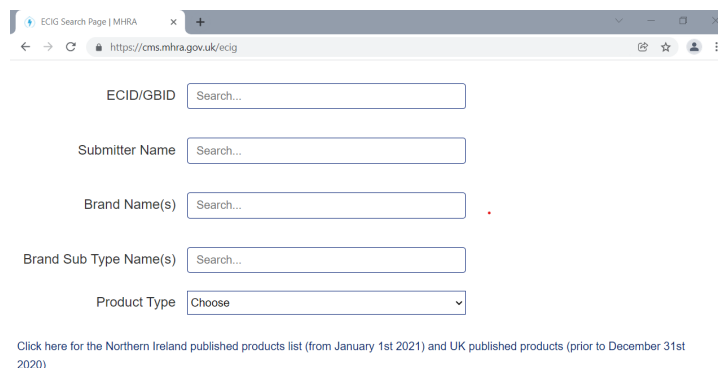
Producers of E-Cigarette/E-Liquids

A producer is anyone who manufactures or imports e-cigarettes or refill container products and anyone who re-brands them as their own.

Therefore, prior to purchasing e-cigarette/e-liquid products, retailers must ensure that the product complies with the afore-mentioned legislation and that the supplier/producer checks the MHRA website <https://cms.mhra.gov.uk/> by selecting the “ECIG” page, outlined as: -



This will provide direct access to the MHRA’s Great Britain notified products list, published since 1 January 2021, by typing the product criterion into the following: -



If you are classified as a producer, please see the guidance for Producers of E-cigarettes and Nicotine containing e-liquid products : - <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

If a producer of an E-cigarette/E-liquid product has not notified the product to the MHRA or if the product does not comply with the afore-mentioned Regulations, **then they must not** supply it to you, as it would be illegal to sell to consumers in the UK.

E-cigarette producers should notify the MHRA of non-compliant E-cigarettes via email: - TPDsafety@mhra.gov.uk

E- Cigarettes and Nicotine containing e-liquid products may be seized by Trading Standards Officers and forfeited by the Magistrates courts. Upon conviction, the Magistrates courts may impose a fine or two years imprisonment or both.

The following summarises how to comply with legislation pertaining to E-Cigarettes and Nicotine containing E-liquids: -

If you cannot answer yes to the following legislative requirements, then it is illegal to sell the product and therefore non-compliant E-Cigarettes and Nicotine containing E-liquids products must be removed from sale immediately.

Legal requirements – devices and liquids	Yes	No
If not already stated on the actual product, vaping devices and e-liquids must be supplied with an information leaflet with prescribed safety instructions, warnings, contact details of the producer and if the producer is not based in a member State, contact details of person within a member State.		
The product safety instructions/ leaflet must include a statement that the product is not recommended for use by young people and non-smokers		
Liquid containing nicotine presented for sale must be in: a dedicated refill container with a maximum 10ml volume or; a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres		
The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres		
The liquid containers in devices and refills must be child-resistant, tamper-evident and be protected against breakage and leaking		
Nicotine-containing liquid that is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 millilitres		
Nicotine containing liquid must not contain prohibited additives such as caffeine/taurine or other additives or stimulant that are associated with energy and vitality		
Legal requirements – labelling and warnings etc.	Yes	No
<p>The front and back of each pack (as presented for retail sale) must be labelled: 'This product contains nicotine which is a highly addictive substance' in black Helvetica bold type font on a white background which must cover 30% of both the front and back surfaces</p> <p><i>The warning statement 'this product contains nicotine which is a highly addictive substance' must still be applied to E-cigarette products that do not contain nicotine when sold but can be used to contain nicotine. To provide clarity for consumers, adjacent wording is suggested namely (not part of the boxed warning) so that the warning applies when the product is used as designed and charged / filled with nicotine-containing liquid. The warning statement should be</i></p>		

<i>included on all notified e-cigarette producer.</i>		
Ingredients must be listed in descending order of weight		
A batch number must be labelled		
A recommendation to keep the product out of reach of children must be present		
The nicotine content of the product and the delivery per dose must be labelled		
Legal requirements – electrical safety and age restrictions	Yes	No
Electrical products must be UKCA marked and comply with safety regulations, any mains chargers must be supplied with an approved UK 3 pin plug		
You must not sell nicotine inhaling products to anyone under the age of 18		
Adults must not purchase a nicotine inhaling product for anyone under the age of 18		

For the full requirements, please see Regulation 36 and 37 of the Tobacco and Related Products Regulations 2016, the MHRA guidance leaflet pertaining to E-cigarettes and E-Liquids products.

What happens if these requirements are not complied with?

Failure to comply with the Tobacco and Related Products Regulations 2016/ Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 is a criminal offence. Depending on the type of breach, both Retailers and Producers in the supply chain could be prosecuted.



Example of e-liquids and vaping device with the mandatory warning statement.
 This advisory leaflet is not intended to be a definitive guide to, nor substitute for, the relevant legislation. Independent legal advice should be sought where appropriate.

Please also see advisory leaflets pertaining to compliance with the General Product Safety Regulations 2005 (GPSR) <https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors> and guidance to comply with the Classification, Labelling and Packaging of Chemicals Regulations 2017 (CLP):- <https://www.hse.gov.uk/chemical-classification/legal/clp-regulation.htm>.

If you would like to discuss the contents of this letter, please telephone Enfield Council- 0208 132 1000.

Yours faithfully,

**Encl. MHRA advisory leaflet
CTSI Business Advisory Leaflet re: Age restricted sales of E-cigarette/Nicotine E-Liquids**

businesscompanion

trading standards law explained

Tobacco etc: packaging, labelling, advertising and tracking

In the guide

- Country definitions

- The law

- General labelling requirements

 - General conditions for all health warnings

 - General rules about the presentation of all tobacco products

- Labelling requirements by product

 - Tobacco products for smoking

 - Large cigars and individually wrapped cigars and cigarillos

 - Smokeless tobacco products

 - Herbal products for smoking

- Standardised packaging requirements

- Other requirements

 - Images of tobacco products aimed at consumers

 - No vitamins, colourings or prohibited additives in tobacco products

 - No flavoured cigarettes or hand-rolling tobacco

 - Product requirements

 - Information and labelling

 - Product presentation

 - E-cigarette advertising

 - Notification of tobacco products and herbal products for smoking

 - Notification of nicotine-containing e-cigarettes and refill containers

- Track and trace

- Offences and defences

 - Tobacco and Related Products Regulations 2016

 - Standardised Packaging of Tobacco Products Regulations 2015

- Underage sales

- Further information

- Trading standards

- Key legislation

This guidance is for England, Scotland and Wales

There are Regulations in place that are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about the benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking.

In order to address the problem of illegal trade in tobacco products, there are Regulations that require

systems of traceability and security features to be implemented.

Country definitions

The following terms are used throughout this guidance:

- United Kingdom (UK): England, Scotland, Wales and Northern Ireland
- Great Britain (GB): England, Scotland and Wales
- Northern Ireland (NI)
- European Union (EU): there are 27 Member States of the EU, including Ireland but not any of the UK countries

The law

The Tobacco and Related Products Regulations 2016 deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill containers as well as smokeless and novel tobacco products.

