

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
SUBJECT : Review Application	
PREMISES : SKEWD KITCHEN, 113-115 COCKFOSTERS ROAD, BARNET, EN4 0DA	
WARD : Cockfosters	

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

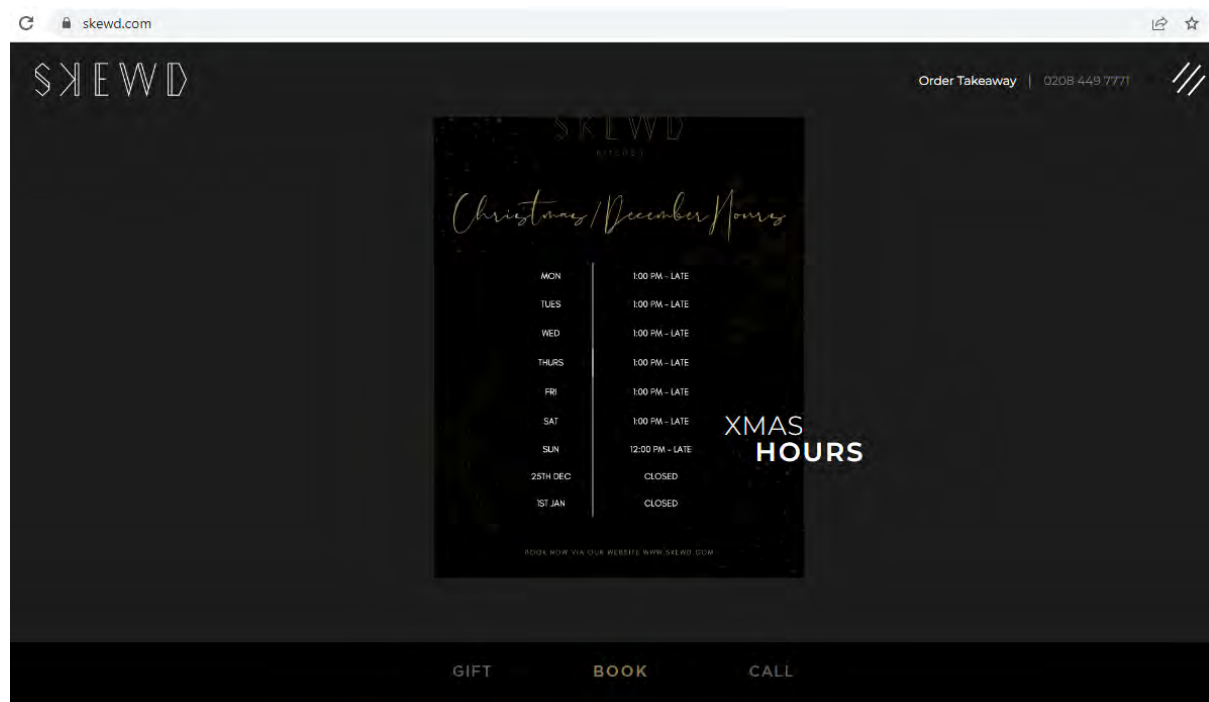
complaint regarding Skewd Kitchen but when they called the complainant back, the noise level had gone down. When the Licensing Enforcement officers attended the premises at 01:04am, the premises was closed.

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



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

- 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	
---	--

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:

