

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 17 OCTOBER 2024, 7:00PM – 9:00PM

PRESENT: Councillors Anna Abela (Chair), Makbule Gunes and Adam Small

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were none.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A VARIATION OF AN EXISTING LICENCE AT Q VIBES, 428 WEST GREEN ROAD, TOTTENHAM, LONDON N15 3PU (WEST GREEN)

Presentation by the Licensing Officer

Ms Daliah Barrett, Licensing Team Leader informed the Sub-Committee that:

- The report should read that the application was for a new premises licence and not a variation of an existing licence.
- The premises did previously hold a premises licence under the name of Q Vibes Limited. That particular company was found to have been dissolved, which meant that within the law, that licence had lapsed. The business had to apply for a new licence. Although the company was still trading under Q Vibes Limited, but had a different Companies House registration number.
- The application sought the sale of alcohol, regulated entertainment, late night refreshment and recorded music Thursday to Saturday.
- The premises would close at 02:00 Thursdays to Saturdays, at 00:00 Monday to Wednesday and at 23:00 on Sunday.
- Representations had been submitted by the Police and also by the Noise team.

In response to questions, the Licensing Officer informed the Sub-Committee that:

- It was the requirement of the licence holder to inform the Licencing Authority that the company had dissolved, but this had not happened. It was only because of an incident that arose that Licensing later had discovered that the company had been dissolved.

Presentation by the applicant

The applicant, Ms Janeth Wright and the applicant's representative, Mr Lutumba Zinga, informed the Sub-Committee that:

- The company was initially dissolved because the applicant had engaged an accountant and a business manager who was taking care of the legal aspects of the company, including in accounting and putting forward documents forward to Companies House had not completed the tasks. The applicant only found out about the position of the company after Licensing informed her that her company had been dissolved.
- The business manager had defrauded the applicant and files were not put through to Companies House in time.
- The applicant then took the necessary steps to recreate the company.
- The area where the business was located had a lot of the gang issues and problems that had been happening in the area. The applicant had also been victim to pressures from gang members and neighbouring businesses who had made it their duty to try and gain her lease.
- The applicant had been threatened and had been closed in her efforts to work with responsible authorities because she had been a target of gang members.
- One of the shops next door to the premises had issues including with firearms and drugs and was involved in pressuring the applicant to relinquish her lease. This included making false accusations and making false calls to the Council.
- The premises had been subject to some noise issues there are and this was something that needed to be worked on.
- The applicant was happy to work with the Police and the Licencing team and to accept the proposed conditions.
- Quotes had already been sought to install CCTV and to have heightened security on the doors when licensable activities were taking place. Dispersal signs would be put up to let people know as they were leaving where they could get a get cab services.
- The applicant had several contacts within the community and was a well-respected person within the community.

In response to questions, Ms Wright and Mr Zinga informed the Sub-Committee that:

- All the letters relating to the company was going to the accountant. The applicant had found out in January 2024 that the company had been dissolved. The applicant had attempted to make an application regarding the premises and found out that the company had been dissolved. After re-establishing the company, the applicant was not aware that it had become a different company and was told that a new licence was needed.
- The applicant had outlined that, at times, she had her staff had been cooking late at night in the kitchen with the lights on. She was not aware that having lights on and having staff cooking at that would cause a problem. There was some noise caused as a result of this. When Licensing arrived and knocked on the door, staff were fearful of opening the door late at night.