These Regulations have been amended to reflect differences in how they apply in GB and NI after 1 January 2021.

Note: in English and Welsh law, the term 'nicotine inhaling products' is used to describe e-cigarettes and associated products, and in Scottish law they are known as 'nicotine vapour products'; the generic term 'e-cigarettes' is used in this guide.

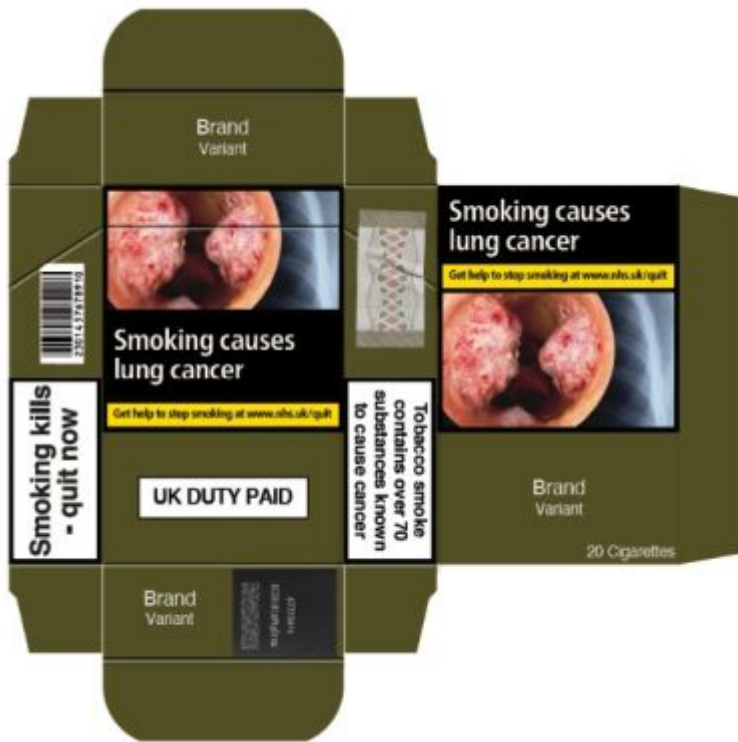
The Standardised Packaging of Tobacco Products Regulations 2015 standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

This guide will help you to understand your obligations to ensure that all tobacco and related products that you offer for supply or sale in the UK comply with both sets of regulations. There are some general rules that apply to all tobacco products, which you will find at the beginning of the guide. For ease of reference, the other key requirements of both sets of regulations have been combined in a way that clearly identifies how they apply to each type of product.

The Tobacco Products (Traceability and Security Features) Regulations 2019 deal with traceability and security features systems for tobacco products. Details can be found in the '**Track and trace**' section towards the end of this guide.

It may be useful for you to refer to the illustration below, which shows one of the new graphic health warnings for tobacco products on sale in GB. Tobacco products that display EU picture warnings and were produced and first supplied on the GB market before 1 January 2021, can continue to be supplied until they reach their end user. To help you check your stock, all the new GB images can be seen in the tobacco packaging guidance produced by the Department of Health and Social Care (DHSC). Products sold in NI continue to use the EU images.

Note: in the example, unique identifiers are not shown.



General labelling requirements

General conditions for all health warnings

Warnings on tobacco products make users aware of the health risks associated with smoking. There are rules that apply to all health warnings on tobacco products:

- a health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way
- it must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable
- a health warning must remain intact when the pack is opened. However, the combined health warning (described in more detail below) may be split in the case of a unit pack with a flip-top lid. This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place

A health warning must not:

- be partially or totally hidden or interrupted by wrappers, jackets or boxes (except when a unit pack is inside a container pack)
- be partially or totally interrupted by any other item, such as a tax stamp, price mark or security feature
- partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other mark required by law

General rules about the presentation of all tobacco products

These are rules that prohibit the packaging of tobacco products from misleading consumers.

No one may produce or supply a tobacco product where the package labelling or the product itself contains the following elements or features (including texts, symbols, names, trade marks, figurative signs and other types of sign):

- promotion of a tobacco product or encouraging its consumption by creating a false impression about its characteristics, health effects, risks or emissions
- information about the nicotine, tar or carbon monoxide content
- suggestion that the tobacco product:
 - is less harmful than others
 - aims to reduce harmful effects of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties, or has other health or lifestyle benefits
- reference to taste, smell, flavourings or additives or their absence (flavours are permitted in tobacco products other than cigarettes and hand-rolling tobacco, but these are *not* permitted to be depicted or mentioned on the packets)
- resemblance to a food or a cosmetic product
- suggestion that a particular product has improved biodegradability or other environmental advantage
- printed vouchers or offer discounts, free distribution, two-for-one or similar offers

Labelling requirements by product

Tobacco products for smoking

(does not include large cigars, individually wrapped cigars or cigarillos)

Combined health warnings:

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a corresponding colour photograph as listed in the picture library in Schedule A1 to the Tobacco and Related Products Regulations 2016 (see the link in '**Key legislation**' below), as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit'
- there is one set of pictures (no rotation between sets)
- it must appear on the front and back surfaces of the unit pack as well as any container pack using the same warning and photograph on each surface; it must be in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- the technical specifications for the layout, design and shape of the combined health warnings are set out in Schedule A1 to the Tobacco and Related Products Regulations 2016

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning, 'Smoking kills - quit now', and an information message, 'Tobacco smoke contains over 70 substances known to cause cancer'
- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:

- on most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
- on a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box
- on a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message must appear on the inside surface of the lid
- there are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch

Large cigars and individually wrapped cigars and cigarillos

The Regulations only apply to a unit pack or container pack that contains a single cigar or cigarillo, or two or more cigars each with a unit weight of more than three grams.

A unit pack and any container pack must carry the general health warning 'Smoking kills - quit now' and one of the text warnings that is listed in Annex I to Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products* (see the link in '**Key legislation**' below). The text warnings listed in Annex I continue to apply to these products.

There are rules that cover the rotational use of text warnings by producers.

The format for the general health warning includes a requirement that it must appear on the most visible surface of the pack and cover 30% of that area.

The text warning must appear on the next most visible surface (or if the pack has a hinged lid, the surface that appears when the pack is opened) and cover 40% of that area.

Smokeless tobacco products

This means a tobacco product that is consumed in a way that does not involve a combustion process. It includes chewing tobacco and nasal tobacco.

Health warnings:

- a unit pack and any container pack of a smokeless tobacco product must carry the health warning 'This tobacco product damages your health and is addictive'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the pack and covers 30% of that area

Herbal products for smoking

A herbal product for smoking is defined as "a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process". The Standardised Packaging of Tobacco Products Regulations 2015 do not apply to herbal products for smoking but the Tobacco and Related Products Regulations 2016 contain requirements as set out below.