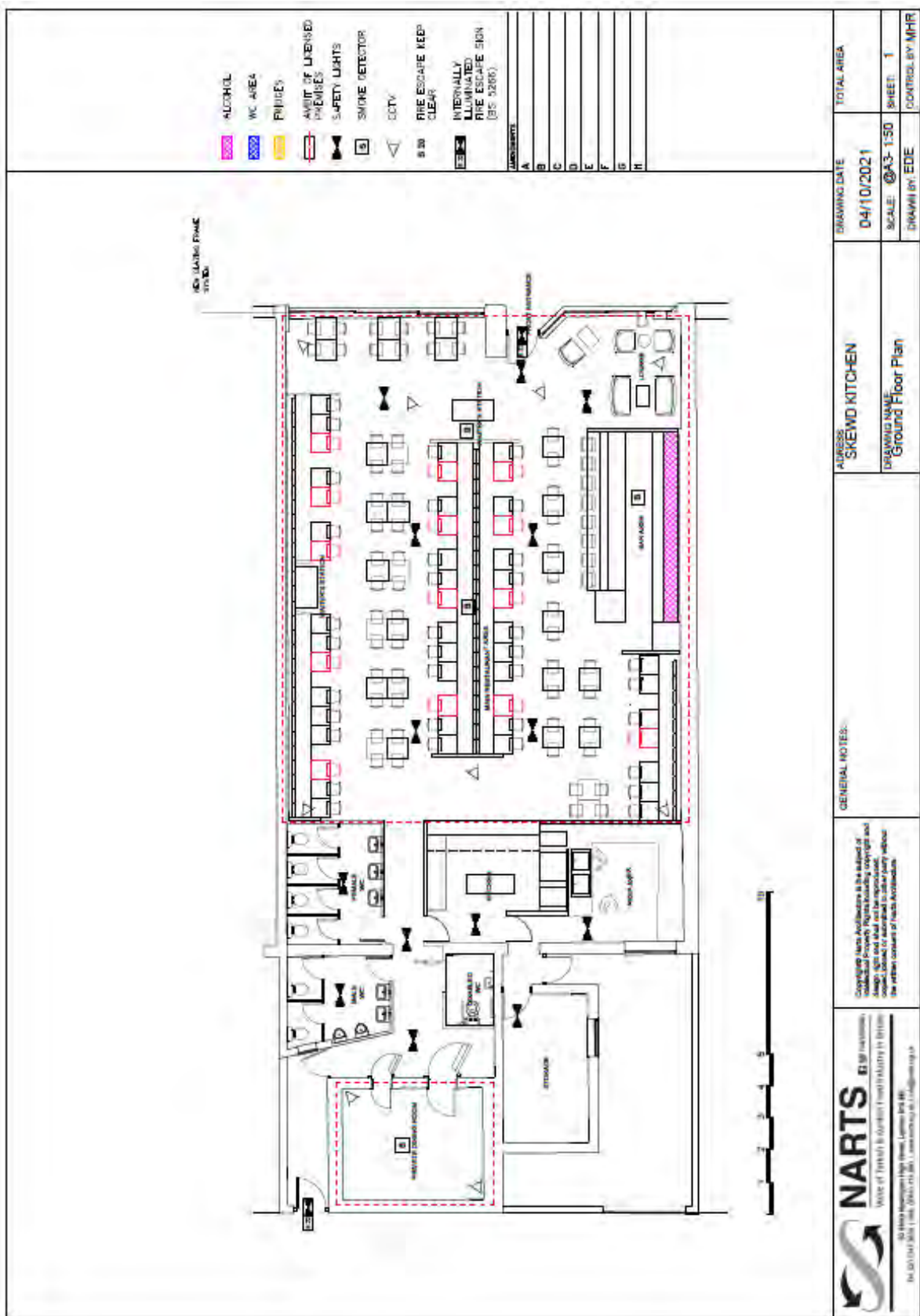
- (a) All crimes reported,
- (b) Lost property,
- (c) All ejections of customers,
- (d) Any complaints received,
- (e) Any incidents of disorder,
- (f) Any seizure of drugs or offensive weapons,
- (g) Any faults in the CCTV,
- (h) Any refusal in the sale of alcohol,
- (i) Any visit by a relevant authority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

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

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.

