

Appendix 1 G

Appendix G – PACE interview with Abdullah Anik

BRT- Brioni Turner - Senior Environmental Health Officer

TB- Tracey Billington- Licensing Enforcement Officer

DA- David Allen – Environmental Health Officer

KA- Kadir Anik – Abdullah Anik’s representative

AA- Abdullah Anik – owner of Swish Lounge

14:30 BRT - Ok so on the 9th of April you posted a video, live video to the Swish Lounge Facebook page which shows multiple people smoking shisha and cigarettes in the rear room with the roof closed which is now going to be played for you. This is exhibit **BRT/E4**

TB- Can you see that Brioni

BRT- Fine, yeah

KA- Yeah, I can remember this video yeah

BRT- So obviously this shows several people both smoking shisha and the lady with the blonde hair at the front will also be smoking, will be showing smoking cigarettes at the front.

KA- I can see that

15:30 BRT- So can you explain why after been told verbally on 4 occasions and in 2 warning letters there are still evidence in the public domain of you allowing people to smoke shisha and cigarettes in a substantially enclosed premises?

KA- The shisha pipes or electronic, so electronic shisha pipes I believe that you can smoke you’re vape at home as well so, because we’ve taken, because we know that windows needs to be like the doors needs to be fitted in so until then we producing, we providing like electronic shishas to customers. But the cigarettes I mean as you can see on the video, it is a busy place. I mean theirs signs on there that smoking is not permitted, cigarettes are not

permitted and we do tell that when the customers are asking us. 'Can we smoke cigarette inside here' We tell them to go outside on the garden bit and smoke there but obviously being that busy in the premises I mean sometimes is not in our hands to like, I mean it is, it is visible there but it's not always our control like sometimes you know they just do it and then you can't even notice it so and it's a two minute thing, they will smoke it and you wouldn't notice it and the smoke that comes from the cigarette is the same that comes from out of vape. is the same smoke that comes out so we can't notice it sometimes unfortunately, but we do know it's not permitted there, it's not permitted to you know smoke a cigarette inside the premises without the roof being opened, we do understand that.

TB- Can I just ask a question there

BRT- Yes

17:25 TB- Wouldn't you be able to smell the cigarette smoke

KA- Not really because it's a big premises and it's, it mixes up with the shisha smoke, if you know the shisha like its flavoured so you can have apple flavour, you can have grape flavour, you can have blueberry, frozen blueberry so when it mixes up with that there's no chance that you can smell that and when it's one, one cigarette inside, it's probably 120 meter square there. There's no chance that you can smell that if its only one cigarette coz it mixes up with the other flavours and we've got 50 flavours, 50 different shisha flavours that we sell so, it's a bit of a tricky one you know and when it's busy like that I mean there's been time where we've seen customers opening up their cigarettes and we were there and said 'no you can't sir you can't smoke cigarettes inside, you can go outside or you can use our garden space' and we've done that probably 100 times but when it's busy like that it becomes impossible to see that one cigarette if you know what I mean.

TB- Okay

BRT- Okay, I'll be honest there are, that women probably has smoked two or at least two or maybe three cigarettes in the length of the video and this gentleman who sits next to her and also smoked a cigarette, so that video is about half an hour long and at no point do people seem to, I would've assumed at some point someone would have noticed in half an hour.

19:08 KA -We try our best to train our staff.

BRT- I understand but I'm

KA- We tell our staff when you see someone smoking a cigarette, please warn them if the roof is not opened, if the roof is opened, I don't see.

BRT- No, if the roof is open it's fine

KA- It's fine and we do know that, so I mean last couple of days it's been nice weather out there, the roof has been open, we are telling like, we give them ash trays sir you can you know you can smoke your cigarettes but like I said that day on that occasion with that person smoking two or three times, it's been that busy that I mean. My dad himself is an old guy, he's got. He's not always there so he's not always present so when it's night time he just goes upstairs and sleeps and rests and when it's Oz and Oz is a chef, Oz is the chef so he can't always inspect. So when he's making food it's impossible to go inside and check every table on there, I mean it is wrong we do accept that it is wrong, it shouldn't be the case but like I say it becomes impossible for us to inspect like every single table and the staff are you know we try to train them like I said, when the smoke mixes up with other shisha smoke and tobacco like the flavours then it becomes impossible for us to track and trace every single one of them.

BRT- Okay, On the 27th of April 2022 I visited the premises again and on arrival I found a couple smoking a shisha pipe with the roof completely closed. I now produce a copy of exhibit **BRT/E5**, a photo taken of the couple at the premises smoking, showing one of the couples smoking the shisha pipe and the roof closed.