Health warnings:

- a unit pack and any container pack of a herbal product for smoking must carry the health warning 'Smoking this product damages your health'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the unit pack and any container pack and covers 30% of that area

A unit pack and any container pack of a herbal product for smoking must not state that it is free of additives or flavourings. Nor must it include any element or feature (including texts, symbols, names, trade marks, figurative signs or other types of sign) that:

- promotes or encourages the consumption of a herbal product for smoking by creating a false impression about its characteristics, health effects, risks or emissions
- includes any information about nicotine, tar or carbon monoxide content
- resembles a food or cosmetic product
- suggests a particular herbal product for smoking:
 - is less harmful than other herbal products for smoking
 - aims to reduce the effect of some harmful components of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties
 - has other health or lifestyle benefits

Standardised packaging requirements

Cigarette packs, individual cigarette sticks and hand-rolling tobacco packs must be produced and supplied in standardised packaging, which means they have to meet requirements laid down in the Standardised Packaging of Tobacco Products Regulations 2015.

Cigarette packs:

- the only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)
- the packaging's surface must be smooth and flat and have no irregularities of shape or texture
- flip-top or shoulder boxed lids are permitted
- slim packets are prohibited but slim individual cigarette sticks are allowed
- inserts and additional material are prohibited
- any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing
- wrappers must be clear and transparent, not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Individual cigarette sticks:

- cigarette paper, filter, casing or other material forming part of a cigarette must be plain white with a matt finish, apart from the end of the cigarette, the colour of which can imitate cork
- brand and variant names are permitted on the cigarette itself, subject to conditions

Hand-rolling tobacco:

- the only permitted colour or shade for the external packaging of a unit or container pack of hand-rolling tobacco is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets may be cuboid (bevelled or rounded edges are permitted), cylindrical or take the form of a pouch
- packets must be smooth and flat (if cuboid in shape) with no irregularities of shape or texture
- wrappers must be clear and transparent and not coloured or marked with no irregularities or shape or texture
- the internal packaging must be either white or Pantone 448C with a matt finish
- inserts and additional materials are prohibited, except for cigarette papers or filters as long as they are not visible before the packet is opened
- any tabs for resealing the packet must be clear and transparent and not coloured or marked
- any foil seal that forms part of the internal packaging must be silver coloured with no variation in tone or shade

A unit packet of hand-rolling tobacco must contain at least 30 g of tobacco.

The packaging of cigarette packs, individual cigarette sticks or hand-rolling tobacco must not make a noise, nor contain or produce a smell that is not normally associated with the product. In addition, packaging must not change after retail sale; this means that features such as heat activated inks, inks that appear fluorescent in certain light and removable tabs are not allowed.

The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode, and calibration mark are permitted on the packaging but must be in a standardised format and the UK duty-paid mark must be displayed.

Take note that whilst large cigars, individually wrapped cigars and cigarillos must carry health warnings, the standardised packaging requirements do not apply to cigars and cigarillos, nor are there any restrictions on the number of these products in a unit packet.

Other requirements

Images of tobacco products aimed at consumers

Be aware that if you publish an image of a unit or container pack of a tobacco product (when it is lawful to do so according to tobacco advertising rules), the pack must comply with all the labelling and packaging requirements set out in both the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

No vitamins, colourings or prohibited additives in tobacco products

No one may produce or supply a tobacco product containing:

- vitamins or other additives that create an impression that it has health benefits or reduces health risks
- caffeine, taurine or other additives or stimulants that are associated with energy and vitality
- additives that give colouring effects to any emissions
- additives that aid inhalation or nicotine uptake in the case of tobacco products for smoking

- additives with CMR properties or that can affect CMR properties (carcinogenic, mutagenic or toxic for reproduction)

No flavoured cigarettes or hand-rolling tobacco

Cigarette packs, individual cigarette sticks or hand-rolling tobacco - including any filter, paper, package or capsule component of the product - must not be produced or supplied with a characterising flavour. A filter, paper or capsule must not contain tobacco or nicotine; technical features that would modify the smell, taste or smoke intensity of a product are not allowed.

Product requirements

The Tobacco and Related Products Regulations 2016 set out rules covering e-cigarettes. No one must produce or supply an e-cigarette or refill container unless they meet the following requirements:

- nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10 ml or in a disposable e-cigarette, single-use cartridge or a tank in a maximum volume of 2 ml
- the capacity of the tank of a refillable e-cigarette must not be more than 2 ml
- there is a nicotine limit of 20 mg per ml that applies to nicotine-containing liquids in an e-cigarette or refill container

Nicotine-containing liquid must:

- be manufactured using only ingredients of high purity
- not contain certain additives (see the '**No vitamins, colourings or prohibited additives in tobacco products**' section of this guide) but can contain flavours
- not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- not include ingredients (except nicotine) that pose a risk to human health

In normal use the e-cigarette must deliver a consistent dose of nicotine.

An e-cigarette or refill container must be child-resistant and tamper-evident, protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable e-cigarettes).

Information and labelling

No one may produce or supply an e-cigarette or refill container unless it meets the requirements set out below:

- each unit packet of the e-cigarette or refill container must include a leaflet with the following information:
 - instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
 - contra-indications
 - warnings for specific risk groups of people
 - possible adverse effects

- addictiveness and toxicity
- the producer's contact details
- each unit packet of the e-cigarette or refill container must include:
 - a list of all ingredients in descending order by weight
 - nicotine content and delivery per dose
 - batch number
 - recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area

Product presentation

An e-cigarette or refill container must meet the following requirements before it is produced or supplied. The unit packet and any container pack may not include any element or feature (including text, symbols, names, trademarks, figurative or other types of sign) which:

- promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions
- suggests it is less harmful than other e-cigarettes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits
- refers to taste, smell or other additives (except flavourings) or their absence
- suggests that a particular e-cigarette or refill container has improved biodegradability or other environmental advantage
- must not contain printed vouchers, offer discounts, free distribution, two-for-one or other similar offers

E-cigarette advertising

E-cigarettes and refill containers cannot be advertised or promoted, directly or indirectly:

- on TV or on-demand TV
- on radio
- through internet advertising, commercial email and any other information society services
- in certain printed publications, such as newspapers, magazines and periodicals

The following activities are also prohibited:

- sponsorship of television and radio programmes that promote e-cigarettes
- product placement of e-cigarettes

The rules on advertising do not prevent you from supplying information about e-cigarettes and refill containers as long as it is supplied at the request of a consumer and given in a non-promotional manner.

The requirements of the Standardised Packaging of Tobacco Products Regulations 2015 do not apply to e-cigarettes or refill containers.

Notification of tobacco products and herbal products for smoking

All producers of tobacco products and herbal products for smoking to be sold in GB must provide Public Health England (PHE), using the GB Domestic Tobacco Products Notification System, with certain product information before they can supply them; this includes ingredients and emissions information, market research and sales data. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase tobacco products, that they have been properly notified and not subsequently been withdrawn; this particularly applies to products like shisha, blunts and chewing tobacco. Retailers can do this by checking the list of notified tobacco or herbal products for smoking published on the GOV.UK website (withdrawn products do not appear on the list of notified products; there is no separate list of withdrawn products) or perhaps by obtaining written assurances from their suppliers. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by trading standards.

