

Appendix F – PACE interview with Ogus Ozjaya

BRT- Brioni Turner - Senior Environmental Health Officer

TB- Tracey Billington- Licensing Enforcement Officer

DA- David Allen – Environmental Health Officer

OO- Ogus Ozjaya – manager of Swish Lounge

21:44 BRT- So, On the 9th of April you posted a video to the Swish Lounge Facebook page that shows multiple people smoking shisha and cigarettes in the rear room with the roof closed. I now produce exhibit **BRT/E4**, which is a video on this laptop showing this.

TB- Okay, just for the benefit to the machine I'm just turning laptop round and starting to play the video

OO- yeah, yeah, yeah, no problem. Yeah, I know this, I did this for this one

TB- Let me just turn the volume down.

BRT- Go on

22:35 OO- Okay, this one is, is this the smoking you were talking about, right?

BRT- Yes

OO- This is the issue yeah?

BRT- This is one of the smoking

OO- These guys are all Romanians yeah and the reason we done this we got our own guy he does our media and like a, like edits you know guy, he's doing stuff and we were so quiet and we lost lots of business so we told them like you, you know you can come we show as a business to be look busy. We want to do this, this is not in business and separate by the way this cigarette I did not see, I did not realise, and I want to see there was smoking please because.

BRT- The lady in the front, if you, your thing has just come up. If you see there is several

OO- Because, because we invite them, and we paid our media guy

TB- What, what do you want me to do so sorry Brioni

OO- Yeah, I want to see where the lady, where the smoking is, is that shisha you're talking about?

BRT- No, I'm talking about the lady, the blonde lady at the front

OO- Yeah

TB- Oh right okay, sorry

BRT- Can you make it bigger

23:56 TB- So the lady with the blonde hair at the front, if you can just keep an eye on her

OO- She's smoking cigarette?

BRT- Yeah, look

OO- Ah there, nah, okay, we do definitely apologise for this one because we, we didn't know, if we know there is 100%, we have ash trays outside, every single people in business time. This is not business time by the way. Every single people go outside, and they are smoke there and I can prove this with the video cameras with the camera records which is Tracey checked the opening hours and you can come and check for the cigarette also with no problem. Because everybody going there and this is after you given warning, you said to us this is only can smoke shisha with roof open, but they cannot smoke cigarette even roof open right?

24:47 BRT- No with the roof open basically it becomes a not a substantially enclosed premises

OO- Okay

BRT- As which points you then can treat it like its outdoors so you can smoke cigarettes and you can smoke shisha, basically shisha and cigarettes for the smoke free legislation are considered the same thing, they considered smoking.

OO- Okay but they said to us, okay, that's okay. Because they said to us, they cannot smoke even the roof open.

BRT- You can decide yourself to say no we don't want people

OO- No,no,no its been told from your side its not be smoking even with roof open, that they have to smoke outside that garden.

BRT- We have said that shisha and cigarettes

OO- No,no no, shisha you said roof open, you can smoke no problem but the cigarette, I thought this problem was for that one

BRT- Okay, even if that is the case okay, in this video your roof is clearly closed also even if this is not business hours it's still

OO- No, its business hour

BRT- No, but it's a public place and you should still not be allowing people to smoke either shisha or cigarettes in that area

OO- yeah but, at the time, at the time business is no running. We edit this for the customer to be shown them we are busy this is not something we showing people you know, we not showing people smoking inside, people smoking, we just showing, these are Romanian, we call them no charge, no taking business, no money, nothing. We just invite them, do you want to do this one to be show people we busy, and your right it shouldn't be smoking cigarette and we do not confirm this and we never give anyone ash tray or we never let anyone aloud to be smoke in the garden side, even roof open because even roof open they cannot smoke cigarette, clearly they told this and then I clearly understand this one. So even roof open, we tell people roof open they go outside, it's funny for us but we still keep this rule. We do, we do our best to keep all your rules honestly and we try

help for this as well and we expect help for this one as well because we not making business. I show from the camera, Tracey she seen it like she's here and present, she seen it, I show from the 4,5,6,8,9 no customer, not only one or two table and this is not a business you know we losing business this is only reason we done this one, this is not been done for the doing business taking money, these are not customers they are my staff, you know some of them are my staff and their friends, they Romanian. We've got Romanian staff and they friends, all the family friends, we call them, no money going on, no business going on nothing there.

27:47 BRT- That doesn't matter because it's still a public place even if you're not spent, charging any money it's still a public enclosed space, it's still a workplace because the people even if they're not, they will still of had staff waiting on them so as the result it's still not allowed to have any smoking of either shisha or cigarettes enclosed with the roof closed

OO- Okay I'm not agree for the shisha because, I'm agree for cigarette, shouldn't be smoking even anywhere closed we don't let anybody smoke cigarette, I'm agree with this but for the shisha the business is not running

28:22 BRT- That does not matter, whether the business is running or not it's still a workplace and it is still enclosed

OO- It's my, it's my, it's my place so business is no running, no business going on

BRT- It does not matter, you will still have been paying staff to be

OO- No, no, no, no

BRT- You will still have had people waiting on

OO- No, no, if you look there, there is no staff, they are, they are we just called them. They are showing like a customer

BRT- It is still a workplace, it is still a public place and as a result your still not allowed to have people smoking either cigarette or shisha or any other in that area with the roof closed

OO- I agree with the cigarette, okay but this is not business hour, I'm still agree for cigarette but for the shisha is not business going on we just showing people for the you know just to show we got business busy that's all. It's just like appetising, that's all simple. But the cigarette I'm 100% I haven't seen this, even I share this first I didn't see it because if I see this I wouldn't post it because cigarette I retake it you know I remake everything, no problem or I delete this lady from the media, I didn't see, I didn't realise it honestly, this is not been done something on purpose we showing people smoke cigarette in the premises, no but for shisha no business going on, no business timing and this is only to be, just to be showing for appetisement for the people and this is my business, for example I can't come in to, I can open my business yeah no running, I can open they key and open my business any time. I can sit at my business any time, I think so is it right?

