



## NOTICE OF MEETING

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# Special Licensing Sub Committee

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TUESDAY, 29TH JUNE, 2010 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Browne, Demirci and Jenks

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

**3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. SUMMARY OF PROCEDURE (PAGES 1 - 2)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

**5. EKUBANZ, 651 HIGH ROAD, LONDON N17 (NORTHUMBERLAND PARK WARD) (PAGES 3 - 6)**

To consider a Closure Notice referred to the Licensing Authority by the Magistrates Court. The Closure Order was served by the Metropolitan Police.

**6. EXCLUSION OF PRESS AND PUBLIC**

The following item is likely to be the subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual and information which is likely to reveal the identity of an individual.

**7. EKUBANZ, 651 HIGH ROAD, LONDON, N17 (NORTHUMBERLAND PARK WARD) (PAGES 7 - 64)**

To consider a Closure Notice referred to the Licensing Authority by the Magistrates Court. The Closure Order was served by the Metropolitan Police.

**Please note, it being a special meeting of the Committee, under the Council's Constitution, Part 4, Section B, Paragraph 17, no other business shall be considered at this meeting.**

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Monday, 21 June 2010

<b>LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY</b>	
<b>INTRODUCTION</b>	
1.	The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
<b>TOPIC HEADINGS</b>	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
	<b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b>
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
<b>WITNESSES</b>	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
<b>DOCUMENTARY EVIDENCE</b>	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
<b>THE LICENSING OFFICER'S INTRODUCTION</b>		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
<b>THE HEARING</b>		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Objectors' main representative	
(ii)	an introduction by the Applicant or representative	
(iii)	questions put by Members to the Objectors	
(iv)	questions put by Members to the Applicant	
(v)	questions put by the Objectors to the Applicant	
(vi)	questions put by the Applicant to the Objectors	
<b>CLOSING ADRESSES</b>		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.	
<b>THE DECISION</b>		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

**Licensing Act 2003 Sub-Committee on 29<sup>th</sup> June 2010**

**Report title: CONSIDERATION OF A LICENSING REVIEW FOLLOWING A CLOSURE ORDER EKUBANZ 651 HIGH ROAD, TOTTENHAM N17**

**Report of: The Lead Officer Licensing**

**Ward(s) affected NORTHUMBERLAND**

**1. Purpose**

To consider a Closure Notice referred to the Licensing Authority by the Magistrates Court. The Closure Order was served by the Metropolitan Police.

A Closure Order was made by Inspector Hembury on Saturday 12<sup>th</sup> June 2010, and served on the Premises Licence Holder Simon Ekuban.

The matter was then subsequently put before the Magistrates Court on 14<sup>th</sup> June 2010 and the Court resolved to uphold the Closure Notice but with conditions that the premises is able to operate as a restaurant with the ability to do the sale of alcohol until 2.00am each day. The Court withdrew the ability to offer regulated entertainment at the premises.

**Date of notification received: 14<sup>th</sup> June 2010**

In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005. officers arranged for notices of the review to be published for 7 days on the affected premises, on the public notice board at the Civic Centre and on the Councils website.

**2. Recommendations**

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) need to promote the four licensing objectives  
 (b) Representations  
 (c) Relevant sections of the statutory guidance to licensing authorities  
 (d) relevant section of the licensing authority's statement of licensing policy

Report authorised by: Robin Payne.....



Assistant Director Enforcement Services

**Contact Officer: Ms Daliah Barrett -Williams**

**Telephone: 020 8489 8232**

**3. Access to information:**

Local Government (Access to Information) Act 1985

Background Papers

The following Background Papers are used in the preparation of this Report:

**File: EKUBANZ** The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

#### 4. REPORT

##### Background

4.1 **Ekubanz** operates as a restaurant wine bar and night club. The premises applied to convert and vary their licence into the new regime and this was granted in November 2005.

A copy of the current licence is attached as **Appendix 1**.

The Designated Premises Supervisor is **Mr Simon Ekuban**

##### 5.2 Details of the review . Appendix 2

The review is brought by the Police in response to serious concerns of the conduct of the premises and the clientele that frequented the premises. The Police have met with the Licence holder and given advice as well as a 'stepped programme' in the management of the premises. The evidence produced by the Police shows various crimes and public disorder breakouts as well as firearms being discharged in or around the venue.

A copy of the Magistrates Court decision is tabled at Appendix 2.

##### 5.4 REVIEW DOCUMENTS FROM METROPOLITAN POLICE

The Metropolitan Police have submitted the following evidence:

App 3 - Witness statement from PC Nev Ress- showing service of Closure Notice on Mr Ekuban.

App 4 – Notification letter from Magistrates Court

App5 – Copy of Notice displayed by the Licensing Authority

App 6 – Police Overview of problems at Ekubanz

App 6A – Statement of Inspector Hembury

App 7 – Statement of DI R Shanks

App 7A – Statement of licence holder Mr S Ekuban

App 8 – Statement of Det. Colin Perry

##### 6.2 Comments of Enforcement Services:

###### Noise Team – App 9

The Enforcement Response have provided an information document detailing

noise nuisances they have received complaints about in relation to the premises

### **Food Team – App 10**

Have submitted an overview of food safety matters dealt with at the premises.

### **7.0 Interested Parties**

1 letter of representation has been received from a nearby resident concerned about the conduct of the premises. **App 11**

### **8.0 Licensing Officer Comments**

The following provisions of the Licensing Act 2003 apply to this application:  
Section 13(3) (definition of interested parties)  
Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objective, which are:

1. Take no further action
2. to issue formal warnings to the premises supervisor and /or premises license holder
3. modify the conditions of the license
4. exclude a licensable activity from the scope of the license
5. remove the designated premises supervisor
6. suspend the license for a period not exceeding three months
7. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The licensing sub committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the decision of the Licensing Sub Committee.

- 8.2 The following provisions of the Secretary of State's guidance apply to this application: Paragraphs 11.1 – 11.10, 11.14 – 11.21, 11.22 – 11.27. These provisions are attached at **appendix 12**.
- 8.3 The following paragraphs of the licensing authority's statement of licensing policy apply to this application; 7.13-7.14, 11.1-11.3, 12.1-12.4, 13.1-13.7, 14.1-14.3, 18.1-18.2, 25.1. These provisions are attached at **appendix 13**.
- 8.4 The Licensing Sub Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder objective in their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 8.5 The Licensing Sub Committee is reminded that the Human Rights Act 1998

guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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