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.**

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

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

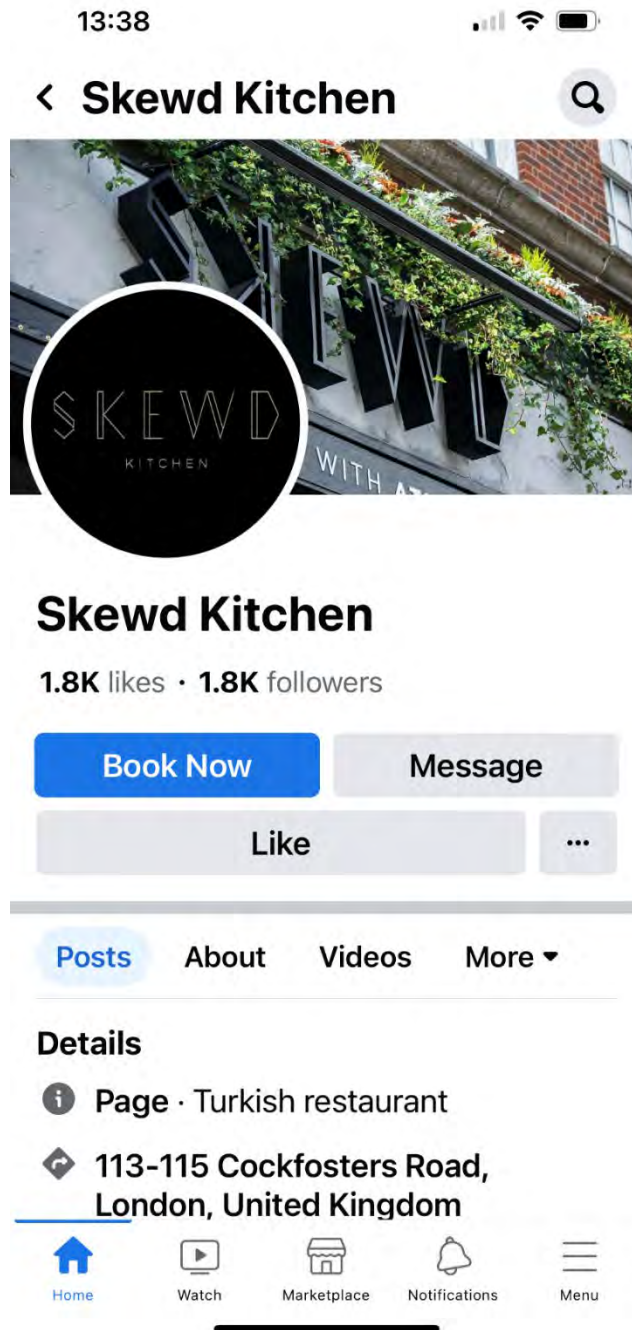
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"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".

ANNEX 8

Skewd Kitchen Facebook Posts

Extracted from public facebook post on 19 December 2022





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](tel:02084497771)
- info@skewdkitchen.com
- skewdkitchen.com

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

< 🔍 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

< 🔍 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

< 🔍 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

< 🔍 skewd kitchen

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

< 🔍 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

< 🔍 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

< 🔍 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

< 🔍 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



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Marketplace



Notifications



Menu

< 🔍 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

< 🔍 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

< 🔍 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



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Marketplace



Notifications



Menu

< 🔍 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

< 🔍 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

< 🔍 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

< 🔍 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



Watch



Marketplace



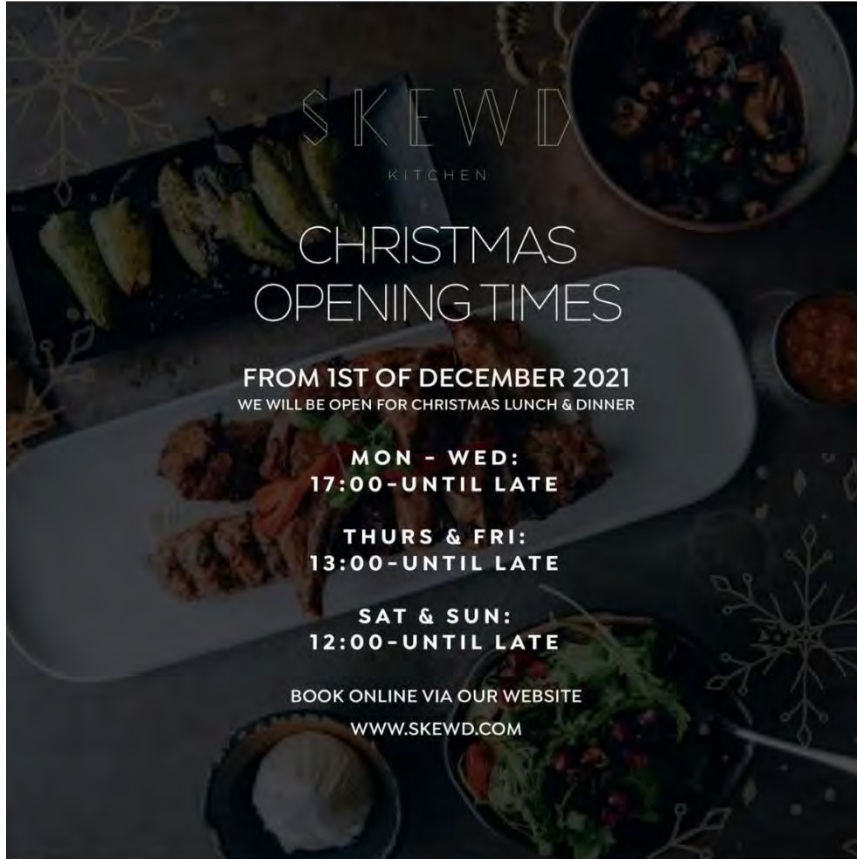
Notifications



Menu



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

Appendix C

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.

