

**MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY, 18TH FEBRUARY, 2022, 10:30AM – 12:45PM**

**PRESENT:**

**Councillors: Gina Adamou (Chair), Bob Hare and Sarah Williams**

**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**

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

**4. DECLARATIONS OF INTEREST**

There were none.

**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 Barret, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for a new premises licence.
- The application was seeking licensable activity for regulated entertainment and recorded music. This was outlined in paragraph 1.2 of the officer's report.
- The applicant sought late-night refreshment until 02:00 on Friday and Saturday.
- The supply of alcohol would be from 10:00 – 01:00 Sunday to Thursday and 10: 00– 02:00 on Friday and Saturday.

- The alcohol would be for sale for consumption on the premises Sunday to Thursday 10:00–01:00 and from 10:00–02:00 Fridays and Saturdays.
- Representations have been received from the Licensing Authority, Police and Public Health.
- The premises was situated on the High Road in N17 next to a Betfred.
- The front of the premises was the area that had been requested to be licensed.
- The middle area was shown to be a seated area and a kitchen to the rear of the property.
- The applicant had previously applied for a licence.
- The premises was visited on the 25 September 2021, at which time it was found to be offering alcohol for sale and on display. Patrons were on the premises consuming alcohol. The staff were asked to remove all the alcohol from public buildings and not offer or sell alcohol as the premises had not licence.
- Officers also witnessed the premises being used for shisha smoking in an area that would not have been compliant in doing so (or have the correct planning permission to do so).
- The premises was also subject to an inspection by the Fire Authority and the applicant was asked to undertake some works to address the concerns found. The applicant was required to undertake a fire risk assessment by an independent provider. Since the submission of this application, a serious incident had taken place at the premises which resulted in a patron being stabbed.
- The matter was referred to in the Police representation. The applicant had subsequently discussed the various concerns raised with the Police, but the representations still stood.
- The floor plan showed that the premises had one entrance. Halfway through the floor plan, there was an area labelled 'lounge'. The door was only accessible via a PIN code, so it was not possible to view from the street level what was going on in the premises.
- If the application was to be granted, then it was important that the door be kept open at all times once the premises was open to the public.

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

- The premises only had one way in and one way out. For patrons, due to the layout of the premises, it could probably only be limited to a capacity of 60.
- There was also a safety concern as patrons need a clear means of escape from the premises.
- Access to the middle room would initially be denied and access would be made available only upon continuous request.

- The door from the kitchen to go outside was very limited. It was not very clear and was a narrow pathway. It was blocked at the time when the visit was carried out.
- The Licensing Authority was not represented at the meeting as she was off sick and the Public Health officer did not work on Fridays.
- In relation to the public health representation, it was largely concerned with crime and disorder in relation to alcohol and there was concern regarding the highly vulnerable members of the community. There was a lack of confidence in the applicant due to the application that had been put forward and therefore offered considerations based on public safety. These were based on staff having to train for the use of CCTV, the maintenance of sufficient bins, legible notices displayed at potential noise areas when patrons left the premises and conditions had also been proposed regarding a refusals log.
- The Licensing Authority stated that they did not support the application under the crime and disorder objective and temporary event notices had been given by the applicant on behalf of the premises in the past. On the date of 9 January 2021, the premises had a serious incidents and arrests were made. Following on from the police report submitted by the police, the Licensing Authority did not feel that they had the confidence to write the licensing objectives and that the application should be refused.
- Public Health had not visited the premises. The Enforcement officers had visited the premises in recent weeks.
- On 9 January 2022, the premises had a Temporary Event Notice (TEN).

Ms Justina Golota, Metropolitan Police, informed the Sub-Committee that:

- In her representation, she discussed the incident that occurred on 9 January 2022 where two people had been seriously injured in an incident that was understood to have taken place the premises which spilled out into the main street.
- Witnesses identified the premises as a crime scene and when Police visited the premises, two additional suspects were found in the kitchen area and were arrested.
- The investigation had progressed. She had not seen the CCTV footage as she was not the investigating officer.
- She spoke to premises staff regarding the incident and it was understood that the incident occurred after people had exited the premises after it had after it had closed. The shutters were drawn and there were some people still inside the premises to protect the people from going outside.
- She could not verify what actually had occurred at the premises.
- She had spoken to premises staff and she had explained her concerns and issues relating to security, the keeping of an incident book and a CCTV log. The applicant had cooperated with the Police.

- There were details online stating that the premises supplied alcohol and there were reviews saying that the premises was a good place to visit. Therefore, it was likely that the applicant had served alcohol without a licence.

