



NOTICE OF MEETING

Special Licensing Sub Committee

FRIDAY, 20TH DECEMBER, 2013 at **10:00 HRS** - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Basu, Beacham and Browne

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 disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' 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. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT IMPERIUM WINE BAR, 77 WEST GREEN ROAD, LONDON N15 5DA (PAGES 3 - 34)

To consider an application for a review brought by the Metropolitan Police.

6. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for consideration of item 7 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.

7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT IMPERIUM WINE BAR, 77 WEST GREEN ROAD, LONDON N15 5DA (PAGES 35 - 48)

To consider a review brought by the Metropolitan Police Service.

8. ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under item 2 above.

David McNulty
Head of Local Democracy and Member Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Maria Fletcher
Principal Committee Coordinator
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Thursday, 12 December 2013

LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
1.	The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant 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.
NON-ATTENDANCE BY PARTY OR PARTIES	
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.
TOPIC HEADINGS	
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:
	Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.
	(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.
WITNESSES	
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.
DOCUMENTARY EVIDENCE	
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.

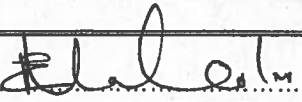
12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by 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?	
THE LICENSING OFFICER'S INTRODUCTION		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied 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.	
THE HEARING		
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 Review Applicant's main representative	
(ii)	an introduction by the Premises Licence Holder or representative	
(iii)	questions put by Members to the Review Applicant	
(iv)	questions put by Members to the Premises Licence Holder	
(v)	questions put by the Review Applicant to the Premises Licence Holder	
(vi)	questions put by the Premises Licence Holder to the Review Applicant	
CLOSING ADRESSES		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address.	
THE DECISION		
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.	

HARINGEY COUNCIL

Agenda Item
Page No. 1

EXEMPT ITEM

Licensing Act 2003 Sub-Committee on 20th December 2013

Report title: Application for a Review of a Premises Licence at IMPERIUM WINE BAR, 77 WEST GREEN ROAD, LONDON N15 5DA	
Report of: The Licensing Team Leader	
Ward(s) affected Tottenham Green	
<p>1. Purpose To consider an application by The Metropolitan Police for a review of the premises licence at Imperium Wine Bar.</p> <p>Summary of application</p> <ul style="list-style-type: none"> • The applicants – Metropolitan Police as a Responsible Authority are seeking a review of the Premises Licence with reference to the licensing objectives of The Prevention of Crime and Disorder and Public Safety. <p>Date review application served: 8th November 2013</p> <p>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 28 days on the affected premises, on the public notice board at the Civic Centre and on the Council's website.</p> <p>A copy of the review application and supporting documents are at Appendix 1.</p>	
<p>2. Officers Observations In determining this application the Licensing Sub Committee must have regard to the:</p> <p>2.1</p> <ul style="list-style-type: none"> (a) need to promote the four licensing objectives (b) representations (c) relevant sections of the statutory guidance to licensing authorities (appendix 2) (d) relevant sections of the licensing authority's statement of licensing policy (appendix 3) 	
Report authorised by: Eubert Malcolm	 Regulatory Services Group Manager
Contact Officer: Ms Daliah Barrett-Williams	Telephone: 020 8489 8232
<p>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: Imperium Wine Bar PAPERS NOT FOR PUBLICATION</p> <p>The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN</p>	

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4. REPORT

Background

A premises licence was originally granted to David Adewale for Imperium Wine Bar on 18th February 2008.

We are however aware that Mr Adewale has in recent months sub leased the premises to a Mr Nzuki Kanyemesha.

Mr Adewales name remained on the license as the license holder until early December 2013, but he was subsequently removed as the DPS at the premises following the outcome of the previous review brought by the Metropolitan Police. The premises has not been able to offer the sale of alcohol at the premises until early December when the license was transferred to Mr Kanyeshema and new DPS assigned to the premises license.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Regulated entertainment:

Sunday to Thursday	1200 to 0100
Friday and Saturday	1200 to 0200

Late Night Refreshment:

Sunday to Thursday	2300 to 0100
Friday and Saturday	2300 to 0200

Supply of alcohol

Sunday to Thursday	1200 to 0030
Friday and Saturday	1200 to 0130

Non Standard Timings

Christmas Eve and New Years Eve	1200 to 0230
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The opening hours of the premises:

Sunday to Thursday	1200 to 0100
Friday and Saturday	1200 to 0200

Non Standard Timings

Christmas Eve and New Years Eve	1200 to 0230
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The designated premises supervisor is: Kanyanga Ilunga

4.1 Details of the Application for Review and Supporting Documentation.

Appendix 1

Appendix 1 A- Copy of premises Licence

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Enforcement Services:

No comments made.