Annex A

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



1

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

2nd January 2023

Flat 15

Flat 10

Flat 17

Flat 18

**ACC
ACC**

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

**ACCESS R
ACOUSTIC**

Re: SKE

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

Dear S

Dear Sir/Madam,

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

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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.

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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

Re: SKEWD,

Dear Sir/Ma

We have be
restaurant.

The owner
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The assessr
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SKEWD res
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10:

Could you
your availa

This asses
forward to

Kind Rega
Mahir Kilic

Helping Turkis

 /nartsbritain

Help



Helping Turkish speaking individuals in food & leisure businesses to protect themselves, their customers, and reputation of their business since 2006
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

cal
ent
ard

re door
p locked
shut

Untitled Map

Write a description for your map.



17 AVISTA EYE CARE OPTICIANS

SKWARD ANATOLIAN WITH ATTITUDE

SIMMONS PHARMACY

SALE



5

1.78 m



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

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 NOISE IMPACT ASSESSMENT BY
ACOUSTIC ENGINEER

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

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



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

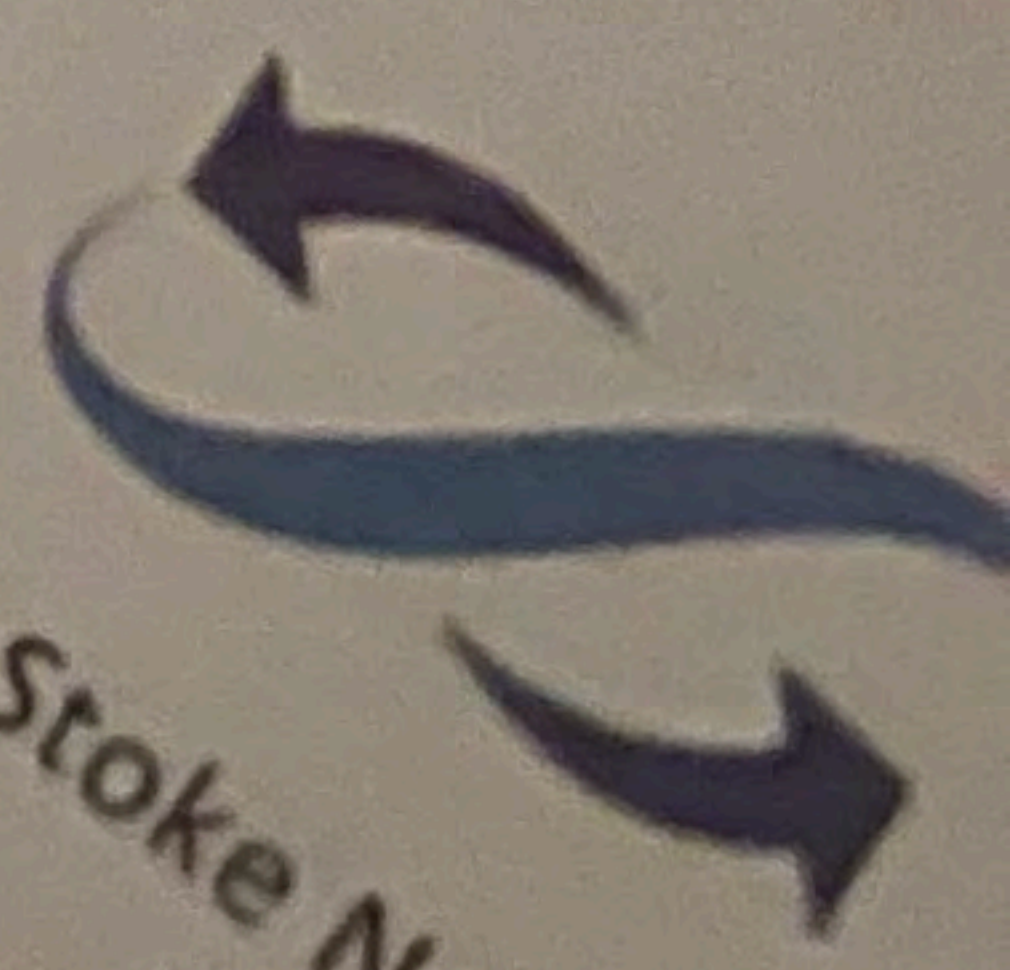
2nd January 2023

14

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.