Notification of nicotine-containing e-cigarettes and refill containers

All producers of nicotine-containing e-cigarettes and refill containers must submit information about their products to the Medicines and Healthcare Regulatory Agency (MHRA), using a GB portal. This includes ingredients and emissions information, toxicology data, information on the nicotine dose and uptake when used normally and a description of the components of the product. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase these products, that they have been properly notified and not subsequently withdrawn. They can do this by checking the list of submitted e-cigarette products on the GOV.UK website or, if they cannot find them on the list, they should ask their supplier to confirm they comply with the requirements of the regulations and have been notified to MHRA. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by trading standards.

Track and trace

Under the Tobacco Products (Traceability and Security Features) Regulations 2019, unit packets of cigarettes and hand-rolling tobacco that have been manufactured in or imported into the UK must:

- have unique identifiers (UIDs) on the packaging
- have packaging to which five specific security features have been applied
- be scanned at particular points in the supply chain

The rules will apply to all tobacco products from 20 May 2024.

Traders that manufacture, import, store, transload (move from one vehicle to another) and sell tobacco products must register with an ID issuer for business and product IDs.

Offences and defences

Tobacco and Related Products Regulations 2016

A person is guilty of an offence if they breach a provision of the Tobacco and Related Products Regulations 2016.

There is a general defence available to suppliers of tobacco or other related products that they exercised all due diligence to avoid committing the offence. The same defence is available to anyone who has committed an offence related to advertising and sponsorship. There are further defences available to anyone who has committed offences relating to e-cigarette advertising: that they did not know and had no reason to suspect that the advertisement was an e-cigarette advertisement or that the newspaper, periodical or magazine contained an e-cigarette advertisement.

Standardised Packaging of Tobacco Products Regulations 2015

A person who produces or supplies a tobacco product in breach of the Standardised Packaging of Tobacco Products Regulations 2015 is guilty of an offence. It is a defence if the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of the 2015 Regulations.

Underage sales

Information on underage sales of tobacco etc can be found in 'Tobacco and nicotine inhaling products' (nicotine vapour products in Scotland).

Further information

Detailed tobacco packaging guidance and guidance on the distribution and advertising of e-cigarettes has been produced by the DHSC.

HM Revenue and Customs has produced guidance on tobacco product traceability.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

In addition to the information covered in the above guide, under the Tobacco Products (Traceability and Security Features) Regulations 2019, HM Revenue and Customs officers can issue a notice requiring compliance where requirements of the Regulations have not been met and non-compliant products can be seized and may be liable to forfeiture.

Key legislation

Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products*
Standardised Packaging of Tobacco Products Regulations 2015

Tobacco and Related Products Regulations 2016

Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019

Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020

Last reviewed / updated: May 2021

In this update

An update to the DHSC guidance contains all of the graphic health warnings that appear on GB packaging

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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Source URL:

<https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-etc-packaging-labelling-advertising-and-tracking>



Medicines & Healthcare products
Regulatory Agency



Advice for retailers of e-cigarettes and nicotine-containing e-liquids

This advice is issued by [MHRA](#) to help retailers to check e-cigarette and e-liquid products for compliance with the [Tobacco and Related Products Regulations 2016](#).

Product requirements

These apply to e-cigarettes (including rebuildable devices, those sold without nicotine content and components and replacement parts) and to e-liquids (refill containers for e-cigarettes):

- Maximum tank size of an e-cigarette, 2ml (when assembled if necessary)
- Maximum strength of nicotine-containing liquid if present, 20mg/ml nicotine
- Maximum volume of a nicotine-containing refill container, 10ml
- Tamper-evident and child-resistant packaging

Labelling requirements

On pack as sold (must be on bottle or device if no outer packaging):

- List of ingredients in nicotine-containing liquid, if present
- Indication of nicotine content and delivery per dose
- Batch number
- Recommendation to keep the product out of the reach of children
- Prominent health warning in black text on a white background on front and back - "This product contains nicotine which is a highly addictive substance"
- Prohibited on packs – offers and discounts, product safety / health claims

Unless all these details are included on the pack, an accompanying leaflet must include:

- Instructions for use and storage, including instructions for refilling where appropriate
- Contra-indications, warnings for specific risk groups and possible adverse effects, addictiveness and toxicity
- Contact details of the producer; also a contact within the UK if the producer is based outside the UK (this may be an EU contact for products supplied in Northern Ireland)

Exceptions where these are not required

- Identical replacement parts where you and the consumer can clearly identify from the labelling the notified e-cigarette product for which the part is a replacement
- Parts such as battery units that do not come into contact with nicotine-containing liquid when in use
- A disposable e-cigarette or e-liquid product containing 0mg nicotine when sold

Notification requirements

Always check with your supplier that the products you are offered have been notified to MHRA. You can verify this by checking our published [lists of notified products](#), updated weekly. If a product has not been notified the manufacturer or importer may not supply it to you.

Are you a producer?

You are a producer if you manufacture, import into the UK or add different branding to an e-cigarette or e-liquid product. Information for producers on product notification requirements is available [here](#).

Product safety issues

Side effects and safety concerns with e-cigarettes or e-liquids (refill containers) can be reported to MHRA through the [Yellow Card](#) reporting system.

Products suspected to be defective or non-compliant to local Trading Standards or to TPDsafety@mhra.gov.uk.

Do feel free to pass this message on to consumers on your website and in your shop.

Further advice

More detailed information is available on our web [page](#) together with links to advice on other areas not the responsibility of MHRA such as advertising and cross-border selling.

Additional advice may be available from your local Trading Standards team or by contacting MHRA at info@mhra.gov.uk.

MHRA / August 2021



Mr Shadow Zanolodian



Please reply to: Licensing Team,
P O Box 57, Civic Centre, Silver Street,
Enfield, EN1 3ES
E-mail: licensing@enfield.gov.uk
My Ref: LN/201500538
Your Ref:
Date: 12 October 2022

Dear Premises Licence Holder

Re: Notice of Suspension of Premises Licence LN/201500538 due to non-payment of Annual Fee

At Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP

You have previously received a reminder to make payment of the annual fee due for your premises licence, by 24/09/2020.

By law, there is a 21-day grace period after the annual fee was due before the premises licence can be suspended.

This grace period has now passed, and the Licensing Team have not received the Annual Fee Information Form or any annual fee payment to date.

We are therefore giving you notice that your premises licence LN/201500538 will be suspended in three days-time from the date of this letter.

You will not receive any further correspondence on this.

This matter will be referred to Licensing Enforcement who will undertake checks to ensure no unauthorised licensable activities are being provided from the premises.

You are advised that providing any unlicensed activity is a criminal offence under the Licensing Act 2003 and if found guilty, there is an unlimited fine and/or up to 6 months imprisonment.

If you are able to pay the annual fee now, you must follow these instructions:

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Website: www.enfield.gov.uk



If you need this document in another language or format contact the service using the details above.