5.2 Comments from Licensing Officer.

Mr **Nzuki Kanyemesha** has been operating the premises and has previously sat before the Licensing Sub Committee with Mr Adewale in relation to the previous review of the license. Mr Adewale although in attendance at that hearing clearly demonstrated that he had no involvement in the day to day operation of the premises and only Mr Nzuki Kanyemesha ran the premises. We asked Mr Adewale to remove his name from the license if he was not in Control of the premises or had any interest in the current business. The Licensing Sub Committee did however resolve to remove him from being the DPS and so this stopped the premises from being able to supply alcohol. Follow up visits were made to the premises to ensure compliance with this.

We attach a copy of the resolution from the previous review hearing on this matter. **Appendix 1B**

5.3 Comments of The London Fire and Emergency Planning Authority

No comments made.

6.0 Comments of Interested Parties

No comments made.

7.0 Comments from Designated Premises Supervisor

No comments made.

8.0 POLICY CONSIDERATIONS

- 8.1 The following provisions of the Licensing Act 2003 apply to this application:
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 objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. 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 Licensing Sub Committee.

- 9.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 2.1-2.18 Crime and Disorder, 2.19-2.31 Public Safety, 2.32-2.40 Public Nuisance, Reviews arising in connection with crime 11.23-11.28, These provisions are attached at **Appendix 2**.
- 9.1 The following paragraphs of the licensing authority's Statement of Licensing Policy applies to this application; page 46 and 47 Crime and Disorder, these provisions are attached at **Appendix 3**.
- 9.2 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.

APPENDIX 1 – APPLICATION FOR REVIEW SUBMITTED BY THE MET POLICE

METROPOLITAN
POLICE

TOTAL POLICING

Form 691

**Application for the Review of a Premises Licence or Club Premises Certificate
under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I Mark greaves

apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

IMPERIUM WINE BAR, 77 West Green Road

Post town:

London

Post code:
(if known)

N15 5DA

Name of premises licence holder or club holding club premises certificate (if known):

David Adewale

Number of premises licence or club premises certificate (if known):

L/N00006188

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:					First Names:				
I am 18 years old or over <input type="checkbox"/>									
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
Metropolitan Police, Unit 1 Quicksilver Place, Western Road, London N22 6UH	
Telephone Number (if any):	020 3276 0150
Email address: (optional)	mark.greaves@met.police.uk

This application to review relates to the following licensing objective(s)

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		

PROTECTIVE MARKING

I bring this second review in response to another violent incident, GBH, at the venue at 0001 hours on the 7th August 2013 shortly after the first review on 25th July 2013. Cris 2815447/13 relates to this offence stating shortly before midnight an argument occurred between two males. Suspect picked up a wine bottle and hit victim over the head causing a laceration to his scalp. A second suspect is also believed to have assaulted victim with a beer bottle. In all 3 beer bottles were broken and later taken by Police for forensic examination. Victim suffered a deep laceration to his wrist believed from a broken bottle.

Police called by a witness and arrived to find victim in the street outside venue and no trace of suspects. The venue appeared to be shutting with the outer grill being brought down. Police stopped venue closing and preserved scene.

On Wednesday 7th August 2013 at 1100 I attended Imperium Wine Bar, 77 West Green Road N15 regarding GBH the previous evening, 2815447/13 refers. I met Mr Nzuki and discussed the venue using plastic / polycarbonate glasses and not serve drinks in bottles. He wanted to speak with his partner but agreed to follow this advice in the meantime. I asked if agreed he would apply for a Minor Variation to make my advice Conditions. My David Adewale, Licensee and DPS called and agreed to my advice saying he was also looking at closing the venue. He told me he was present when incident took place.

