

## Decision Notice

### **Application for a Variation of an existing licence at: Application for a Premises Licence- Q Vibes, 428 West Green Road, Tottenham, London N15 3PU.** **17 October 2024**

The Licensing Sub-Committee (“the Committee”) carefully considered the application for a review of the premises licence pursuant to Section 51 of the Licensing Act 2003 at Q Vibes, 428 West Green Road, Tottenham, London N15 3PU (“the Premises”). In considering the application, the Committee took account of the report pack, the written and verbal representations made by the Metropolitan Police, the representations made on behalf of Ms Janeth Wright. The Committee had regard to the Council’s Statement of Licensing Policy, the Licensing Act 2003 and the Licensing Act 2003 s.182 guidance.

Having had regard to all the representations the Sub-Committee decided that in response to the issues raised it was not appropriate and proportionate to grant the application.

#### **Reasons**

The Sub-Committee resolved that at the Premises there had been a failure to promote the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

The Sub-Committee noted the complaints history relating to the premises and all other relevant information.

The Sub-Committee gave serious consideration to both the submissions by the applicant and to the concerns raised by the objectors. The Sub-Committee was satisfied that the licence should not be granted as it had not been demonstrated that the licensing objectives would be promoted.

The Sub-Committee acknowledged that the applicant had taken some steps to address some of the concerns of the Local Authority and the Police by seeking advice from an outside source to assist with the business. However, it was noted from the history of previous incidents at the premises that Ms Wright had not acted as a responsible licence holder and met standards expected of her. The Sub-Committee noted that Ms Wright had allowed her premises to continue trading once her licence expired, on her account her company had been dissolved without her knowledge. It was noted that correspondence from Companies House would have been sent to Ms Wright as the company’s director. The Sub-Committee concluded that a responsible licence holder would have ensured that any correspondence received from Companies House was responded to. There further was an incident on 10 December 2023 when the Local Authority had attended the premises and people were inside the premises but did not answer the door when it was knocked and upon request. Submissions were made on behalf of Ms Wright, she said that the premises had at

that time been closed to the public but staff were inside. The Sub-Committee concluded that a responsible licence holder would have ensured that staff fully comply with the Local Authority and Police.

The Sub-Committee noted the incident on 14 January 2024 where the Police reported that several young girls that looked like they were on drugs had entered the premises. The Sub-Committee considered the applicants submissions however were convinced by the Police's representations that there was a concern about adherence to the licensing objective for protection of children from harm.

There are several residential premises located above and oppose the premises, where children might also reside. The Sub-Committee were keen to ensure that nuisance was not caused to nearby residents by noise from the premises and/or from its customers congregating outside of the premises. They also had regard to the potential for customers leaving the premises to engage in anti-social behaviour in the vicinity causing nuisance to the residents. The Sub-Committee resolved that currently the business would be unable to promote the licensing objective of protection of children and prevention of public nuisance.

The Sub-Committee accepted the Police's reasons why the licencing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from harm would continue to be undermined. They feared that without adequate and detailed safeguards, policies and risk assessments being in place and implemented the control of the premises could easily be lost and a risk posed to both patrons and the wider community in the form of crime and disorder, public safety and other associated alcohol related issues.

The Sub-Committee did not consider that the licensing conditions would be adhered to if conditions were imposed because there had been previous breaches suggesting a lack of due diligence.

### **Appeal Rights**

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.