- In relation to the firearm incident and patrons late at night, a statement had been put forward from the supposed informants who had already stated that he had never worked for the premises. The statements were false partly because the person had presented himself as a manager of the premises.
- The issues they were aware of was the playing of music late at night (usually when there was staff inside the premises). When this had been alluded to, it was never repeated. This noise was not from the operation of selling alcohol.
- The accusations made by the Police were very serious. It was easy to understand why the Sub-Committee would be worried. Before the premises had been taken over by the applicant, the area was a drug hotspot. It was still the case that people came to the premises, knocked on the door and asked for drugs. It was not possible to deny that drug dealers came to the door. The individuals had tried to get the applicant to cooperate and she had not done so. This had led her to be targeted more and more by gangs.
- The firearm incident had been concluded and the person who was arrested for it was actually the owner of the cycle shop next door. This had been something that had been associated with the premises because there had been a history of issues with drug dealers in the area. Police records themselves would show that the perpetrators arrested had nothing to do with the premises.
- When there were licensable activities taking place, there was security on the door as the people who were intoxicated were more volatile.
- During normal operational hours - during food service – trained staff were on hand to deal with any issues. Staff were aware of the area and they knew that there were people who could cause trouble. Staff were trained to either call the Police or call management so that they could try and get anything resolved. Appointing security staff would still be the best way forward to mitigate this further and having them present past 17:00 would probably be ideal. That way, staff would know that there was security on hand to stop an intruder or any firearms coming into the premises.
- No one had ever bought a firearm into the premises. The CCTV footage did not show any firearms being brought into the premises. The incident occurred outside the premises and it had been a case with somebody who had nothing to do with the premises.
- Security could frisk patrons at the door if the security deemed it was someone who was known to them. This would not be mandatory for all patrons as the premises was not a nightclub.
- If a suspicious patron was spotted, a second check would be made as it was also important for the staff to be safe. The business was part of the community.
- The incident on 10 December 2023 when the local authority visited was a case where staff was scared to open the door because they did not know that they were allowed to. They did not know who the person was and they did not want to open the door. It was a case where staff were cooking after the premises was already closed and they were playing music. Staff had been spoken to and informed to only open the door to the council if they saw a Council badge.
- The premises was a restaurant.
- The reason the premises was open until 02:00 was to accommodate the Congolese community. The people typically like to eat and be out a little later in the night. The premises offered entertainment as well including live music with a DJ playing. The premises was more of a community hub that offered food. A decibel limit would be put in place. Around 83 dB seemed a fair limit, but the applicant was happy to hear suggestions from the Sub-Committee. The live music would probably be an acoustic player with a microphone, rather than a large production.
- The applicant had engaged professionals due to her lack of knowledge in business related affairs and was willing to engage with outside to help to make sure that orderly processes could be put into place.

At this point in the proceedings, the Licensing Officer stated that the applicant took over the premises in September 2021 according to Companies House. The records also showed that paperwork and all correspondence from Companies House was going directly to the premises address. This was put in place from 15 September 2021. It was the applicant's responsibility as the licence holder to inform Licensing of any changes but this was not done. Licensing became aware of the situation from July 2024 and then wrote to the applicant and had enforcement officers visit the premises who informed her that the licence was null and void. Companies House listed the various time frames from 2022 where information was being sent out for the company to be struck off. The action was suspended in October 2022 and again in January 2023. Documentation was sent out and the action to discontinue the strike off was again noted on Companies House in February 2023. The company was dissolved in December 2023. Further, there was no way that the applicant was able to consider setting decibel limits without work done by Environmental Health officers. This would likely take a month. A condition asking the applicant to have a sound limiter installed was done with a reputable acoustician and agreed with the Council. This was unlikely to work on live music provisions from the premises. None of the concerns listed by the applicant at this meeting had been raised with the Licencing Authority and this was something that the local authority would take steps to deal with.

In response to further questions, Ms Wright and Mr Zinga informed the Sub-Committee that:

- Certain issues had not been reported, but it was insensitive, to say that as there had been no reports and no issues had occurred. Considering the people who were involved in very serious crimes involving firearms were next door to the premises, it was not a reasonable assumption to make. The applicant had become aware that discussions with the Licencing team and the Police would be in her best interest.
- Most people were a little bit hesitant to come to the Police with information when issues were still ongoing.
- The space for live music was quite small so only acoustic music. The applicant could look to engage someone to provide a quote for a sound limiter and work with officers.
- The premises was the applicant's only means of income.

At this point in the proceedings, the Licensing Officer stated that having looked at the previous licence, the applicant had applied for the same hours that was part of the previous licence. The previous licence had a condition for CCTV which was reflected in the Noise Officer's representation. After 23:00 at the weekends, there would be a minimum of one SIA that would be on duty, a requirement for the premises to stop serving alcohol 30 minutes before closing time. Another condition was for the licence holder to ensure that all equipment and supplies used conformed to the relevant regulations on safety standards. There were also conditions to have SIA door staff and provide reports where needed. Other conditions included a Challenge 25 policy, a refusals register and all staff responsible for selling alcohol to have regular training in addition to other conditions.

Presentation by interested parties

PC Ewart informed the Sub-Committee that:

- His representation mirrored other representations made regarding the application.
- He did not agree to the requested hours as the prevention of public nuisance may become an issue due to the fact that there were various residential properties above

and opposite the premises. There was a large building site which would have residential dwellings.