On Saturday 24th August 2013 I phoned both persons to ascertain their decision on a Minor Variation as mentioned above. Mr Nzuki did not answer his phone and voice mail full but I left a message on Mr Adewale's mobile requesting he contact me with his views. I received no reply.

On Friday 13th September I attended venue and spoke with Mr Nzuki stating I needed to know his position regarding using plastic / polycarbonate glasses and not serving bottles. He pointed out plastic glasses were already in use but I informed him due to the serious violence involving glass / bottles taking place within a short period of time the risk of further such incidents I considered high and that such a Condition should be on the venues Premises Licence.

On Sunday 15th September I emailed Mr Nzuki requesting he respond with confirmation he agreed to the Condition regarding bottles and glasses we had discussed. I received no reply.

On Sunday 22nd September at 1900 I attended venue and spoke with Mr Nzuki. I asked him about officers observing the shutters of the venue being pulled down when they arrived on scene. He told me he had ejected a number of fighting men and was pulling the shutters down to keep them out. I asked about the use of bottles in the assault and he stated a wine bottle and two beer bottles were used. He told me he was not going to respond to my email. I informed him of my concern that so much time had gone by without a decision being made and that due to the risk of further such incidents occurring when the venue appoints a DPS and returns to later hours and sale of alcohol that I would again review the venues Premises Licence to enable the Licensing Committee to decide on the matter as we cannot reach an agreement. I phoned Mr Adewale to inform him of my action and will serve this form at venue this same day.

Please provide as much information as possible to support the application: (please read guidance note 3)

I brought the first review due to the two serious violent crimes that have taken place since Mr Nzuki had purchased the venue in February. I consider his management of venue does not promote the licensing objective for the prevention of crime and disorder. The Council has not been informed of the change of ownership and the DPS appears to be in name only and Mr Nzuki did not have a contact number for him. Mr Nzuki appears to have little knowledge of Licencing Regulations. He has failed to inform Police of both violent incidents and cleaned crime scenes. He has breached a Licence Condition by not having an SIA Door Supervisor. I do not consider he has been open and honest in his dealings with Police relating to the offences.

Cris 2810358/13 refers to a GBH at the venue on Saturday 1st June 2013 at 0100 hours. Victim stated he had been at the venue for about four hours when a fight broke out involving four males fighting one male. Victim tried to break up the fight and was hit over the head with a bottle by suspect who then fled the venue. Victim believed staff had called an ambulance but the venue quickly closed and he had to leave. Victim went to the North Middlesex Hospital where a 1" gash to his head was glued and an appointment made for further examination of injury to his jaw. At 2100 hours that day victim returned to venue believing Police had been informed of the incident and wanted a crime number but on finding out staff had not informed Police he called them.

Police attended and spoke with the manager Mr Kanyenesha Nzuki. He said that he was serving drinks and noticed victim and suspect were arguing, he turned away to serve a customer and on turning back saw suspect running from venue and victim with head bleeding. He stated he believed a patron had phoned Police so he didn't and victim left so Mr Nzuki carried on serving drinks. Mr Nzuki could not describe suspect and the bottle had been thrown away and could not be retrieved. Mr Nzuki denied 4 males were fighting stating it was only suspect and victim. Victim spoken to on 3rd June and reiterated there had been 4 males threatening another male with a bottle and one had assaulted him. There is no CCTV at venue.

On Monday 3rd June 2013 I phoned Mr Nzuki to make an appointment to meet him and the Licencee / DPS, Mr David Adewale, to discuss the incident on Saturday. I asked for Mr Adewales contact number as the one Haringey Council had no longer worked. He told me he did not have Mr Adewales phone number and that he would see me. I told him that as Mr Adewale was the Licensee and DPS I needed to see both of them so could he let him know we had agreed a meeting for 1400 on Tuesday 4th June at venue and Mr Nzuki said he would. I originally requested the meeting for 12.30 but Mr Nzuki wanted 1400.