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

- The Police report stated that there had been a fight outside the premises where two people had been seriously injured and when Police tried to gain access to the premises, there was some resistance, but once Police gained access there were members of public within the premises alongside with the staff.
- Upon searching the premises, two suspects were arrested in the kitchen area where they had attempted to evade Police.
- After she had met with the applicant when Police explained why a representation had been submitted the applicant agreed to additional proposals in relation to security because there seems to be no security whatsoever within the premises.
- There were only two or three members of staff working at the at the premises during the hours of licensable activity.
- Police was not called by premises staff at the time of the incident. Staff simply closed the premises and hoped the problem would dissipate. Staff should have taken further action to ensure public safety.
- Police was still hoping they could educate the applicant but at current time, Police were not satisfied that the premises would be able to uphold the licensing objectives.
- The representation was written based on the information that was given to her by the investigating officers. She had spoken to the applicant and he had been fully cooperative. However, when the Police attended, they experienced resistance when they tried to gaining the access to the premises. The shutters were down and nobody would answer the calls from the Police, even though there were people inside the premises.
- Evidence was not necessarily lost after the incident as the premises had been following the closing procedure and staff were simply mopping the floors. There was no indication that the blood was actually mopped off the floor.
- Blood spatters had been found on the doors and the people found in the kitchen had been arrested.
- Premises staff had not called the Police after the incident and that was one of the reasons why her representation still stood.
- From a forensic perspective, even if the floor had been mopped, there would still be residue from the blood stains which could be examined by the Police.
- She had not seen any CCTV footage relating to the incident.

Ms Barrett stated that the Sub-Committee was present to discuss a premises licence application and the applicant understood the responsibility with regard to upholding licensing objectives. The applicant was, in effect, seeking trust from relevant individuals so in the event

that the applicant was to hold a premises licence. It was important that there was trust in the applicant to be able to uphold the licensing objectives and that the applicant would be able to abide by the conditions set on the premises licence.

Mr Bobby Holder, Mrs Gizaw, representing the applicant and Mr Gizaw, the applicant, informed the Sub-Committee that:

- There had been some contradictory information regarding the Police report.
- Since the second application had been submitted, all the issues that had arisen with the London Fire Brigade had been satisfied. This was why the London Fire Brigade had not made a representation.
- There had been a number of TENs given by the applicant since the first application had been submitted.
- There had never been any issues regarding the TENs.
- The temporary event held at the premises on 9 January 2022 had not been breached as the premises was closed.
- There was no crime scene at the premises.
- When the premises was closed, the shutters had been pulled down.
- There was a celebration followed by a scuffle at the premises.
- All the perpetrators left the premises and went further up the road.
- An hour and a half later, an incident occurred further down the road.
- The individuals who had been arrested had not been connected to the premises.
- Police actually broke into the premises. Staff were cleaning up the premises.
- There had not been any sale of alcohol outside the licensed hours.
- The applicant had retrained himself and would take further training courses via a specialist training company.
- The applicant had always complied with the Police.
- Relevant officers were always welcome to visit the premises. The applicant was always willing to provide CCTV footage.
- The applicant was satisfied with the premises and had applied for TENs after the incident had occurred which had not been subject to a counter notice.
- The applicant had put training into operation. Staff had been fully trained and CCTV was already operating at the premises.
- The applicant hoped that he would be able to get to a premises licence, so he was preparing to sell alcohol.
- There were people drinking alcohol on the premises after the celebration which had taken place next door. This consisted of over 200 people and nine guests came over to the premises.

- The nine guests were the applicant's friends and family.
- There had been no sales of alcohol drink and there had been some smoking of shisha in the back area.
- When the Police visited the premises, there were guests at the premises. It was unclear how many there were at that point
- The applicant had always listened to the responsible authorities and had learnt various lessons.
- He had always been compliant and in relation to the PIN code, there was a reason why the PIN code was in use and this will be explained.
- The applicant was aware of the licensing policy.
- The Police had confidence in the applicant which was why they stated that they were happy to negotiate with the applicant.
- A letter had been sent to the Police regarding proposed conditions and a reduction of operating hours (which included a terminal hour of 01:00 on a Saturday and Friday and 00:00 Sunday to Thursday).
- The applicant was happy to comply with any conditions that the Police felt was necessary.
- The applicant had offered a condition whereby alcohol would be sold with food.
- No sale of alcohol would occur one hour before or after matchday at the Tottenham Hotspur stadium.
- The applicant would employ SIA security staff.
- The management policy had been put in place with a training policy.
- No tables and chairs would be placed outside.
- No standing at the bar would be allowed.
- The collaboration with matchday at the Tottenham Hotspur stadium was an important part of his business model.
- Having a premises licence was an important part of the applicant's business model. is given.
- The applicant had put the four licensing objectives into his application.
- The applicant had done everything he could to be as compliant as possible.
- The applicant took the incident that had occurred at the premises very, very seriously. The applicant was not aware of the incident having occurred at the time.
- The guests arrested at the premises were not connected to the premises and had been released the following day.
- Patrons often tried to enter from the rear of the premises so he locked the middle door for safety reasons.