Online Payments

Follow the step-by-step procedure below:

- Open Council website at new.enfield.gov.uk;
- Select 'All Services';
- Scroll down to 'Business and Licensing';
- Under 'Business Licensing' click on 'Licensing fees';
- Click on 'pay all other licence fees';
- Select Sign in or Continue as a guest;
- Select this option from the drop-down menu:
 - Premises Licensing;
- In response to 'Do you have a reference number?', select 'Yes';
- Enter LN/201500538 into the reference number box;
- Enter £540.00 (amount due) into the Payment amount box (follow this [link](#) to check licensing fees);
- Complete payment details;
- Email online payment confirmation and the completed Renewal/Annual Fee Information form to licensing@enfield.gov.uk
- Only online payments are accepted, and we can only receive applications emailed to licensing@enfield.gov.uk or through the www.gov.uk website. Cash, cheques and postal applications will be returned to sender.

It is your responsibility to ensure we have the most up to date email address for you, as annual fee reminders are now only sent out via email from the automated system.

Furthermore, if the name does not appear correctly for you as the premises licence holder, and/or if your home address has changed, you must follow the online instructions above for payment, but pay £10.50 for change of name/address, then email the proof and an accompanying email with the new details.

Your sincerely

Licensing Team

**LICENSING ACT 2003 - ANNUAL FEE INFORMATION FORM
PREMISES LICENCE**

Licence No:	LN/201500538
Licence Holder:	Mr Shadow Zanorodian
Email*:	[REDACTED]
Premises:	Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP
Date fee must be paid by:	Within the next 3 days
Annual Fee:	£180.00 for licence period 24/09/2020 to 23/09/2021 AND £180.00 for licence period 24/09/2021 to 23/09/2022 AND £180.00 for licence period 24/09/2022 to 23/09/2023 TOTAL = £540.00
Premises Band/Rateable Value**:	B £4301- £33000

* Enter your email address above if not stated. Please note all future annual fee reminders will only be sent via email.

** If this is blank, enter the premises band/rateable value. If the information is given but is incorrect, you must enter the most up to date information.

**You must now return this Annual Fee
Information form with your online payment
confirmation to licensing@enfield.gov.uk .**

Licensing Queries - Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP. - Message (HTML)

File Message Help **Attachments** Tell me what you want to d

Remove Attachment Save As Save All Attachments Upload Upload All Attachments Select All Copy Show Message

Licensing Queries - Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP.



Ellie Green

To [Redacted]

Reply Reply All Forward

Thu 13/10/2022 16:32

Notice of Suspension Late Night Food Off Licence 12.10.22.pdf .pdf File

Dear Mr Zanolodan

I refer you to your premises licence LN/201500538 for the above address.

First of all, you should have received a notice of suspension as the annual fee has been overdue since 24 September 2020 – see attached again for your information. Your licence will be suspended shortly if all fees are not brought up to date.

On our records, the premises licence holder recorded as Shadow Zanolodan.

I am aware my colleagues in Trading Standards visited the premises recently and a different first name/spelling was provided. If Shadow is not correct, but needs amending to a correct spelling, you need to make an online payment for £10.50, following the same online payment instructions as that included in the attached letter.

You then need to forward the proof of payment email to licensing@enfield.gov.uk along with your premises licence number and what name changes you wish to make.

If the licence is not accurate, is it deemed invalid.

Finally, I note the Designated Premises Supervisor (DPS) for this licence is Mr Erhan Sabri, and has been DPS since 3/4/17, even though there have been two transfers since. Is Mr Sabri still active in his role as DPS?

If not, a vary DPS application is required for £23, see [this link](#) to our website for the application forms and more information. Again the proof of online payment is required to be submitted with the completed Vary DPS application to licensing@enfield.gov.uk.

I look forward to hearing from you regarding these matters.

Yours sincerely

Ellie Green (she/her)

Licensing Team Manager

Windows taskbar with icons for File Explorer, Edge, Chrome, and other applications. System tray shows time 15:30 and date 21/12/2022.

TRADING STANDARDS TOBACCO TEST PURCHASE OPERATION		
1	Date of visit:	13/10/22
2	Time of visit:	1125hrs
3	Premises Name:	Late Night Food Ltd.
4	Premises Address:	87 Wilton Street N18 1RP
5	What did you ask for?	Any cigarettes cheaper than £10.00.
6	What was said in response?	He said 'I have a couple' and then showed me 3 different types. I chose Parliament. (PTO)
7	Description of seller? M/E Age: Height: Weight: Hair type: Facial hair: Ethnicity:	30's medium medium long dark — Turkish, 1 & 2.
8	Tobacco item purchased:	5 pack Parliament cigarettes
9	Was any other item purchased with the tobacco? Details:	No
10	Exhibit Reference given to Tobacco purchased:	SIN on 5/11.
11	Bag / Seal Number:	M26807376
12	Price charged for the tobacco item:	£1.00
14		

	Where was tobacco obtained from?	<i>Under counter</i>
15	If there were other customers present did you see them purchase illicit tobacco -yes or no?	<i>No.</i>
	Additional Notes; <i>I asked how much they were and she said '£7-00'. I said give me those. She asked me where I was from. I said 'Bosnia.' She then handed me the pack. I paid & left.</i>	

LICN_1

REF: WK/
[REDACTED]

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night Food Off Licence	
Premises Address	87 Silver Street London, N18 1RP	
Time of Visit:	Start: 11-40	Finish: 12-15

During an inspection of your premises on Wed 23rd Nov.....2022....., the following was checked:

Part B of Premises Licence displayed? Yes No *Displayed during visit.*
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No


No. of condition not in compliance	Evidence/Advice
	full licence inspection
C2, 3, 4.	PLH spoken to via phone. Claimed training records are at head office - email copies please. keep on premises
C5	Trunk 25 poster not displayed - officer will email copy.
C6.	Refusals book not available - to be kept on premises
C8	Leave quietly poster not displayed - officer will email.
C11	unable to check 31 days of footage/time/date - future visit to be arranged.
C12	Incident book not available - to be kept on premises - email copy.

Any other matter(s) that need addressing:
 C13 - Can marking scheme not in place - set up or apply to remove condition. C16 - Receipts for 3 months need to be on the premises - only ones for November seen.


You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: CHARLOTTE PAULER [REDACTED]	Signature: [REDACTED]
	Print Name & Position: Ali Khani
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel:

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



METROPOLITAN POLICE
Working together for a safer London



ENFIELD Council

NOTICE OF SEIZURE

No 2359



Name: LATE NIGHT STORK

Address: 87 SILVER STREET

N18 1RP.

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XA

trading.standards@enfield.gov.uk

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

CONSUMER RIGHTS ACT

CONSUMER PROTECTION ACT

TRADING PROTECTION ACT

10 x MARLBORO GOLD

8 x KENT

6 x PARLIAMENT BLUE

10 x RICHMOND

4 x MARLBORO TOUCH

1 x AMBER LEAF H.A.T.