On Tuesday 4th June at 1400 I attended venue and met Mr Nzuki and Mr Abrumo who told me he was an associate of Mr Nzuki. Mr Nzuki asked me to speak slowly as English was not his first language and that Mr Abrumo would assist him. I asked Mr Nzuki if Mr Adewale was attending and he told me Mr Adewale had sold him the premises in February and had nothing more to do with the venue. I showed him my copy of the Premises License showing Mr Adewale as Licencee and DPS and he told me that he had attended the Council offices in Ashley Road in February or March and changed the Licence into his name. I called Daliah Barrett at Haringey Council Licensing and was assured her department had no knowledge of any changes to the Licence and my copy was the same as theirs. I asked for Mr Nzuki's copy of the License and that was the same as mine. I advised him to attend the Council office and inform them of changes to the License and he said he would go that day.

I asked him who the new DPS was and he said it was going to be him. I asked if he had a Personal License and he said he had not but would apply to the Council for one that day. I explained the meaning of DPS and requirements and on Mr Nzuki's request Mr Abrumo wrote everything down that I said and I went through the Licence with them both. I asked Mr Abrumo if he had a Personal Licence and he said he did not. Mr Nzuki told me some of the local Congolese community did not approve of him taking over the venue and that the incidents of violence had been part of other violent incidents and damage to his premises to force him out of business. I explained about CCTV filming people entering would assist in deterring suspects entering and identifying them. He showed me a box of CCTV that he was going to install. I mentioned the fact the crime scene had been cleaned up before Police informed and explained about scene preservation. Mr Nzuki assured me he would do as advised in future but in the recent case the victim had insisted no Police were called and had cleaned up his own blood and told him to throw the bottle away so he did not call Police and disposed of the bottle. I pointed out that he was responsible for the venue not the customers and he should not clean up crime scenes and should call Police regardless of victims wishes for such a serious incident.

I asked for Mr Adewales phone number so I could explain to him that he needed to inform the Council he had sold the venue and resign as DPS so Mr Nzuki could delegate someone with a Personal License as DPS but Mr Nzuki did not have a contact number. He phoned a few people and eventually contacted Mr Adewales son and asked him to get his father to call back but son could not contact his father and gave me his fathers number but no reply when I called. I asked Mr Adewales son if his father had informed the Council he had sold the premises and if he was still DPS but he was unsure. I gave him my contact number and asked him to get his father to call me. I asked if he was aware of any recent contact with the venue his father had had and he told me his father had been at venue at 1230 that day. Mr Nzuki confirmed this but could not explain why Mr Adewale had not waited for me or why my original request for a 12.30 meeting had not been convenient.

Continued below.

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)												
If yes, please state the date of that application:	<table border="1"><thead><tr><th data-bbox="1061 302 1157 347">Day</th><th data-bbox="1165 302 1268 347">Month</th><th data-bbox="1276 302 1492 347">Year</th></tr></thead><tbody><tr><td data-bbox="1061 347 1117 392">0</td><td data-bbox="1125 347 1181 392">6</td><td data-bbox="1189 347 1244 392">0</td></tr><tr><td data-bbox="1252 347 1308 392">6</td><td data-bbox="1316 347 1372 392">2</td><td data-bbox="1380 347 1436 392">0</td></tr><tr><td data-bbox="1444 347 1500 392">1</td><td data-bbox="1508 347 1564 392">3</td><td></td></tr></tbody></table>	Day	Month	Year	0	6	0	6	2	0	1	3	
Day	Month	Year											
0	6	0											
6	2	0											
1	3												
If you have made representations before relating to this premises please state what they were and when you made them:													

PROTECTIVE MARKING

I pointed out a Condition on the Premises Licence for an S.I.A registered Security Officer to be present from 2300 hours when the venue was going to open after midnight and asked who had been the S.I.A Security Officer on the night in question as the venue was open after 0100 hours when incident took place. Mr Nzuki told me there was no security guard on the night in question as this was a new business and money was short so he could only afford security on Saturday nights as other nights were not busy enough to warrant the cost. I pointed out the Licence required an S.I.A security officer every night the venue opened after 2300 hours and he said he would employ one in future. I asked to see the register where S.I.A staff booked on duty and was told he did not have one.

I advised them both that alcohol must not be sold until they had ascertained that there was a DPS and should not be on display. I told them I was going to review the venues Licence due to the serious acts of violence that had occurred in the 3 months that Mr Nzuki had taken over the venue and the way he had handled the incidents and that he had breached Licensing Conditions by not having a S.I.A security guard on night of assault and did not appear aware of Licensing Regulations.