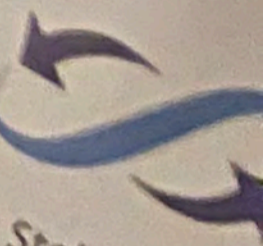
53 Stoke Newington
Tel: 020 7353 1234

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, Uxbridge, London

Dear Sir/Madam

Uxbridge, London

53 St

11


SmartWater[®]
in use here.



MetTrace
PROTECTING LONDON'S HOMES

18

Flat 18

 **NARTS**

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



15

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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10.0	CONCLUSION	9

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 PROCEEDURE

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

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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.

24

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

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).

26

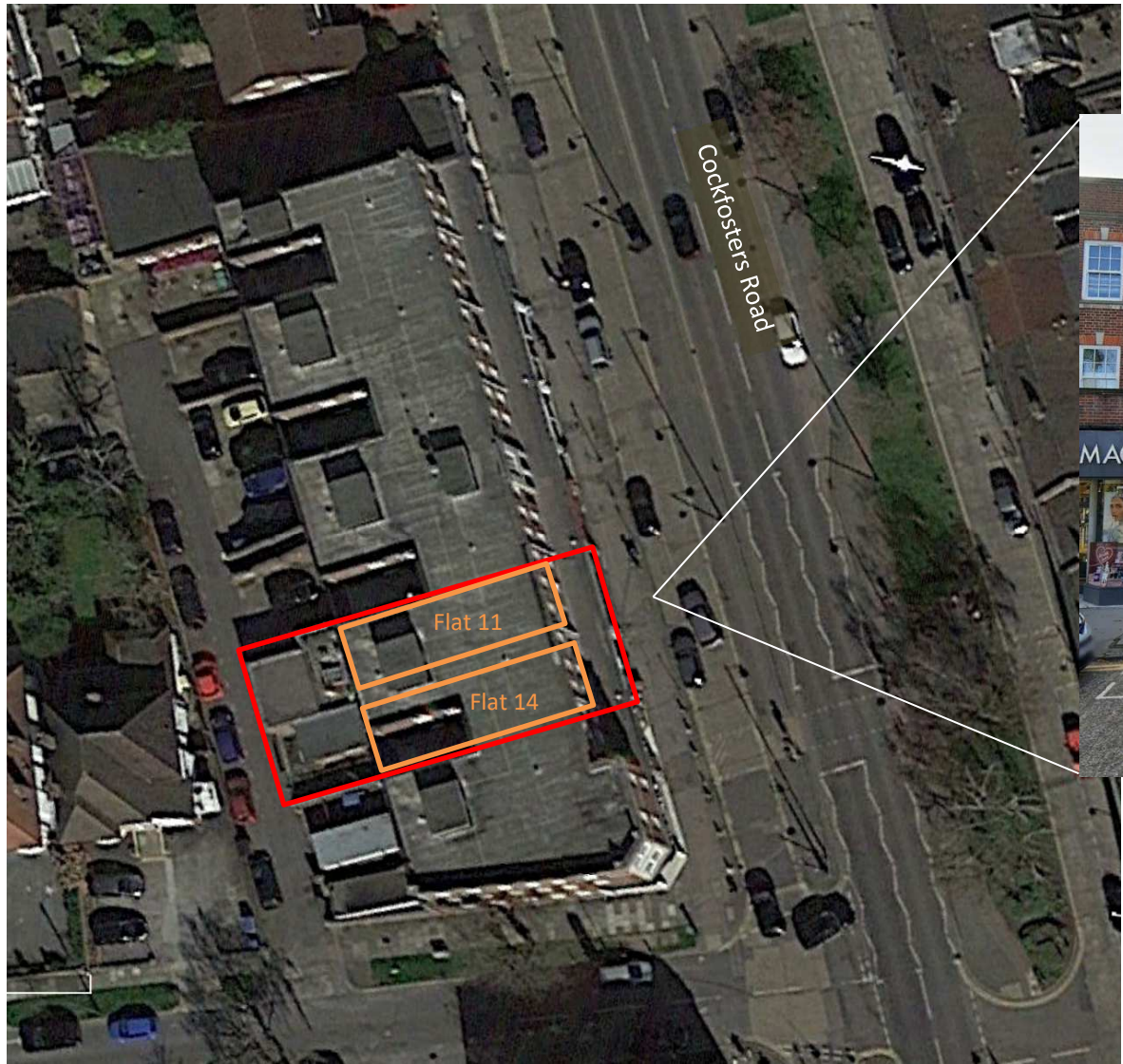
10.0 CONCLUSION

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.



