

Licence review - Reference: 31169 Alaturca Lounge, Roe Green Park, Kingsbury Road, London, NW9 9HA Mrs Avril Nightingale (Senior Environmental Health Officer) Neighbourhoods and Regeneration, Food Safety Team. Our ref: SR/02642/24

EXHIBIT 3



REGENERATION AND ENVIRONMENT

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Date: 21/08/2023

Mr Gokcan Algul
Alaturca Lounge
The Lodge,
Kingsbury Road
London NW9 9HA

Your Ref:
Our Ref: SFCE/03666/23
Contact: Avril Nightingale

Dear Mr Algul,

The Health Act 2006

The Health and Safety at Work Act 1974

The Smoke-free (Premises and Enforcement) Regulations 2006

Re: Smoking of tobacco/shisha at Roe Green Park, Kingsbury Road, London, NW9 9HA

Since the last warning letter, I have received more complaints regarding shisha smoking within enclosed parts at the Alaturca Lounge which contravenes the above the smoke-free regulation.

As previously advised, 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.

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'No-smoking' signs must be displayed to enclosed or substantially enclosed parts of your premises.

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.

We are now in the process of carrying out routine inspections of premises, including **Alaturca Lounge** to ensure compliance with the law. **Where contraventions of smoke-free or other legislations are identified appropriate enforcement action will be taken.**

In the meantime, please contact me if you have any questions.

Yours sincerely,

Avril Nightingale
Environmental Health Officer
Regulatory Services
