



REGENERATION AND ENVIRONMENT

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Date: 21/02/2019

Mr Beik Mohammadi
Shanzelize
11 Kilburn Bridge
Kilburn High Road
London
NW6 6HT

Your Ref:
Our Ref: SFINS/14241/18
Contact: A Kirschner

Dear Mr Beik Mohammadi,

The Health Act 2006

The Health and Safety at Work Act 1974

The Smoke-free (Premises and Enforcement) Regulations 2006

The Tobacco and Related Products Regulations 2016

Children and Young Persons (Protection from Tobacco) Act 1991(as amended) Section 4

The Companies Act 2006

Re: Smoking of tobacco/shisha at 11 Kilburn Bridge, Kilburn High Road, London, NW6 6HT

We have received reports that guests/customers are allowed to smoke at your premises. I would like to remind you that since 1st July 2007 smoking is prohibited in 'enclosed' or 'substantially enclosed' parts of premises that are open to the public or are used as a place of work by more than one person (including vehicles).

Smoking includes the smoking of tobacco or anything which contains tobacco, or being in possession of lit tobacco or anything which contains tobacco, or being in possession of any other lit substance in a form in which it can be smoked. This includes cigarettes, herbal cigarettes, hand rolled cigarettes, cigars, pipes, water pipes, shisha, hookah etc. The definition of enclosed and substantially enclosed is given below.

Enclosed: Premises will be considered to be "enclosed" if they have a ceiling or roof, and except for doors and windows or passageways are wholly enclosed, whether on a permanent or temporary basis.

Substantially enclosed: Premises will be considered to be "substantially enclosed" if they have a ceiling or roof, but there are openings in the walls which are less than half of the total wall area, including other structures that serve the purpose of walls and constitute the perimeter of the premises. When working out the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be opened or shut.

This is known as the **50% rule**.

It is your legal responsibility as the proprietor and/or manager of the above premises to prevent people from smoking in your premises as your premises does not comply with the smoke-free law. 'No-smoking' signs must be displayed to enclosed or substantially enclosed parts of your premises.

All receptacles (shisha pipes and tobacco containers) and tobacco products must display the required health warnings. You also have to display an A3 size sign stating that it is illegal to sell tobacco or tobacco products to anyone under the age of 18 and display your business ownership details.

Health and Safety laws require you to assess all risks, specifically those arising from open fire (charcoal), smoke and other dangers that could pose a risk to staff or customers

Please note that anyone who does not comply with the smoke-free law will be committing a criminal offence. The Fixed Penalty Notices and maximum fine for each offence are set out in the table below.

Example of Penalties

| Offence | Who is liable? | Fixed Penalty Notice (if paid in 15 days) | Fixed Penalty Notice (if paid in 29 days) | Court Awarded Fine |
|---|---|--|--|--------------------------------------|
| Health and Safety contraventions | Business owner or employer | N/A | N/A | Can be unlimited and/or imprisonment |
| Persons smoking in a smoke free place or a vehicle | Anyone who smokes in a smoke free place or a vehicle | £30 | £50 | up to £200 |
| Failing to prevent smoking in a smoke free place or a vehicle | Anyone who controls or manages the smoke free premises or a vehicle | N/A | N/A | up to £2,500 |

The Fixed Penalty Notice includes information on the details of the offence and how payment is to be made. Anyone who receives a Fixed Penalty Notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

Officers from Brent Council's Regulatory Services will carry out routine inspections of premises to ensure compliance with the law.

Where contraventions of smoke-free or other legislations are identified appropriate enforcement action will be taken.

Further information on smoke free law can be found at:

www.brent.gov.uk and www.smokefreeengland.co.uk

Please contact me quoting the above reference if you would like any further advice or information.

Yours sincerely,

Andreas Kirschner
Senior Enforcement Officer
Regeneration and Environmental Services



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