Noise Sensitive Receiver

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

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.



31



32



33

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

34 Page 1

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.



35 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>



36

Microphone
located under
No.14

**SOUND
LIMITER**

37



07 February 2023

Ref: 18141-230207-L1

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
--	--

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

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

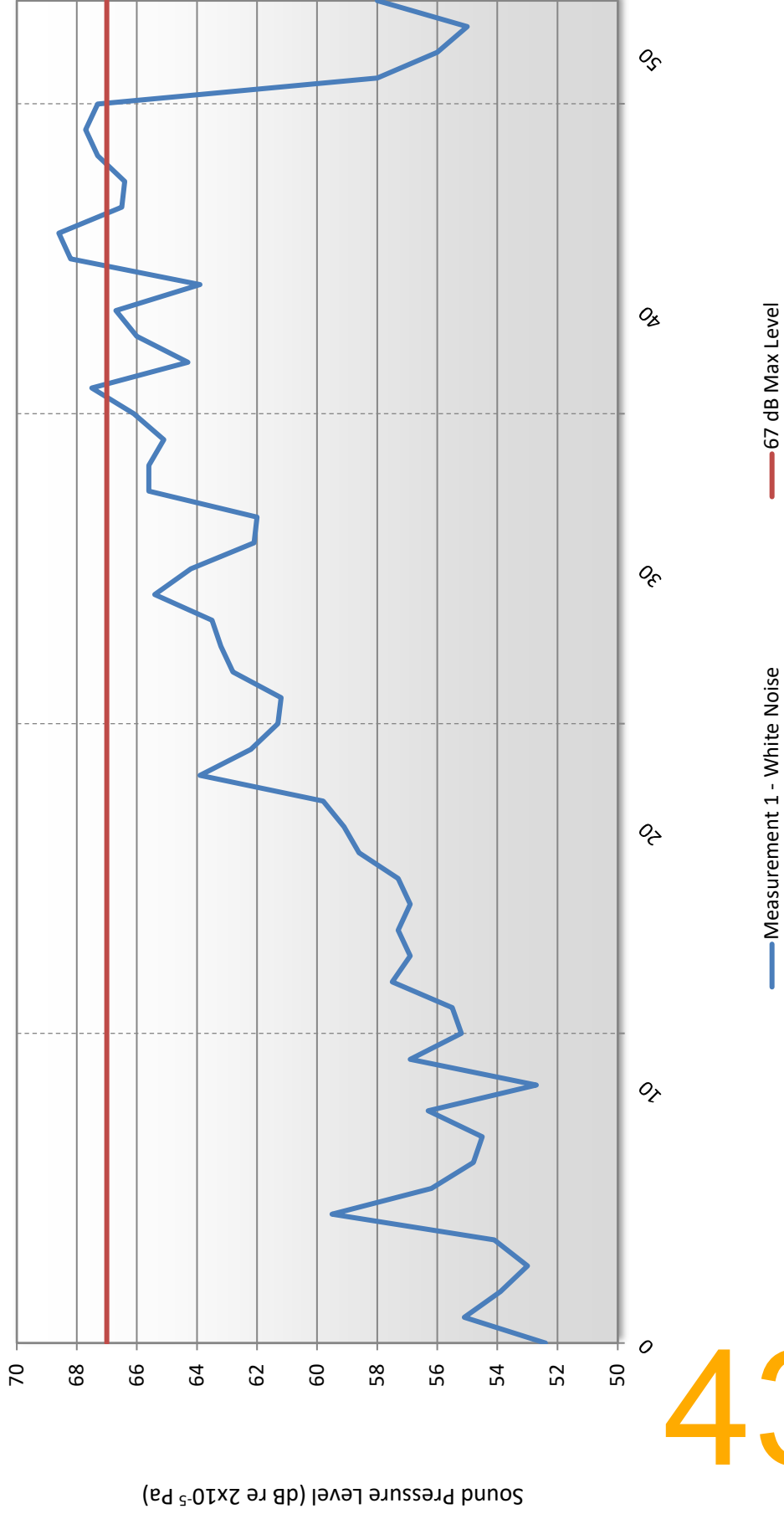
Approved **Duncan Martin**
Director
BSc (Hons) MIOA