On Wednesday 5th June at 1100 I phoned Mr Adewale, we had been missing each others calls, and he informed me he was still DPS and knew about the offences at the venue. I explained he needed to spend time at the venue to supervise staff / clients conduct late evenings and he said he would. I told him I would review the venues Licence and explained why. I pointed out the requirement regarding SIA Door Supervisor on his Licence and the need for CCTV.

CAD 7504 refers to an emergency call from Mr Nzuki on 3rd June 2013 at 18.27, four hours after I had made an appointment to see him on 4th June to discuss violent incidents at his venue. He told Police 5 males who had entered his venue on Friday and tried to fight him were opposite his venue drinking. He said they had been to his home address asking for money. Police attended at 2004 and males had gone. Mr Nzuki said the males wanted to cause trouble at his venue to get the Police to close him down.

CAD 9403 refers to an emergency call from Mr Nzuki on 3rd June at 2131 stating suspects back at location wanting to fight him.

CAD 9441 refers to an emergency call from a male at venue on 3rd June at 2134 saying Police were needed at venue but phone taken by other male who said Police not needed and line cleared.

CAD 9434 refers to an emergency call from Mr Nzuki on 3rd June at 2136 saying he was being attacked. Disturbance heard in background. On Police arrival no offences alleged, male left of own accord and warned he faced arrest if he came back.

To explain CADs above I checked CADS on Monday morning, 3rd June, for venue and they obviously were not there and I did not check again until after our meeting when Mr Nzuki told me he had informed Police of problems with men trying to damage his business.

At 1350 on 5th June I phoned Mr Adewale and asked him about the incidents at the venue Monday night. He started telling me about the incident on Saturday morning so I interrupted and told him I wanted to know about the incidents on Monday night. He told me he was not at the venue Monday night and asked me what incidents I was referring to. I told him about Mr Nzuki's calls to Police listed above and he was not aware of them. I re-iterated he was required at venue to supervise and needed security on the door as per his Licence as there was not one there on Friday night and there had been further threats and he assured me security would be in place as per Licence. I advised him CCTV should be fitted as a priority and he said it would be.

Cris 2803485/13 refers to an allegation of Attempted GBH at the venue on Tuesday 19th February 2013 at 2300. Victim attend venue and whilst sat at a table drinking was approached by suspect. He had been at the venue the previous Saturday with a friend and suspect had been abusive to his friend but he did not know why. It appears recognised victim from previous encounter and approached him. Victim told suspect to leave him alone but suspect started shouting at him and picked up a glass which he smashed on the table. Victim stood up and suspect has grabbed him by the jumper and stabbed him in the chest with the broken glass. The jumper appears to have reduced the impact as victim only received 2 small cuts to the chest. At this point the manager Mr Kanyenasha Nzuki intervened and ejected suspect from venue. Victim told Mr Nzuki he was going to report the incident to the Police but Mr Nzuki did not want him to do so. Victim left the venue and reported the matter at Edmonton Police Station. Mr Nzuki was called to the Police Station and informed Police he did not see the assault only became involved at the end of the fight when the parties were being separated and were surrounded by broken glass. Mr Nzuki told Police there was no CCTV at venue as it was a new business and had not yet been installed.

PROTECTIVE MARKING

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:



Date:

22nd September 2013

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Mark Greaves PC 164YR

Post town: London

Post code: N22 6UH

Telephone Number (if any):

020 3276 0150

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

mark.greaves@met.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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APPENDIX 1A – COPY OF CURRENT PREMISES LICENCE

Licensing Act 2003
Section 24

PREMISES LICENCE

Receipt: AG869877

Premises Licence Number: LN/00006188

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Urban Environment, Technopark, Ashley Road
Tottenham, London, N17 9LN**

Signature:.....

