

# **MINUTES OF MEETING LICENSING SUB COMMITTEE HELD ON THURSDAY, 18TH NOVEMBER, 2021, 19:00-20:30**

## **PRESENT:**

**Councillors: Gina Adamou (Chair), Barbara Blake and Luke Cawley-Harrison**

### **1. FILMING AT MEETINGS**

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

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence

### **3. URGENT BUSINESS**

There were no items of 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 NEW PREMISES LICENCE AT CHANNEL LOUNGE, 775 HIGH ROAD, TOTTENHAM, LONDON N17

Ms Daliah Barrett, Licensing Team Leader, confirmed:

- The application was for a new premises licence.
- The applicant was seeking operating hours set out at 1.2 in the report. The applicant sought licensable activity until 01:00 Sunday-Thursday and up to 03:00 on Friday and Saturday night. The hours the premises would be open to the public would be the same hours requested for licensable activity.
- There was no facility for a drinking-up time and alcohol sales for were for consumption on the premises only.
- The premises would be operated as café / restaurant on the ground floor only and any indoor seating areas would be used to sit down to consume food and alcohol.
- The premises was visited on 25 September 2021 and alcohol was found to be on sale. The vacant middle area of the premises was being used as a Shisha lounge by patrons and the consumption of alcohol.
- It was against the law to smoke inside an enclosed premises.
- The applicant had offered conditions in relation to the application. There was also a letter on page 45 of the agenda papers from the London Fire Authority.
- The premises was situated on the High Road - next door to a Betfred.
- It was not clear from the applicants if the middle vacant room was supposed to be a licensed area.
- Following a visit on 25 September 2021, concerns had been raised regarding the smoking and the adequate measures of fire escape.
- There were issues relating to the Planning, Fire Safety and Food Health and Safety departments.
- The Fire Authority addressed the situation and issued a warning to the applicant. It was understood that there was no evidence of a suitable sufficient fire risk assessment, no emergency lighting or escape signage. There were issues regarding the travel distance of individuals regarding an escape strategy as the front door was not adequate by itself as an emergency exit.
- There was no evidence that the material covering the smoking-room, ceiling and the furniture in the main room was either of non or highly inflammable material.
- Since officers had visited the premises, the applicant had informed that he was not intending to use the vacant middle room as a shisha lounge. The Planning Authority had advised that the premises did have relevant planning permission for the proposed use, but this had expired in February 2020. Therefore, the premises would have to apply for new planning permission if it was to be used as a café.
- The applicant had advised that the premises would not be used as a shisha smoking area.

- There were residential properties above the premises.
- The premises has no planning permission as an A3 unit.
- The temporary planning permission that had been in place for an 'A3' premises had expired in 2020.
- The Planning Authority had advised that a new application needed to be submitted if the premises was to be operated as 'A3' and a separate application would be required if one of the rooms was to be used as a shisha smoking room.

In response to questions, Ms Barrett informed the Sub-Committee that:

- She was not aware of Planning Control being involved with regard to the premises.
- The applicant had reported that there was an issue with the roof, particularly where the shisha smoking was taking place and was awaiting further advice.
- Generally, applicants were advised to sort out planning issues as this was a separate process. However, the Sub-Committee would be able to consider the application on its merits regardless of the planning status of the premises.
- The application took several weeks to be submitted as the application needed to be resubmitted a few times. On 25 September 2021, where a high-profile boxing match that took place at the Tottenham Hotspur Stadium, various 'optics' were up on the wall and alcoholic drinks had been displayed at the premises. The applicant had explained that they had applied for a premises licence at this time. It was at this point that the applicant was told that they had to wait for the application to be granted before alcohol could be sold.
- The applicant had initially submitted the application on 20 August 2021.

Ms Noshaba Shah, Licensing Officer, informed the Sub-Committee that:

- Officers visited the premises on 25 September 2021 at 21:45 and alcohol was being served at the premises and officers asked premises management to stop selling it.
- Officers had cause to visit the premises again later that same evening and again it was observed that staff were letting patrons through a door that required keypad access.
- Officers then requested that the applicant open the door so that officers could see what was happening. Officers then saw 12 people seated in the premises smoking shisha. This room had no clear ventilation area and it not at least a 50% open environment.
- The premises appeared to be set in blue lighting. Music was playing and patrons were consuming alcohol.
- The applicant was informed to stop serving shisha as he had not taken the necessary steps to ensure public safety.

- The plans submitted by the applicant was not adequate, but she was aware that the applicant would not be using the premises as a shisha smoking lounge.
- Due to the residential properties in the area, the hours applied for appeared to be excessive.
- The applicant did not appear to have considered the responsibilities for the type of premises they wish to operate under the law.
- There was no confidence in the applicant that they could uphold the crime and disorder licensing objective.
- The premises would be able to operate as a café until 23:00 without the need for a licence.
- Suggested terms had been offered in her submissions with the conditions attached.