7 February 2023

Skewd kitchen 113-115 Cockfosters Road,

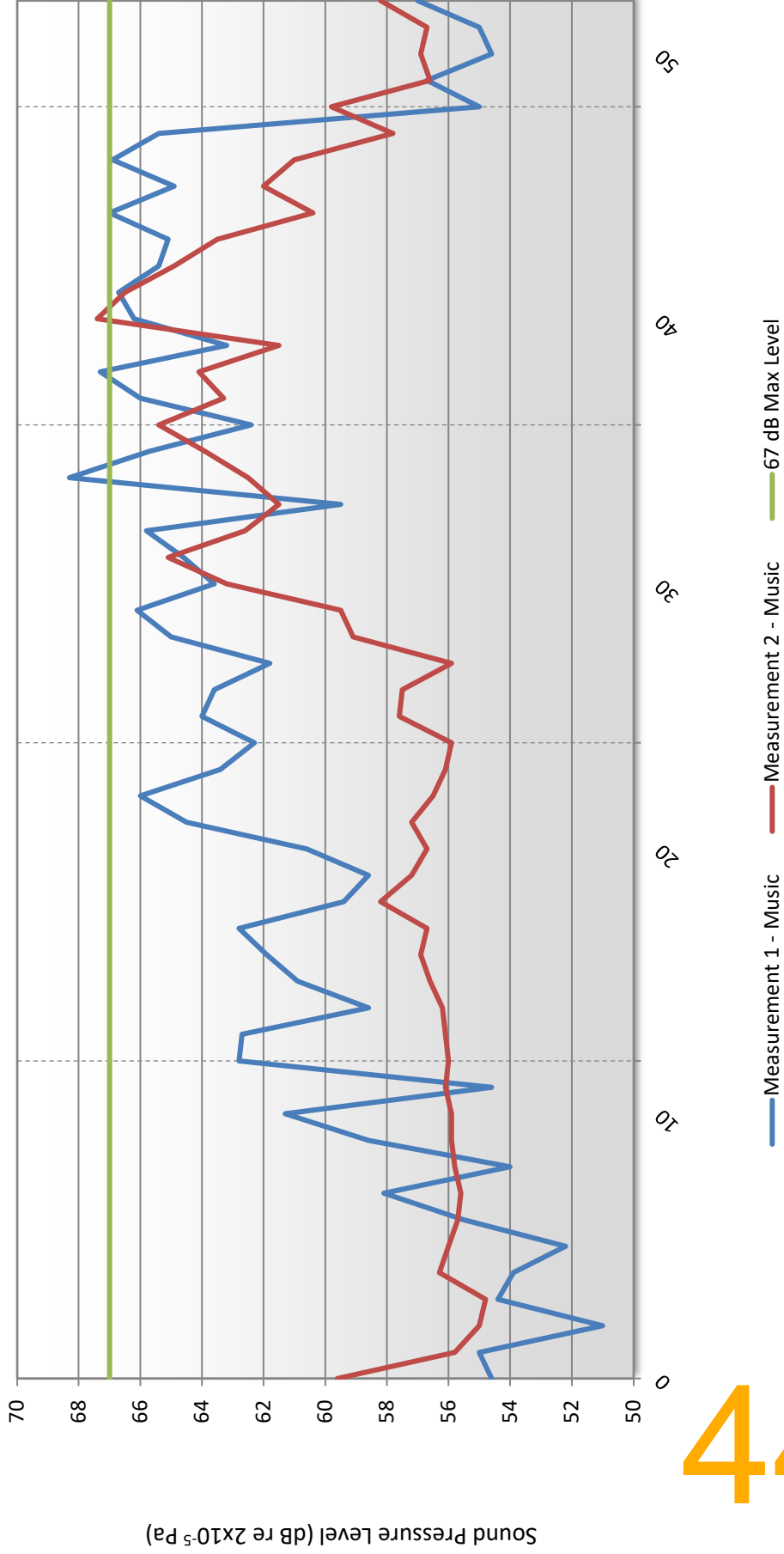
Cockfosters
Noise Limiter Time History
Test 1 White Noise