Date: 18th February 2008
19th October 2012

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**IMPERIUM WINE BAR RESTAURANT
77 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 5DA**

Telephone: 0208 809 7273

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

- Regulated Entertainment (plays, recorded music)
- Provision of Late Night Refreshment
- Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Regulated Entertainment	
Sunday to Thursday	1200 to 0100
Friday and Saturday	1200 to 0200
Provision of Late Night Refreshment	
Sunday to Thursday	2300 to 0100
Friday and Saturday	2300 to 0200
Supply of Alcohol	
Sunday to Thursday	1200 to 0030
Friday and Saturday	1200 to 0130
Non Standard Timings	
Christmas Eve and New Years Eve	1200 to 0230

Licensing Act 2003
Section 24

The opening hours of the premises:

Sunday to Thursday 1200 to 0100

Friday and Saturday 1200 to 0200

Non Standard Timings

Christmas Eve and New Years Eve 1200 to 0230

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **ON** and **OFF** the premises only.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

David Adewale
3 Windmill Gardens
Enfield
London
EN2 7DZ

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

David Adewale
3 Windmill Gardens
Enfield
London
EN2 7DZ

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number LN/200700528
Expires: 19th December 2017
London Borough of Enfield

Annex 1 –Mandatory Conditions

(1) Supply of alcohol: No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Additional Mandatory Conditions in relation to Supply of Alcohol

- 1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of

Annex 1 –Mandatory Conditions

alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door supervision: At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

GENERAL

- **Staff training to take place in relation to Licensing Legislation**
- **Fire policy in place for the premises.**
- **Health and Safety Policy in place for the premises.**

THE PREVENTION OF CRIME AND DISORDER

- **SIA Registered door supervisor to be employed from 2300 when the premises is open beyond midnight.**
- **Zero tolerance drugs policy in place on the premises and staff training on how to notice relevant signs.**
- **Consultation and guidance with police crime prevention officer.**
- **Incident book to be maintained on the premises.**

PUBLIC SAFETY

- **Safety and Evacuation policy in place.**
- **Pre-opening safety checks in place and recorded prior to premises being open to the public.**
- **The number of people on the premises is monitored and kept in accordance with guidance given by Environmental Health Officers / Fire Officer.**

THE PREVENTION OF PUBLIC NUISANCE

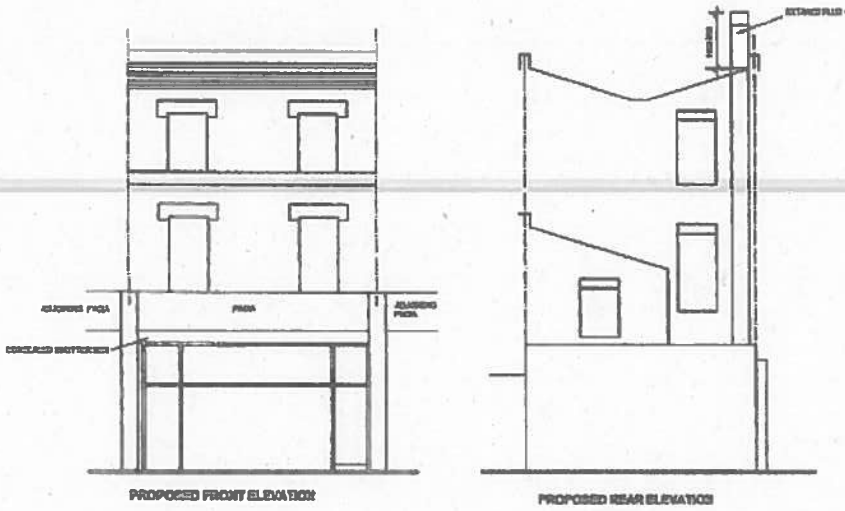
- **Music is to be used for background purposes and only easy-listening music can be played to create a soothing atmosphere which does not intrude into the conversations of those using the restaurant and is inaudible in any neighbouring domestic premises.**
- **Doors to the premises to be closed from 2300.**
- **Notices at exits reminding customers to restrict their noise on leaving premises with consideration for neighbours and local business'.**
- **No food to be taken from premises.**
- **Refuse sealed in bags and put out at appropriate times for collection.**
- **No deliveries before 0800.**