The applicant Mr Beakal Gizaw and his colleague Mr Hussain informed the Sub-Committee that:

- There were two social clubs in the area which had a premises licence and traded until late hours. Other licensed premises such as restaurants and kebab shops were trading until late hours including those which served alcohol.
- They apologise for the mistake, but were two young people trying to open and run a business.
- It was not possible to run the type of business the applicant was trying to run without having a premises licence, particularly in the area in which they were located.
- Bedspread was open until 22:00.
- They accept a mistake has been made, but feel they should not be punished in a way whereby the premises could not sell alcohol.
- When officers first came to visit the premises at 21:45 on 25 September 2021, there were many individuals who were drunk on the streets. There were approximately 100,000 people in the area due to the boxing event taking place at the Tottenham Hotspur stadium.
- Various individuals had come into the premises drunk and it was difficult to take them out immediately. Asking people to leave immediately would result in a fight.
- No individual was let into the premises after the initial officer visit. When the officer opened the door, an individual left the premises and officers had concluded that people were being let in and out as normal.
- The individuals had come in intoxicated after having drunk at Tottenham Hotspur stadium which had the longest bar in the UK.
- Refusing the application could result in the premises being shut down.
- Other premises in the area were struggling to survive in any case.
- On 25 September 2021, the applicant was informed by officers to remove the display of alcohol.

- Upon the second visit by officers, the display of alcohol had been removed. The outside door was also closed and only officers were allowed inside.
- On the night of 25 September 2021, officers asked about the details of the premises including questions about fire risk assessment and food hygiene.
- The applicant later sought a Fire Risk Assessment which was undertaken on 8 October 2021. A leak at the premises had been identified and the premises closed for two weeks.
- On 2 November 2021 a fire risk assessment was carried out complete with a 52 page report and pictures were taken of the premises.
- In relation to the planning permission, the applicant had not identified the seating area for the shisha lounge when he applied for the licence. After he was informed of the issues, he sent an updated plan which included the seating area, but this would not be used as a shisha lounge.
- The applicant had emailed the Food Hygiene department who had confirmed that they would be visiting the premises.
- On 2 November 2021, two officers had visited from the Council and the applicant advised to them that the premises was closed. He provided them with CCTV which showed that no alcohol was sold or shisha served.
- The applicant had made the mistake for selling alcohol and was sorry for what happened.
- The applicant was a responsible person and had been a single parent for five years.
- The applicant had performed in various venues as a DJ.

In response to questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- The ceiling had been plastered and fire alarms would be placed.
- The middle room would be used as an area for people to sit down if the premises became busy. Chairs and tables would be placed in that area.
- Part of the reason why alcohol had been sold at the premises was because Mr Hussain was not present at the premises at the time as his father was in intensive care. Mr Hussain had held a personal licence for the past 15 years.
- The applicant had not informed Mr Hussain what was happening at the premises and became a little excited at the prospect of a working business. Money had been spent at the premises and rent needed to be paid. Due to the boxing match, it was a good opportunity for the applicant who decided to take advantage of the circumstances. Mr Hussain later informed the applicant that he had made a mistake.
- The owners of the premises had informed the applicant not to worry and that nothing would happen as a result of carrying out licensable activity. In any circumstances, the activity would not be in any way detrimental to be owners of the premises.

- The applicant had not committed an egregious crime or had caused any particular trouble, but simply had made a mistake.

At this point in the proceedings, Ms Barrett informed the Sub-Committee that there was temporary change of use of the premises to operate as an 'A3', but this had expired in February 2020. If the premises was to operate as a café, it would need to obtain planning permission.

In response to further questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- They were aware of the steps that need to be taken in order to obtain the necessary permissions to operate at the premises.
- Mr Hussain would become a partner with the applicant and would work with the applicant to ensure the smooth running of the premises despite the mistake that had been made.
- The mistake that had been made was simply an opportunity that the applicant had tried to take. Mr Hussain had four daughters and the applicant had one daughter and was a single parent. There were residents who lived upstairs to the premises and residents and children lived nearby.
- The aim of the business was to sell alcohol on matchdays held at the Tottenham Hotspur stadium. It was not possible for the premises to be viable selling to random patrons on the street.
- They were aware of the issues that needed to be addressed and wished to be given an opportunity to demonstrate this.
- The applicant would apply for planning permission for the use of the premises and if regulations were to be broken then Mr Hussain could lose his personal licence which he had held for 15 years.

