

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

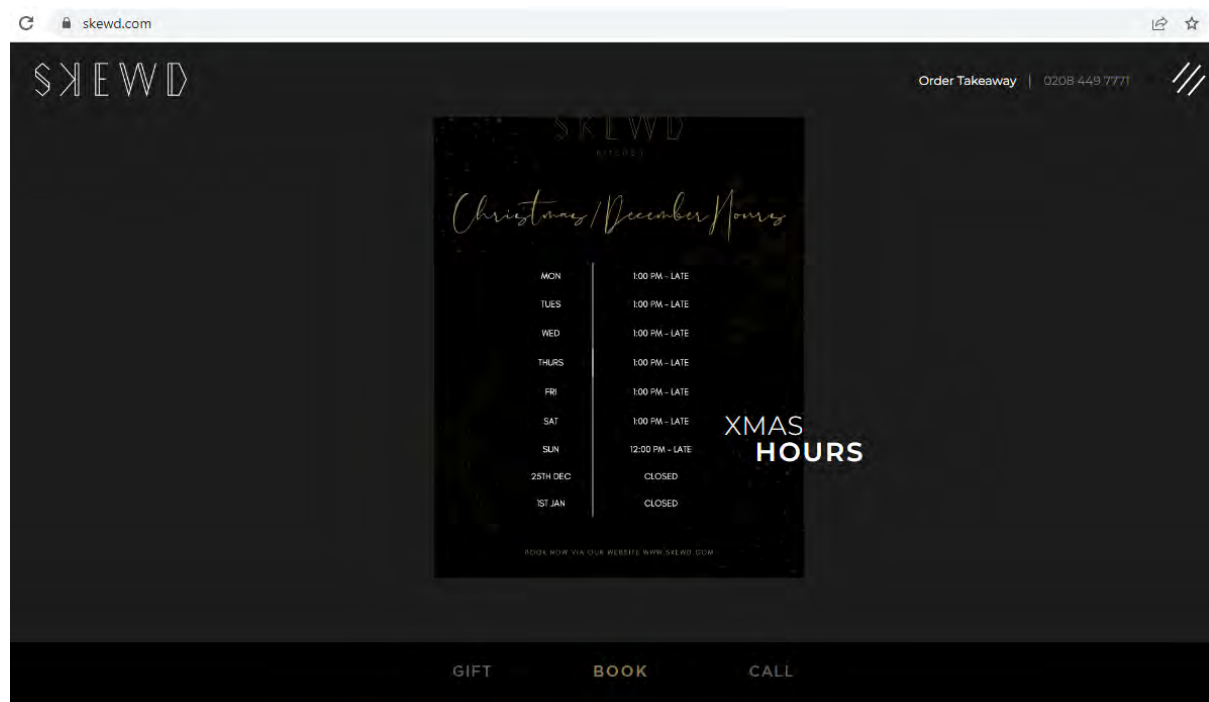
complaint regarding Skewd Kitchen but when they called the complainant back, the noise level had gone down. When the Licensing Enforcement officers attended the premises at 01:04am, the premises was closed.

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.