

The Swish Lounge Review

In response to the review of the premises and acting in the capacity as a responsible authority the Licensing Team has the following comments to make regarding issues identified with the premises.

The premises had been the subject of two complaints in September 2021 from music to serving alcohol to underage and serving alcohol without a licence. This prompted a joint visit from Licensing, Environmental Health, Planning, Commercial Services and Police Licensing and several follow up visits from Cheshire East and Police Licensing. Advice was given to the premises in a letter (Appendix A), and the premises operated under Temporary Event notices until they secured a Premises Licence. No further contact was able to be made with the complainant, therefore no further action was able to be taken regarding the underage sales and alcohol sales as there was no evidence to show the premises had been trading unlawfully.

The premises then became the subject of further noise complaints over the Christmas Period namely

- 22nd December 2021 until 01.30 hours on 23rd December 2021
- 25th December 2021 until 05.30 hours on 26th December 2021
- 31st December 2021 until 02.00 hours on 1st January 2022

Cheshire East CCTV were approached to secure footage showing the frontage of the premises. The footage showed the premises had closed at 23.00 hours on 22nd December. On 25th Dec Cheshire East CCTV footage showed the premises lights were switched off at 04.22 hours on 26th Dec. When questioned, Mr Anik, the Business Owner, said he had family visiting and the premises hadn't been open to the public on Christmas night. Regarding New Year's Eve, the premises had applied for a Temporary Event Notice until 23.00 hours. Mr Anik admitted the premises stayed open past 23.00 hours for 2 hours, but he was adamant no alcohol was served past 23.00 hours and the only noise was background noise from the Televisions in the premises. I asked to verify this on the premises own CCTV, but they were unable to access the footage back to the date in question. The Planning Enforcement Team were advised of a breach of the Planning Conditions for the premises which requires the premises to be closed by 23.00 hours. Mr Anik was advised of the closure of the complaint investigation on 14th February 2022 (Appendix B).

On 29th April 2022, Licensing was advised of a breach of the Smoking Legislation by an Officer in the Commercial Team. The Officer also advised a video had been placed on Social Media showing a time of 23.23 hours on 9th April 2022.

Members should be made aware of the times the premises are allowed to undertake Licensable activities namely:

Recorded Music (Indoors) and Anything of similar desc to live music, recorded music and dance (Indoors)

Monday to Sunday 11:00 to 23:00

Sale and supply of alcohol

Monday to Sunday 11:00 to 22:45

A visit was made to the Premises with Planning Enforcement to look at the premises CCTV footage, we were advised the CCTV was not currently operational.

Appendix 3

Members should be made aware of the following conditions on the Premises Licence for Swish Lounge relating to the CCTV system:

- A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.
- Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

The Manager, Mr Oguz Ozkaya said an engineer was looking at the problem, but so far had been unable to repair the system.

The premises were advised of the conditions on their licence relating to the CCTV.

Mr Ozkaya also said the video was a promotional video that had been filmed much earlier with actors and placed on social media once it had been edited. Mr Ozkaya supplied the name of the videographer, but no contact was able to be made with the person to verify Mr Ozkaya's explanation.

On 16th May 2022, Environmental Health and Licensing received a complaint regarding loud music being played from Swish Lounge after midnight. Environmental Health were unable to contact the complainants to validate the complaint. The Manager from the Swish Lounge was able to show CCTV footage from the weekend after the complaints, which showed the bar closed at 22.00 hours but was unable to show the footage from the weekend the complaints originated from as the system had been repaired.

On 6th June 2022, I attended an Interview under Caution with Brioni Turner, the Officer from Commercial Services who was dealing with the smoking complaint at the premises. During the interview Ms Turner showed the interviewees a picture of a Shisha pipe, all interviewees said the Shisha pipe in the picture was an electronic Shisha.

On 21st July 2022 I attended the premises with Ms Turner and the Manager Mr Ozkaya showed us the difference between the Shisha pipes. The electronic Shisha had a very short mouthpiece whilst the normal Shisha used a very long mouthpiece before it connected to the pipe.

On 30th September 2022, I attended a visit to the Swish Lounge with Ms Turner. The bar had been moved and we asked to review the CCTV footage. Mr Ozkaya said the system was not working as the bar had been moved to the room in which the CCTV screens was originally housed.

On 12th October 2022, Mr Abdullah Anik was issued with a formal written warning regarding breaches of the Premises Licence relating to the CCTV and he was notified a Premises Licence variation needed to be submitted to reflect the change in the layout of the premises (Appendix C). All applications for a premises licence must be accompanied by a plan that shows the area where licensable activities will take place. In accordance with the relevant regulations, a plan must also show, amongst other things, the location of a fixed structure such as a bar area. Mr Anik responded to the letter by advising a Customer Contact Officer the system was working and recording despite the screen being off. The formal written warning has not been withdrawn and, to date, a variation for the premises has not been received.

Appendix 3

A further visit was made to the premises to inspect the CCTV system on 7th November 2022. I was unable to verify if the CCTV was working and storing recordings for twenty-eight days in accordance with the Licensing Conditions as Mr Ozkaya was not available and Mr Abdul was unable to access the system.