KA- Thank you

21:00 BRT- I have since learned from Oz that this was possibly an electronic shisha pipe

KA- It is, I can tell it is

BRT- However at no point did Oz tell me that that was an electronic shisha pipe prior to this interview or his interview

KA-This is an electronic shisha pipe, and another thing is this window here is opened anyway

BRT- That doesn't matter because the roof is closed, you can have all the doors open if you'd had all the additional doors and have say that is less than 50 percent enclosed but until those additional doors are put in with the roof closed is still considered substantially enclosed even if the doors are open.

KA- Okay

BRT- That's the way the wording of the legislation is

21:50 KA- To be fair I think the legislation itself is not clear on this, I have to say this because why do I say this, my cousin he also owns a shisha lounge in London. He had the same issue I think he went to court for it and in the court the judge was like if someone is smoking a shisha and, on their site, if the window or if there was fresh air coming in and this is like where the shisha is sitting there they said it's fine and the judge ordered like he dismissed the claim and he just, so even the council there and they had a discussion I can remember because I went there as well to help him out because his English was poor. Even that time you know there was a lot of discussion, and the legislation was not clear on this, but the judge accepted this, but this is electronic anyways so.

TB- What, what council was that

KA- Hmm Hackney Council in London, Hackney

TB- Hackney okay

BRT- Okay

KA- I can even provide you with decision because I've read the decision myself where the judge accepts it, and he clearly makes a comment saying the legislation is not clear but having interpreted the legislation itself to me that's compliantly.

BRT- okay

KA- That's what the judge said at that time

BRT- That, that's that judge. From our point of view, we have stated that until you get the additional doors in the roof has to be retracted when anyone smoking shisha now obviously, you're saying that that's an electronic shisha pipe

KA- Yes

23:40 BRT- At the point when I visited with Oz he didn't actually mention to me that that was an electronic shisha pipe I'm not saying it isn't but I'm just saying if that was the case, he didn't mention it to me at that point and say

KA- Have you got any recordings of that or anything like that

BRT- No

KA- So is not an evidence then, it's just like what you're saying

BRT- It's what I'm saying based on my interview

KA- Oz is told me this, or Oz didn't tell me this or maybe it wasn't discussed or maybe we didn't ask if it was an electronic shisha

BRT- I'll admit I didn't ask if it was an electronic shisha pipe but if it was he didn't mention to me to say that it was specifically an electronic shisha

KA- Well if it wasn't asked then he wouldn't mentioned it to you, I mean now it's being asked and produced with photos you're just confirming that it's an electronic shisha this one

BRT- Okay that's fine, but I'm just saying. Obviously, you have been given several opportunities in order to say why you have not, you still allowed people to smoke shisha and cigarettes in particular on your premises in an enclosed area. Do you have anything to say in relation to this is to why this is still happened?

24:55 KA- For allowing shisha and

BRT- And the cigarettes to be smoked

KA- Like I said we have two options of shisha, one electronic we have about 10 pipes there electronic and then sometimes when the weather is nice we use charcoal operated shisha pipes which most people prefer but like I said because of the surroundings and the things that we need to do and comply with so we tell our customers that unfortunately if the weather is not good we can only provide them with electronic shisha so, but in the last couple of days when the roof been open we happy to give them like charcoal operated one, so I don't think there is an issue on that regard but with cigarettes like I said umm I think you got that video there

TB- Yeah, I do apologize is just not loading again there

KA- Okay, I'm aware of that video and like you said its visible there, I'm not gonna deny that or anything it is there. But like I said the place was so busy that sometimes it becomes

impossible to track and trace everyone and every table and at that time I think my dad was not there himself and Oz was cooking he's the manager you know it's impossible for someone to, is just that our the difference is that it was impossible to track them, like when you ask me can you not smell the smoke, it's impossible

TB- Okay, is quiet a distinctive odour though isn't it cigarette smoke

KA- Yeah, I mean it is impossible though with the shisha flavours, I don't know if you've ever come across or have you ever tried a shisha vape or something like that, the smell is just similar and you can even have nicotine flavour on shishas and it just mixes up with the air, is impossible like coz theirs so much smoke in the room, it's impossible for us to see that small thing and on that occasion is been unfortunate. I mean we do try our best and like I said for hundred and hundred fifty time we warned people saying that you can't smoke cigarettes inside, you can go outside, or you can just use our garden space so that's all I can say on that.