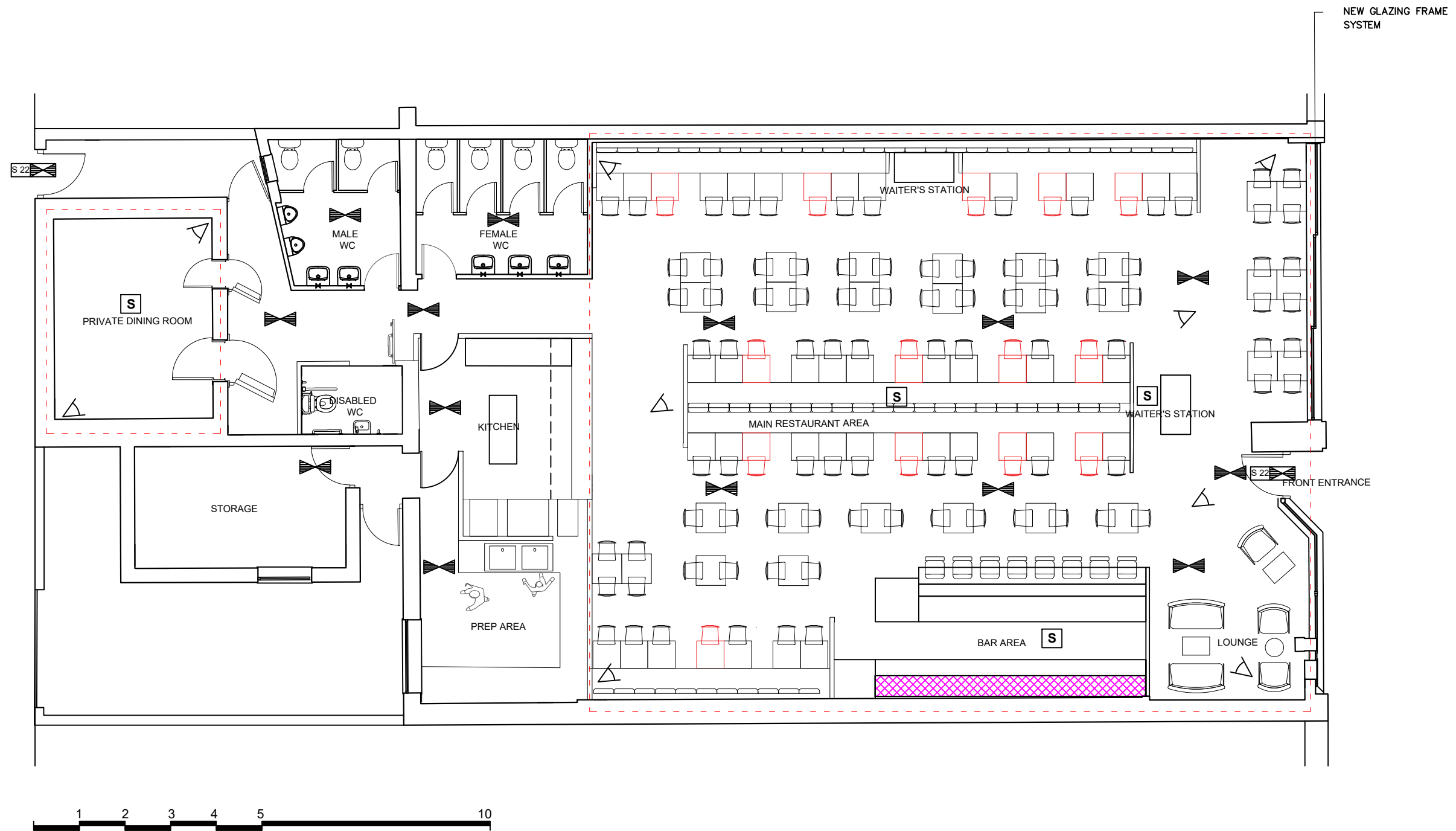
43

Skewd kitchen 113-115 Cockfosters Road,

Cockfosters
Noise Limiter Time History
Test 2 Music



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- ALCOHOL
- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- S 20** FIRE ESCAPE KEEP CLEAR
- 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.