2 x MARLBORO GOLD

8 x MARLBORO TOUCH

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: C. WALLACE

Date: 24/11/2022

Signature: 

Direct Dial:

Received by: SARA RAZAY

Position in Business: HELPER

APPENDIX 8b





Late Night Food Off Licence











Please reply to: Amanda Butler

Shadov Zomorodian
Company Director of
Late Night Food Ltd
87 Silver St
London
N18 1RP

Email: [REDACTED]

Phone:

Textphone:

Fax:

My Ref: [REDACTED]

Your Ref:

Date: 16th December 2022

WARNING LETTER

Dear Shadov Zomorodian Company Director of Late Night Food Ltd

The Tobacco and Related Products Regulations 2016
The Standardised Packaging of Tobacco Products Regulations 2015
Trade Marks Act 1994
Licensing Act 2003

Alleged Offence(s):

On 4th October 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP, did knowingly keep or allow to be kept goods namely 16 packets of 20 cigarettes that have been imported without payment of duty or which have otherwise been unlawfully imported.
Contrary to Section 144 of the Licensing Act 2003

On 4th October 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP, did have in possession for supply tobacco, namely 16 packets of 20 cigarettes that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015 in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and/or that failed to comply with the requirements of Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling and/or health warnings on the packaging was not in English **Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco products Regulations 2015 and Contrary to Regulation 48 of the Tobacco & related Products Regulations 2016**

On 13th October 2022, x1 packet of Parliament Night Blue Cigarettes were purchased from Late Night Food Ltd, 87 Silver St, London N18 1RP. The cigarette packaging did not display the requisite colour namely Pantone 448c and the labelling and/or health warnings on the packaging was not in English. **Contrary to Section 15(1) of the Standardised Packaging of Tobacco Products Regulations 2016 and Regulation 48 of the Tobacco & related Products Regulations 2016**

On 24th November 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP you did have in possession for supply tobacco, namely 48 packets of 20 cigarettes and 1 pouch of hand-rolling tobacco that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015 in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and/or

that failed to comply with the requirements of Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling and/or health warnings on the packaging was not in English **Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco products Regulations 2015 and Regulation 48 of the Tobacco & related Products Regulations 2016**

On 24th November 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP you did knowingly keep or allow to be kept goods namely 16 packets of 20 cigarettes that have been imported without payment of duty or which have otherwise been unlawfully imported.
Contrary to Section 144 of the Licensing Act 2003

Trade Marks Act 1994

All products that belong to a registered brand holder (trademark) must be purchased from a reputable supplier. This includes cigarettes/tobacco and alcohol.

Tobacco Products

All tobacco products must comply with The Tobacco and Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and Licensing Act 2003.

Traceability

General Food Regulations states that all businesses are required to have a system and procedures in place to identify the person from whom they have been supplied food, drinks and/or tobacco. The purchase of these products must be "traceable" and should be evidenced by documentation/receipts which must be available for inspection upon request.

After careful consideration of the evidence, whilst there is enough evidence to consider prosecution pertaining to the seized tobacco, in this instance, Enfield Council are issuing this warning letter regarding the afore-mentioned non-duty paid/illegal cigarettes.

However, Enfield Council requires you to sign over the non-duty paid /illegal cigarettes, for disposal in accordance with the Consumer Protection Act.

Please sign and date the Voluntary Surrender form and return the afore-mentioned form to amanda.butler@enfield.gov.uk **within 7 days**.

If you do not agree to sign over the non-duty paid tobacco, then Enfield Council will apply to the court for forfeiture and seek to recover the costs of doing so from Maxi Food & Wine.

Please consider this letter to be a warning as to your future conduct of your retail premises namely Late-Night Food Ltd, 87 Silver St, London N18 1RP.

From the issuing of this warning letter, should smuggled goods be discovered in your licensed premises or motor-vehicles associated with your licensed premises, then Enfield Council's Trading Standards Authority shall consider prosecution of any subsequent seizures of illegal tobacco.

Enfield Council will continue to conduct test-purchasing sessions and Illegal Tobacco inspections to your retail premises and retailers within the Borough of Enfield.

Yours sincerely



Amanda Butler
Senior Fair Trading Officer

To:

Shadov Zomorodian
Company Director of
Late Night Food Ltd
87 Silver St
London
N18 1RP

ENFIELD
Council

www.enfield.gov.uk



Consumer Protection
PO Box 57, Civic Centre
Silver Street
Enfield, Middlesex EN1 3X
Tel: [REDACTED]

[REDACTED]

16th December 2022

TRANSFER OF PROPERTY DISCLAIMER

I hereby transfer to the London Borough of Enfield all rights and property in the following articles which were in my possession, custody or control

At: Late Night Food Ltd, 87 Silver St, London N18 1RP:-

On 4th October 2022, 16 packets of 20 cigarettes were seized from Late Night Food Ltd, 87 Silver St, London N18 1RP namely, x6 packets of 20 Marlboro Gold cigarettes, x10 packets of 20 Marlboro Touch cigarettes.

On 13th October 2022, x1 packet of Parliament Night Blue Cigarettes were test-purchased from Late Night Food Ltd, 87 Silver St, London N18 1RP.

On 24th November 2022, Late Night Food Ltd, 87 Silver St, London N18 1RP was inspected by Officers from Enfield Council’s Trading Standards Department, along with a sniffer dog and a dog handler with the aim to crackdown on the sale of illegal tobacco, namely cigarettes and hand-rolling tobacco. Officers seized x48 packets of 20 cigarettes and x1 pouch of hand-rolling tobacco.

The cigarettes and hand-rolling tobacco that were seized did not comply with the Tobacco and Related Products Regulations 2016 and/or Standardised Packaging of Tobacco Products Regulations 2015 and/or 144 of the Licensing Act 2003.

I am authorised to waive all rights from this date, this date being the date of seizure by an officer of this service. I further indemnify the London Borough of Enfield against any claim or encumbrance present or future regarding these goods.

In signing this disclaimer, I understand that no further formal action will be taken against me in relation to these goods.

.....(signed).....(date).....

.....(print name).....

for and on behalf of [Insert name of business]

(witnessed

by).....(date).....

.....(print name).....

Full details of the goods being signed over for disposal are detailed in the attached Schedule

To:
 Shadov Zomorodian
 Company Director of
 Late Night Food Ltd
 87 Silver St
 London
 N18 1RP



Consumer Protection
PO Box 57, Civic Centre
Silver Street
Enfield, Middlesex EN1 3XY

Tel: [REDACTED]
 16/12/2022

TRANSFER OF PROPERTY DISCLAIMER – Schedule of Goods

Ref: [REDACTED]

Seal Number	Quantity	Description
[REDACTED]	x6 packets of 20 cigarettes x10 packets of 20 cigarettes	x6 packets of 20 Marlboro Gold cigarettes x10 packets of 20 Marlboro Touch cigarettes
[REDACTED]	x1 packet of 20 cigarettes	x1 Parliament Night Blue
[REDACTED]	x48 packets of 20 cigarettes x1 pouch of Hand-rolling tobacco	x12 packets of 20 Marlboro Gold cigarettes x12 packets of 20 Marlboro Touch cigarettes x 8 packets of Kent cigarettes x 6 packets of Parliament Blue cigarettes x10 packets of Richmond cigarettes x4 packets of Marlboro Touch cigarettes x1 pouch of Amber leaf Hand-rolling tobacco

Human Rights Act 1998

Under Article 1 of the First Protocol of the European Convention on Human Rights every legal or natural person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of International Law. In waiving all rights in the articles listed above I recognise that I have no rights in the intellectual property in any copyright and/or registered trademarks contained on or in those items and that the items would be liable to forfeited by the courts if an application was so made.

