

Mr Gizaw
[REDACTED]

Your ref:

Date: 24th November 2021

Our ref:

Via Email

Dear Sir/Madam,

COMMITTEE HEARING RESOLUTION

Application for a New Premises Licence under the Licensing Act 2003 – Channel Lounge, 775 High Road, Tottenham, London N17 – 18 November 2021

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 objectors 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 Prevention of Crime and Disorder and Public Safety licensing objectives would be upheld by the applicant.

Reasons

The licence application was initially submitted on 20th August and the application before the Committee was dated 7th September 2021. The applicant was therefore aware that he required a premises licence in order to be able to sell alcohol. Despite this, on 25th 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 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.

Appeal Rights

This decision is open to appeal to the Highbury Corner 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, if an appeal has been lodged, until the appeal is dispensed with.

Yours sincerely,

Daliah Barrett-Williams
Licensing Team Leader

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