

**MUNICIPAL YEAR 2022/23 REPORT NO.**

**COMMITTEE :**  
**Licensing Sub-Committee**  
**29 March 2023**

**REPORT OF :**  
**Ellie Green, Licensing Team Manager**

**LEGISLATION :**  
**Licensing Act 2003**

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

**1 LICENSING HISTORY & CURRENT POSITION - LN/201200257:**

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

**2 LICENSING HISTORY & CURRENT POSITION - LN/202100333:**

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

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

### **3 THIS APPLICATION:**

- 3.1 On 30 December 2022 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/202100333 and is produced in Appendix A, including the Annexes to support that review.
- 3.2 The review application has been submitted as the Licensing Authority believes that Mr Mazlum Demir is not promoting the prevention of public nuisance licensing objective. The council have received several complaints from local residents regarding loud music emanating from Skewd Kitchen, particularly from a DJ playing in the premises. A noise abatement notice has been served as a statutory noise nuisance was witnessed by Council Noise Officers. This notice has been subsequently breached as officers witnessed a further statutory noise nuisance.
- 3.3 The premises licence does not specifically state any regulated entertainment as a licensable activity. However, as the premises is authorised for alcohol on sales, the premises currently benefits from being entitled to play live and recorded music between 8am and 11pm, as long as the audience does not exceed 500 persons.
- 3.4 This review seeks to disapply that entitlement under the provisions of Section 177A of the Licensing Act 2003 by adding a condition to the effect that regulated entertainment, including live music, recorded music and DJ music are not permitted at any time.
- 3.5 Therefore, the premises would only be able to offer music at background level only.
- 3.6 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.7 Each of the Responsible Authorities were consulted in respect of the application.
- 3.8 The review application was initially due to be heard at a hearing on 22 February 2023, but unfortunately had to be adjourned on the day due to unavoidable absence of one of the members of the the licensing sub-committee.

#### **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 On 13 February 2023 the residents provided supplementary written representation in relation to the review. A copy of that representation is now produced as Appendix G and H.
- 4.5 **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.
- 4.6 The Licensing Authority produced additional information to support the review application, which is produced in Appendix E.
- 4.7 Since 22 February 2023, the Licensing Authority have produced further additional information which is now produced as Appendix I.

#### **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.**

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