LICN_1

REF: WK/ [REDACTED] LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night Food off Licence		
Premises Address	87 Silver St N18 1RP		
Time of Visit:	Start: 15:27	Finish:	15:53

During an inspection of your premises on Mon 19th Dec 2022, the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	Revisit to check C2,3,4,5,6,8,11,12,13
C2,3,4	Staff training records not available
C7	Only one member of staff working at time of visit. Licence condition states there must be two.
C11	Staff unable to use CCTV - advised owner can access + other staff via his phone
C12	Incident log required - you can use a diary to document any incidents but the book must be labelled so it is clear what it is for.
C13	No car marking scheme in place

Any other matter(s) that need addressing:
 Refusals book seen. Recommend including time of refusal & who made refusal. In case you want to go back and look at CCTV. - Book stops 9th Dec 2022. Diary seen ready for 2023. Think 25 posters now on display. Leave quietly poster now on display. As Trading Standards seized tobacco twice. The licence will soon be reviewed.
 You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT Print Name of Officers in Attendance: CHARLOTTE PAWNER	RECIPIENT OF NOTICE Signature: [REDACTED] Print Name & Position: Sara Razi
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel: [REDACTED]

Application forms can be downloaded at: <https://new.enfield.gov.uk/business-and-licensing/>

Send evidence of compliance to: [REDACTED]

METROPOLITAN POLICE
Working together for a safer London

ENFIELD Council

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Late Night Food Off Licence
87 Silver Street
London
N18 1RP

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 30/12/2022:

30/12/22 – 11:15 – 11:46 Review application delivered to premises, blue notice displayed during visit

The officer checked the outstanding licence conditions:

Condition 2 – Training records were available however the member of staff working at the time had not been trained since 1st July 2022 and the condition requires training every 3 months.

Condition 7 – Only one member of staff working – condition requires two staff.

Condition 11 – CCTV – The member of staff was able to access footage via his phone however it was only stored as far back at 8th December and the condition requires it be stored for 31 days.

Refusal book is now also labelled as the incident book. New price gun seen, 'Late Night' printed on price stickers. Staff advised the cans are labelled at the point of sale. At 11:27 a male entered the premises and asked for cigarettes. The member of staff showed him a packet and told him what ones he had. He chose a packet but looked very confused when he was told the price. He made no attempt to pay and instead looked from the member of staff to the officer several times. The officer asked him if he was looking for non-duty paid cigarettes and the member of staff said no he wants a single cigarette and took one from an open packet. The officer told him the premises was not allowed to sell single cigarettes or no duty paid cigarettes. The male did not appear to want a single cigarette and left empty handed.

The member of staff phoned the premises licence holder (PLH) so that the officer could explain about the conditions and review. The PLH said that they had done everything that was asked of them so the officer went through the requirements of Conditions 2, 7 and 11. The PLH did not think training was needed every 3 months, said he could not afford to pay for 2 staff and that the CCTV should not have to be stored for so long. He seemed very annoyed and asked whether other premises had to do this. The officer explained that each licence is different and that the conditions were on the licence when he took it over. The officer explained that the conditions were legal requirements and he had to comply with all of them. During the conversation the PLH said several times that the conditions were 'stupid' and 'bull sh*t'. The officer explained that a review application had been submitted because of the illicit tobacco that had been seized and/or sold. He claimed that the tobacco had all been for personal use and that he can not be expected to search his staff. The officer advised that a test purchase had also taken place and a sale made. He was advised to get legal advice.

See Appendix 11.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [REDACTED]

Signed: [REDACTED]

Date: 31.01.23

LICN_1

REF: WW [REDACTED] LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night food off licence		
Premises Address	87 silver street, Edmonton, N18 1RP		
Time of Visit:	Start: 11.15	Finish:	11.46

During an inspection of your premises on ... 30th December ... 2022 ... the following was checked:

Part B of Premises Licence displayed? Yes No

Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)

Conditions of licence checked? Yes No


No. of condition not in compliance	Evidence/Advice
	Revisit to check C2, 3, 4, 7, 11, 12, 13 + deliver review
C2	Training records seen but staff member spoken to last trained 1st July 2022 - refresher training required every 3 months.
C7	Only one member staff on site at time of visit.
C11	CCTV- footage shown on phone - only goes back to 8.12.2022. needs to store footage for 31 days
11.27 mob	came in wanting cigs + looked very confused when told the price. Staff then tried to offer him a single cigarette. Officer advised can't sell single cigarettes + that the premises is not allowed to sell non-duty paid cigarettes. make up
Any other matter(s) that need addressing: empty headed.	
C12	Refusals book also now labelled as incident book. Spoke to licence holder on the phone about the review and conditions. - he said the conditions were stupid and bull s**t several times.
LATE NIGHT 8E71678970	← Cons. are labelled at the point of sale (C13.)

You are required to have the above matters attended to withindays of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.


Blue poster displayed during visit.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: CHARLOTTE PAWLER.	Signature: Ali Khan [REDACTED]
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Print Name & Position: [REDACTED]
	Email/Tel of recipient:

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



METROPOLITAN POLICE
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ENFIELD Council



LONDON BOROUGH OF ENFIELD
LICENSING ACT 2003
NOTICE OF APPLICATION FOR A REVIEW OF PREMISES LICENCE

Premises: Late Night Food Off Licence
87 Silver Street, London, N18 7RP

Notice is given that application has been made for a review of the premises licence (under s 51(3), s 87(3) or s 161 to the Licensing Act 2003) in respect of the above premises.

The grounds for review are:

- The Prevention of Crime and Disorder - following the seizure of illegal non-duty paid tobacco from the retail premises.

The review by the Council's Licensing Enforcement Team seeks to revoke the premises licence (reference LN201500538), which would mean the premises could no longer sell alcohol.

Anyone who wishes to make representations regarding this application must give notice in writing by emailing licensing@enfield.gov.uk. Representations received by post will not be accepted.

Representations must be made between
31 December 2022 and 27 January 2023.

The public register where applications are available to be viewed by members of the public can be accessed online by visiting <https://www.enfield.gov.uk/services/business-and-licensing> and following a link to the Licensing Register. Email licensing@enfield.gov.uk to request a copy of the application within 28 days from the date of this notice.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence. A person guilty of an offence is liable on summary conviction to a fine not exceeding seven times on the standard scale.

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SMART SHUTTERS UK
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Skyline SHUTTERS UK
07488 165 885
07940 754 193

QUICK SHUTTERS
07283 554 473

UNIQUE SHUTTERS
07576 881 87

ANY TIME SHUTTERS
07448 402 14, 07385 148 800, 07985 171 323
737 688 543

SMART SHUTTERS UK
07377505751

RAJ SHUTTERS
07872644096
07532069114

DIAMOND SHUTTERS
07448 402 14, 07385 148 800, 07985 171 323
737 688 543

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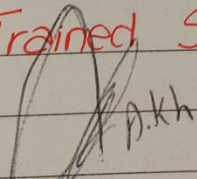
Date : 1 July 2022

Person Trained : Ali khani

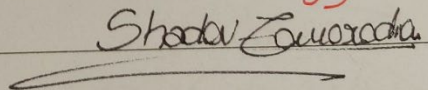
Trainer full name : Shadav Zomorodian

- Children and Under 18s
- Accident Report training
- Retail pricing of each product in sale
- Till training
- Check 25 / check of a valid document
- Fire safety training
- Health and safety training
- Regulation of alcohol consumption
- Selling and storing tobacco products
- Recognising counterfeit banknote

Trained Sign



Trainer Sign



Date: 12th September 2022
Person trained: Alibakhshi Mehran
Trainer full name: Shadiv Zomorodian

- Regulation of alcohol consumption
- Fire safety training
- Accident Report training
- Children and Under 18s
- Till training
- Check under 25
- How to check a valid document
- Health and safety training
- Retail pricing of product
- Selling and storing tobacco products.
- Recognising counterfeit banknotes.