THE PROTECTION OF CHILDREN

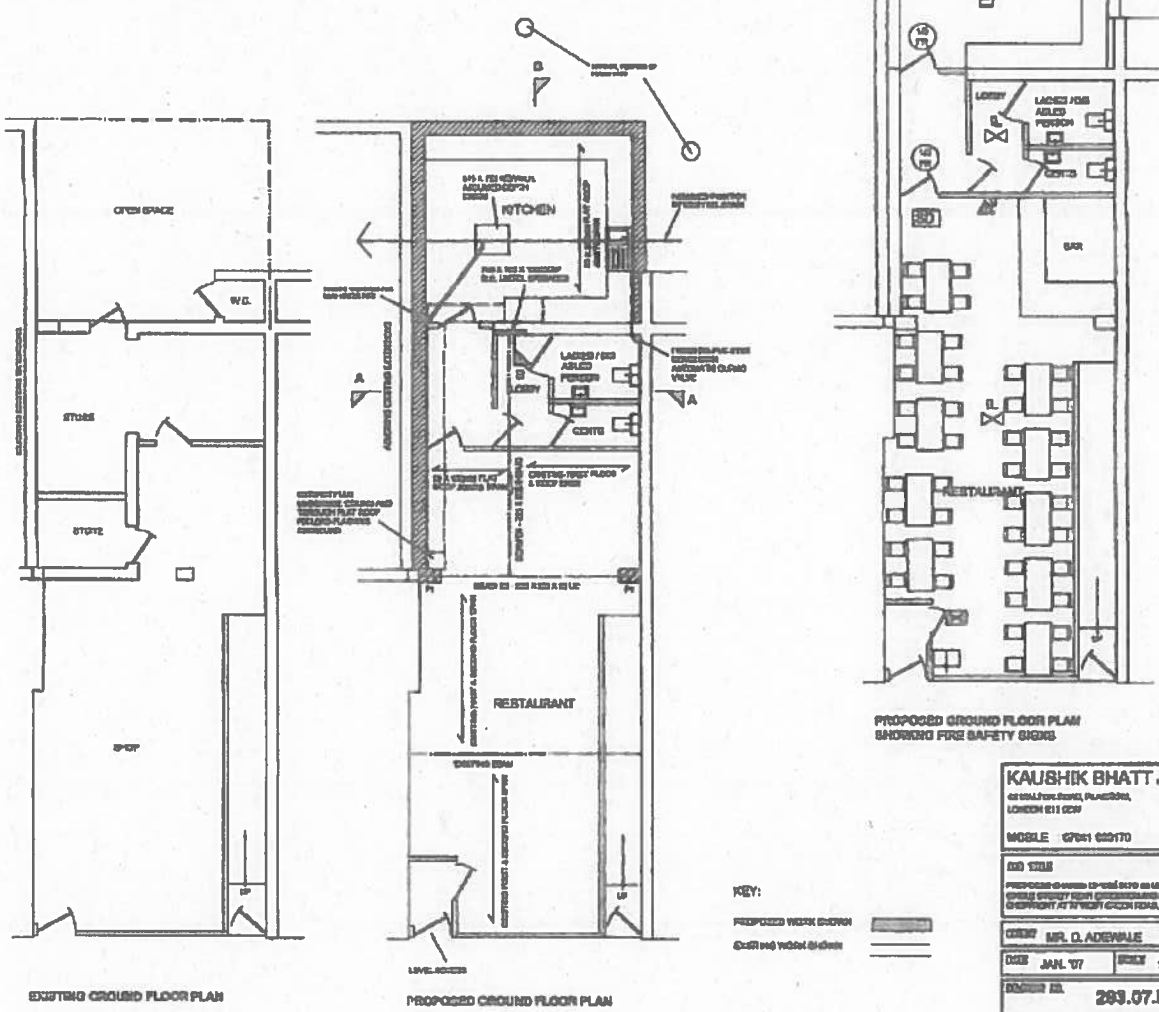
- **No activities to take place that will cause harm to children attending.**
- **Challenge 21 policy in place.**
- **Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:**
 - **A valid passport**
 - **A photo driving license issued in a European Union Country**
 - **A proof of age standard card system**
 - **A citizen card, supported by the Home Office**

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 - Plans



- ☒ FIRE FIGHTER ENTRY ABOVE DOOR TO COMPLY TO THE REQUIREMENTS OF BS 5489
- ☒ EMERGENCY LIGHTING SHOULD BE ON A SEPARATE CIRCUIT FROM THAT SUPPLYING ANY OTHER PART OF THE BUILDING. ESCAPE LIGHTING TO BE AS PER BS 5266 PART 1: 1999
- ☒ ALL CONTAINED BURNING ALARMS SHOULD BE INSTALLED IN ACCORDANCE WITH BS 5816-1: 1998. THE BURNING ALARMS SHOULD COMPLY TO THE RELEVANT REGULATION
- ☒ 8 LITRE WATER FIRE EXTINGUISHER
- ☒ 1 LITRE FOAM FIRE EXTINGUISHER
- ☒ AREA COVERED BY HEAT DETECTOR
- ☒ FIRE ALARMS CALL POINTS (FACPs)