At this point in the proceedings, Ms Barrett stated Mr Hussain had not appeared on any of the paperwork that had been submitted to the Licensing Authority. Furthermore, the application was for alcohol for consumption on the premises. There was no scope for off -sales in any case. If the application was granted, then the premises would have a licence until 03:00 on Friday night with recorded music. The terminal hour of 03:00 was acceptable in the context of the application as the music would be unamplified. The Licensing Authority would need an updated plan with the new Fire Safety Regulations and the Fire Risk Assessment.

In response to further questions, Mr Gizaw and Mr Hussain informed the Sub-Committee that:

- Approximately 90% of the recommended changes as part of the Fire Risk Assessment had been completed.
- There was no emergency back exit at the premises as there was a limited facility to place a door in that area.

- The premises would not be used as a social club or men's club. It would be used as a small restaurant akin to a café.

To summarise, Ms Shah stated that her representation still stood as all the paperwork had not been fully submitted, although the applicant had stated that he would submit the additional paperwork. The plan was not up to date as of yet and applicant had requested late hours for regulated entertainment and this would have an impact on residential properties. Until the Fire Risk Assessment and the updated plan was submitted, then her representation would still stand.

To summarise, Mr Hussain and Mr Gizaw stated that they appreciated the Sub-Committee's time and would accept a reduction of hours for licensable activity if the Sub-Committee so decided. A licence to sell alcohol was required for the business to be able to trade and the applicant was focused on sales primarily on matchdays at the Tottenham Hotspur stadium. The applicant wished to apologise for the mistake made previously at the premises.

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Channel Lounge, 775 High Road, Tottenham, London N17. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicant's and objector's written and oral representations.

Having considered the application and heard from all the parties, the Committee resolved to refuse the application because they were not satisfied that the Crime and Disorder and Public Safety licensing objectives would be upheld by the applicant.

## **Reasons**

The licence application was initially submitted on 20<sup>th</sup> August and the application before the Committee was dated 7<sup>th</sup> September 2021. The applicant was therefore aware that he required a premises licence in order to be able to sell alcohol. Despite this, on 25<sup>th</sup> September 2021 the applicant was found by Council officers to be offering alcohol for sale, which he was asked to remove from sale. Officers returned later that evening to find that although the alcohol had been removed from display, it was still on sale and shisha smoking was taking place in an unventilated room. The applicant's explanation for that, was he saw a money making opportunity that evening and took advantage of it, having been told by his landlord that nothing would happen as a result. The applicant has accepted that this was a mistake.

In addition, the premises had been trading without the benefit of planning permission again in breach of the law. The explanation was that the landlord had said that planning permission was not required. This is indicative of the applicant's lack of ability to independently verify and understand his responsibilities and comply with his duties under other legislation which is relevant to the prevention of the crime and disorder licensing objective.

In terms of the public safety licensing objective, the Committee were concerned that shisha smoking was taking place indoors in an unventilated room in clear breach of the law. It was noted that Shisha will no longer taking place at the premises.

Furthermore, at the date of the Committee hearing the plan of the premises was not complete and did not show the correct layout of the area to be licensed. The fire risk assessment had been only been completed in November and the Committee was informed that the works were 90% complete, but the assessment was not presented to the committee. It was apparent that the premises had been trading without a fire risk assessment, thereby again compromising public safety. This was of particular concern, given that smoking had been taking place indoors, and that the travel distance from the front exit to the rear exceeded that recommended for single direction of travel within a shop for a fire exit.

The Committee noted that as part of the applicant's representations it was put forward that Mr Hussain would become a partner with the applicant and assist him in complying with his responsibilities and that the breaches had occurred because the applicant had not had the benefit of his support.

The Committee needed to be confident that if the licence was granted the premises would be properly managed and the licensing objectives would be promoted by the licence holder. However, as Mr Hussain's involvement could not be guaranteed and given the applicant's mismanagement, his disregard for/ misunderstanding of the law, the risks to public safety and the lack of a proper plan, the Committee had no confidence that the applicant himself was capable of finding out what his responsibilities were and complying with them. As the applicant will be the licence holder and the DPS the Committee decided that the prevention of crime and disorder and public safety licensing objectives would be undermined if the licence was granted based on the current application and the application for licensable activities was therefore refused.

**Informative**

Subject to planning permission, the applicant would be able to operate as a café up to 11 p.m. without a premises licence and no ability to sell alcohol.

If the applicant were to get his application in order complying with all of the necessary requirements and reapply for licensable activities, the Council would of course have to consider his application.

**7. NEW ITEMS OF URGENT BUSINESS**

There were no items.

CHAIR:

Signed by Chair .....

Date .....



