

## 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 19<sup>th</sup> January and that it would be calibrated on Friday 20<sup>th</sup> 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.

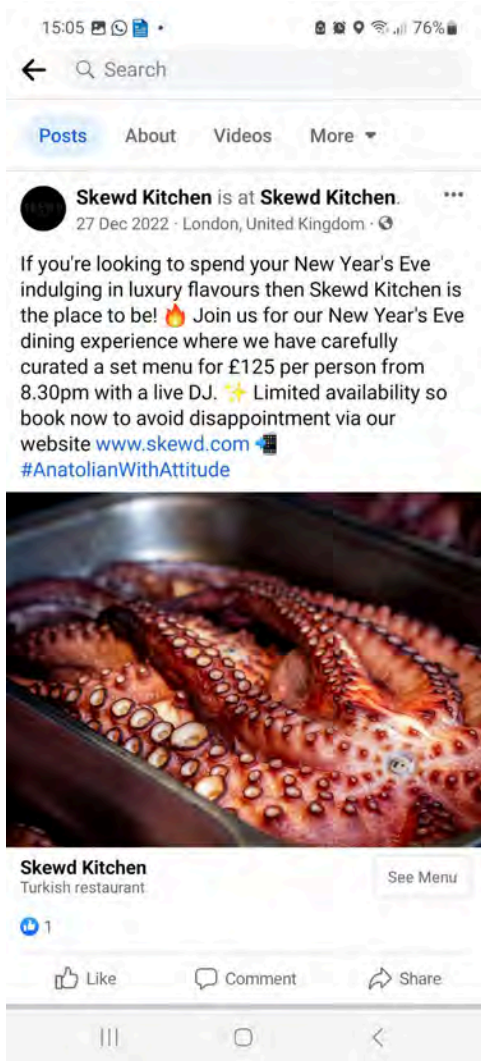
**27.01.23** - 21:16 - The Out of Hours Noise Team (RCA) received a complaint regarding loud music coming from the premises. At 22:10 they contacted the complainant who advised that the music was loud from 20:00 – 21:00 but had since been turned down significantly.

**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 20<sup>th</sup>, 27<sup>th</sup> and 29<sup>th</sup> 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 19<sup>th</sup> January 2023 and calibrated on 20<sup>th</sup> January 2023. If this did happen, then the Licensing Authority is concerned that the bass was still audible on 28<sup>th</sup> 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](mailto:charlotte.palmer@enfield.gov.uk)



Signed:

Date: 08.02.23