KAUSHIK BHATT ARCHITECT	
OF 11/12, BROADWAY, PLAZA 2, LONDON E11 2DF	
MOBILE: 07961 00170	
DRAWN BY: MR. D. ADENALE	
DATE: JAN '07	SCALE: 1:100
DRAWING NO: 203.07.BR1	

APPENDIX 1B – LICENSING OFFICER’S COMMENTS

MINUTES OF THE LICENSING SUB COMMITTEE B
THURSDAY, 25 JULY 2013

Councillors Beacham, Demirci (Chair) and Ejiofor

MINUTE	SUBJECT/DECISION	ACTION BY
PRCE75.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Cllr Brabazon for whom Cllr Ejiofor substituted.</p>	
PRCE76.	<p>DECLARATIONS OF INTEREST</p> <p>Cllr Ejiofor identified that he had eaten in the venue in question on a previous occasion as indeed he had in numerous other restaurants in the borough as a local resident.</p>	
PRCE77.	<p>SUMMARY OF PROCEDURE</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the procedure be noted. 	
PRCE78.	<p>APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT JM WINE BAR, 77 WEST GREEN ROAD, LONDON N15 5DA</p> <p>RESOLUTION</p> <p>The Committee carefully considered the application for a review brought by the Metropolitan Police Service (MPS), heard from the MPS representative and the Premises Licence Holder and carefully considered the Licensing Policy and s182 of the guidance.</p> <p>It was the Committee's decision to do the following:</p> <ol style="list-style-type: none"> 1. Remove the Designated Premises Supervisor (DPS) 2. Suspend the licence for a period of one calendar month 3. Modify the conditions of the licence <p>The Committee felt that these steps were necessary and proportionate to promote the licensing objective relating to crime and disorder for the following reasons;</p> <p>The Committee was saddened to hear evidence that Mr Adewale had delegated his responsibility as a DPS to Mr Nzuki who was not himself trained as a DPS. Furthermore, Mr Adewale had admitted to the Committee that after selling the business to Mr Nzuki, he was only present at the premises on some Fridays and Saturdays. These are clear breaches of his obligations as DPS as set out within his licence</p>	

MINUTES OF THE LICENSING SUB COMMITTEE B
THURSDAY, 25 JULY 2013

conditions.

The MPS representative referred to incidents where violent crimes had taken place on the premises but when the Police attended evidence that could have been of assistance to the Police was not preserved. There were other breaches of the licence but the ones referred to above are undoubtedly the most serious. Given all these circumstances, the Committee resolved to impose the following condition:

- That CCTV be installed and any footage retained for a period of 31 days and that the footage is made available to the Police and local authority on request within 48 hours of the request being made. In addition facilities should be provided for viewing the footage when requested. If the CCTV equipment is not installed and working to the satisfaction of the Police and Licensing authority then within 48 hours the Police and Licensing authority shall be notified and an estimate provided of the timescale for repair. For the avoidance of doubt, the Premises Licence Holder will comply with all reasonable requests from the Police and should comply with all conditions set out in his licence.

The Committee carefully considered whether to revoke the licence in light of the findings of the Metropolitan Police and the evidence of a failure to manage the premises adequately, however the Committee felt that it was appropriate on this occasion to give the licence holder an opportunity to remedy the many concerns thus far.

Please note that this decision is stayed from coming into effect for 21 days after the date of the decision pending any appeal on the decision made and the determination of that appeal.

CLLR ALI DEMIRCI

Chair

APPENDIX 2 –SECTION 182 GUIDANCE

- 11.22 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.23 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

APPENDIX 3 –THE PROVENTION OF CRIME AND DISORDER POLICY STATEMENT

Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- If the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

1. The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with Intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol (supplied for consumption on the premises) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- ✕ • Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or Indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

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