30:20 BRT- No because it is still a business, it is still a workplace and you're not allowed to have people smoking anything in there under the Act

OO- So if I close my business, I cannot sit on my business, right?

BRT- You can sit in your business, but you cannot smoke in your business

OO- I can't, I can't call my family, I cannot sit there?

BRT- Not and smoke, no, you can sit in there, but you cannot smoke in there legally with the roof closed

OO- But it's same thing, I'm not, I'm not trying to be rude don't get me wrong, but its same thing is not business going on

BRT- That doesn't matter because it is still a public place, and it is still a workplace even if there is no business going on it is still considered a workplace

OO- Okay, okay and now we learn another thing, from the beginning we are opened we learn the things we tried to provide, we don't it, we work on it we done it so today I learned another thing I shouldn't do it and we will never do it again, it will never happen again I do apologise for this and this is our fault we posted something we didn't clearly check it this is one thing and the second thing now I learn in the business we cannot let anybody smoking shisha or no one can coming to my

business without that work hours right okay, so this is clear it will never happen again. Even you can next time you in, you can check the cameras because Tracey knows its fixed, you can check everything, and it will never happen again out of business hours.

31:52 BRT- Okay, On the 27th of April this year, I visited the premises again and on arrival we found a couple smoking a shisha pipe with the roof completely closed. I now produce exhibit **BRT/E5**, a photo taken of the couple at the premises showing one of them smoking the shisha pipe with the roof closed.

OO- Let me check please

BRT- It's just in that top corner

OO- Yeah, this shisha, this one you can know as the vapes ones we have electric shishas also, this one here you taken I can proof this one as well you can check this one when you come in next time, this one is the electric one and the roof I don't know if the electric one we have to open windows and this window by the way is open you can see, but roof has to be open I'm agree with this but this is the electric one this is not our charcoals for Arab people, Turkish people you know they smoke charcoal, but these guys you know English guys they only smoke electric ones. They don't want, because they don't want nicotine in, right, so these one is the electric one, just want to aware you for this one.

TB- Would that be like a vaping system then?

OO- **Inaudible** Yeah, because the way people they can smoke even in the premises I think and this is the, you see this one when you come next time I can show you as well, this one is the electronic we have the, some people they don't like nicotine they want electric one, even in the night clubs in Liverpool I can show, 100% I can tell you the place name as well, they are allow to smoke the electric one in the premises without nowhere open.

33:43 BRT- Okay, I would have to consult the legislation but as far as I'm aware it doesn't differentiate when it comes to shisha pipes

OO- No it does, what it does

BRT- I'm saying Shisha pipes

OO- It's the shisha pipe

BRT- No, no but I'm just saying it doesn't diffirech, it doesn't distinguish between electric shisha pipes and coal and **inaudible** but in the actual legislation it just says shisha pipes

OO- Okay, okay, can I ask one question if your finished

BRT- Yes

OO- Okay, so we anywhere we go in the shopping centres or any like any businesses for example in my business, people come with the electric vape so they cannot smoke them, in the shopping centre everybody in the shopping centres

BRT- Are you on about the electronic cigarettes?

OO- It's same, this one is the electric one

34:32 BRT- That's what I'm saying, there is, in the actual legislation it mentions the electronic cigarettes separately, what I'm saying is in the, in the

OO- So the electric cigarette

TB- Just, just let Brioni finish and explain it to you

BRT- In the legislation it says electric cigarettes and vapes like that

OO- Yeah

BRT- It says that specifically and says that they are exempt unless said by the business, what I'm saying is in the actual legislation it doesn't say whether it is a normal shisha pipe or an electronic shisha pipe it just says shisha pipe

OO- Okay

BRT- Now, I can check that but like I said it the legislation it just says shisha pipe, which is different, obviously you're saying that's an electronic shisha pipe

OO- You know the shisha pipe, sorry I wait to you finish I do apologise

BRT- If that's an electronic shisha pipe, like I said it doesn't say whether an electronic shisha pipe is allowed or not because it just says shisha pipes are not allowed full stop it doesn't say whether the electronic or not, like it does with the electronic cigarettes.

OO- Okay

BRT- So, that would be something for me to check but as it stands at the moment in my interpretation of the law any shisha pipes whether it be electronic or not is not allowed to have if the roof is closed

OO- Okay, finished?

BRT- Yes

36:09 OO- Sorry, my aim for this electric vapes you put in your mouth, right?

BRT- Yes

OO- So you suck it yeah? So, this one is the exactly same system, but where is charcoal this time you can't smoke, something I smoke is charcoal so because people who are from the you know Asian countries they smoke that one usually but when they sometime you know we have European customers they don't want nicotine so they have electronic ones. So, these are little bit expensive, but we do serve this obviously and we, not long ago and first time we opened we only had the charcoal one, but we recently got this one, so we do electric one. This is good, this is for new system all moving to electric, so we will change all of them to electric in the future, but you know we testing

so we want to do this one or all of them, we got about 35-40 shishas and we want to change all of them to electric one because this is where it goes now.