- The extended terminal hours were inappropriate for a restaurant, especially with live music.
- Various incidents had been revealed following a Police check. As well as crime related incidents, there were numerous incidents - four in total - in recent months.
- On 21 January 2024, a report came in at 06:48. There were three calls at 04:53 in the morning. There were concerns regarding issues with women and girls being at risk and the protection of children from harm.
- The incident on 14 January 2024 was recorded at 03:00 and was regarding an attack by a drug dealer at the location. The victim had stated that the suspect had walked in the bar with several young girls that looked like they were like they were on drugs.
- There was an incident where a male was arrested with a firearm. Several calls were made to the Police. A male was armed with a gun and there had been disturbance. Three males tried to get in the club and another male was walking around with a gun. The males entered and became argumentative, trying to fight with people inside the premises. The three males then followed and chased the victim out into the street where other males were shouting "shoot him". There was a subsequent arrest from that where a male was found with a firearm.
- There was a public safety issue with the premises.
- The applicant had alluded to excessive amounts of incidents and the crime and disorder in the area.
- Although the Licencing Act was permissive, the licencing objectives did not take into account any socio-geographical issues, but relied on mitigation and thorough operating schedules being submitted and also implemented in order to negate any issues that may occur as a result of that.
- The applicant could not provide an explanation that simply stated that the socio-geographical area was one of a challenging nature. It was down to the applicant to try and mitigate any risks.
- He objected to the application.

In response to questions, PC Ewart informed the Sub-Committee that:

- Police records would come up with the address of the premises which stated that the incidents took place at the premises.
- The applicant would be aware if the location attracted crime, had previous problems and had been harassed by individuals who were trying to take over her licence or her tenancy. However, in not reporting the incidents of harassment, Police could not react in order to help. If the applicant was having issues of this nature, there was an onus upon the applicant to report these issues to the Police and the local authority so that it could be addressed. Other restaurants within Enfield and Haringey did not attract such attention.
- More research could have been done into the suspect involving the firearm, but he did not feel it was necessary for the purpose of the meeting.

To summarise, Mr Zinga stated that the applicant was more than happy to concede that, the previous iteration of the premises was not the best but was dedicated to working with the Licencing Authority, the Police and anybody else who wanted to be involved in ensuring that the premises was moving in the right direction. The applicant had engaged in finding security staff and CCTV. The applicant had reached out to Mr Zinga as a consultant to help her run the day-to-day affairs of her administrative responsibilities and training of her staff, including the people serving drinks and working late at the premises. The applicant would request the Sub-Committee to accept the terms and conditions laid out by the responsible authorities.

To summarise, PC Ewart stated that he objected to the application entirety. It was feared that without adequate and detailed safeguards, policies and risk assessments being in place and implemented, control of the premises could easily be lost. This was a risk post to both patrons and the wider community in the form of crime and disorder. The area was a crime and disorder hotspot. Public safety and other associated alcohol related issues also played a part. The Sub-Committee must consider how an application or the operation of a licenced premises may impact the safety of the public. This included assessing risks related to the prevention of crime and disorder and whilst the Sub-Committee were at liberty to impose conditions on licences that mitigated risks in order ensure operators maintain safe environments for both staff and patrons, it was salient to consider reports and recommendations from responsible authorities like the Police in making these decisions. There was case law that related to this - Hillingdon versus the Secretary of State for the Home Department. This case found that representations from Police were legitimate and significant in addressing potential disorder on public safety concerns. It stressed the evidence of past incidents, particularly violent acts associated with the premises played a critical role in the assessment of a licenced application or review. The Sub-Committee should not grant the licence.

The Sub-Committee adjourned at 8:16pm and reconvened at 8:22pm. It later considered the application after the conclusion of the meeting.

RESOLVED

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.

7. APPLICATION FOR APPLICATION FOR A VARIATION OF AN EXISTING LICENCE AT GINA'S 639 HIGH ROAD, LONDON N4 (BRUCE CASTLE)

Upon the hearing the Licensing Officer's report, Councillor Gunes stated that she had a declaration of interest as she had known the applicant for a number of years.

The Sub-Committee adjourned to consider the matter at 8:28pm and reconvened at 8:35pm.

The Sub-Committee felt that it was not appropriate to hear the application and decided to reschedule the application for another date.

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date