Trained

Alibakhshi Mehran

Trainer

Shadiv Zomorodian

Date: 29/09/2022

Person trained: Maziar Salehi
Trainer full name: Shadiv Zomorodian

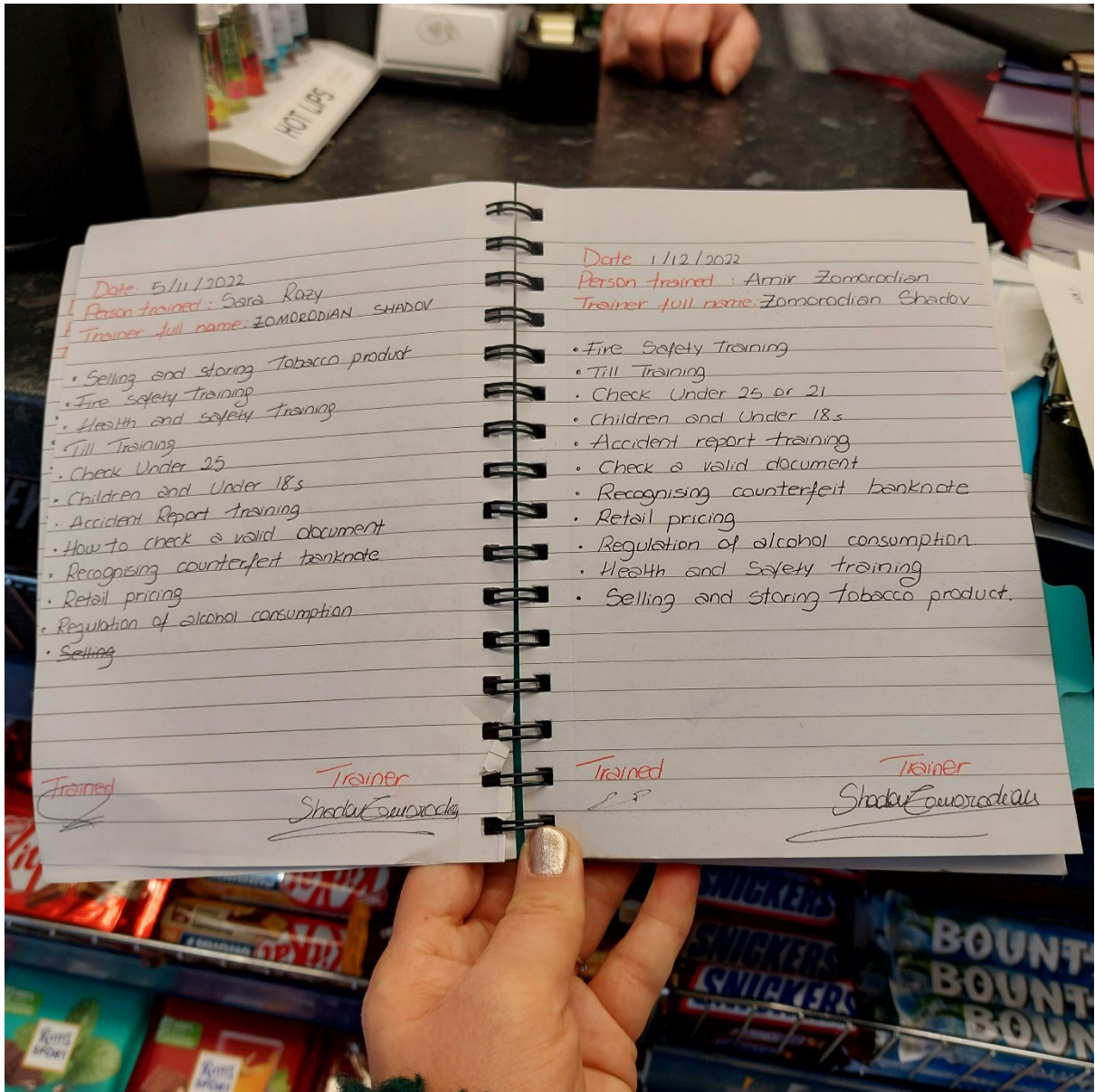
- Fire safety training
- Regulation of alcohol consumption
- Alcohol law in UK.
- Till Training
- Check 25
- Children and under 18s
- Acceptance of a valid document
- Health and safety Training
- UK retail pricing
- Accident report training
- Selling and storing of tobacco products
- Recognising counterfeit banknotes

Trained

Maziar Salehi

Trainer

Shadiv Zomorodian



Date: 5/11/2022

Person trained: Sara Razy

Trainer full name: ZOMORDIAN SHADOV

- Selling and storing Tobacco product
- Fire safety training
- Health and safety training
- Till Training
- Check Under 25
- Children and Under 18s
- Accident Report training
- How to check a valid document
- Recognising counterfeit banknote
- Retail pricing
- Regulation of alcohol consumption
- Selling

Trained

Trainer

Shadow Zomorodian

Date: 1/12/2022

Person trained: Amir Zomorodian

Trainer full name: Zomorodian Shadov

- Fire Safety Training
- Till Training
- Check Under 25 or 21
- Children and Under 18s
- Accident report training
- Check a valid document
- Recognising counterfeit banknote
- Retail pricing
- Regulation of alcohol consumption
- Health and Safety training
- Selling and storing tobacco product.

Trained

Amir

Trainer

Shadow Zomorodian

Annex 4

Proposed Conditions arising from the Review Application

Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises.
4. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
5. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
6. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
7. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.
8. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse or glass bottles outside between 23:00 hours and 08:00 hours.

10. Deliveries will not be made to/from the premises between 20:00 hours and 08:00 hours.
11. The premises shall install and maintain a comprehensive CCTV system.
 - (1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (2) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (3) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
 - (4) The CCTV system should be updated and maintained according to police recommendations.
 - (5) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (1). All crimes reported to the venue
 - (2). All ejections of patrons
 - (3). Any complaints received
 - (4). Any incidents of disorder
 - (5). All seizures of drugs or offensive weapons
 - (6). Any faults in the CCTV system
 - (7). Any visit by a relevant authority or emergency service
13. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme ie. Stickers.
14. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.
15. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
16. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT

details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

17. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

PROPOSED BY LICENSING AUTHORITY:

19. A personal licence holder shall be on duty and supervise all sales throughout the permitted sale of alcohol hours.

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