- When the premises was open, the middle section was not used, it was locked so that patrons could not access the area. For larger functions, the middle area would be open.
- A different lock system could be put in if requested by the Sub-Committee.
- CCTV and signage on the premises was always at the premises.
- He was happy to join the Haringey Council Pubwatch.
- The applicant regularly reviewed and updated his policy on a monthly basis with staff.
- The applicant had booked in regular staff training, had a zero drugs, bullying and antisocial behaviour.
- The applicant was a well-respected member of his community.
- The applicant would ensure that during a temporary event he would have SIA staff at the premises.
- No crime had occurred at the premises, the crime had happened down the street. It was only when the Police had arrived the applicant had learned about what had happened.
- Two guests at the premises became fearful of the Police and went into the kitchen. After they had been arrested they had been released without charges.
- PC Golota visited him after the incident had occurred and explained to him what had occurred and the information that had been given to her by the Police and she investigated the premises and saw the incident books held at the premises.
- On 25 and 26 December 2021, a temporary event had been held up the premises until 04:00 with no more than 30 patrons. No incidents occurred.
- The premises was not always open until 04:00.
- He had provided CCTV to the Police anytime they had requested it.
- Signs had been put up to inform patrons to leave quietly. Challenge 25 stickers had been put up at the premises.
- In relation to the planning permission, he had received an email from the Planning Authority that he had an AB2 class planning permission.
- He was not aware of any incidents occurring outside. If premises staff saw anything suspicious, the Police would be called.
- There was some patrons who were arguing in the premises and had been taken outside. Some patrons had been left inside, but some of those people were friends with the people that had been taken outside.
- It was not clear to premises staff what was happening outside.
- The incident had occurred two bus stops away from the premises.
- CCTV was provided to the Police after the incident when they requested for it.
- In relation to the locker room, it was not locked during the daytime. However, whenever he left the premises, if it was left open, people would try to access it.

- In relation to the fire risk assessment, he was visited by an officer from the London Fire Brigade and gave him some ideas on how Best to proceed with the fire safety regulations. The recommendations have been carried out such as keeping a record book, checking the fire extinguishers and putting up signs.
- He had sent to 52 page booklet to the Licensing Authority.

Mr Barrett stated that the applicant had been visited by London Fire Civil Defence Authority who issued a notice advising the applicant that he needed to get his fire safety matters in order on the premises. One of the things suggested to the applicant was to make sure he got an independent third assessor to help with the progress. It was understood this had been completed but the Sub-Committee may wish to consider to if the applicant had obtained his fire risk assessment and if premises staff had been appropriately trained. The Temporary Event Notice was a notification from an individual that they wished to offer licensable activities at a given place and time and it was for the Police and the Noise officers to consider any TEN and respond within three days. It did not negate notice giver from ensuring that they had completed their health and safety and fire safety requirements. Furthermore, the applicant had given a series of TENs at once. These were for 8, 9, 15 and 16 January 2022. The applicant was able to state if he had carried out his fire safety risk assessment.

Mr Bobby Holder and Mrs Gizaw, representing the applicant and Mr Gizaw, the applicant, informed the Sub-Committee that:

- The Fire Authority had made recommendations regarding the previous application in relation to fire safety.
- On this application the Fire Authority was satisfied in relation to fire safety which is why they had not submitted a representation.
- When the applicant provided a TEN, the four licensing objectives were attached to them to ensure that responsible authorities would be satisfied.

Ms Barrett stated that the Fire Authority would only receive application forms on paper, so on many occasions the Licensing Authority would receive a standard response from the Fire Authority that the documentation had been examined and that there were no objections. During the process of the first application, a visit was made to the premises where photographs had been taken. It following this visit when the Fire Authority sent an inspector to the premises and the applicant was advised by the Fire Authority.

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

- Mr Gizaw was the owner of the premises. He had completed first aid training and health and safety training. He had certificates to that effect. He had taken courses at Speedy Courses. His staff had been advised and trained.



- Wimbledon Training Services had given him some training and he had an appointment to attend some further training, such as a Level 2 course in Conflict Management.
- On 25 September 2021, the applicant was visited by the Licensing Authority and informed him to stop selling alcohol. The Licensing Authority left the premises but then came back later. By this time, the applicant had removed the display of alcohol, but there was still some patrons who had already been drinking alcohol prior to the first visit.

Ms Barrett stated that the applicant had used the middle area as a shisha lounge and this did not have planning permission. The applicant had indicated that he would not be using the area as a shisha lounge. When the initial visit was made to the premises, officers could only see the front area because the middle area was locked and was not possible to see into the area. When the Licensing Authority re-visited the premises that people were found in the area drinking alcohol and smoking shisha.

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

- No further incident or alcohol or shisha consumption had taken place since the visit of the Licensing Authority.
- Regarding the incident on 9 January 2022.
- Music and the sale of alcohol had stopped at 04:00.
- Due to the incident, not all patrons had left the premises.
- There were approximately eight people at the premises at that time.

To summarise Mr Holder stated that the applicant was happy to reduce the hours of licensable activity so that the terminal hour would be 00:00 Sunday to Thursday and 01:00 Friday and Saturday. This would be for the supply of alcohol, late night refreshment and regulated entertainment. The applicant was happy to comply with mandatory conditions and any additional conditions that the Sub-Committee felt was appropriate. The applicant had also offered conditions for matchdays at the Tottenham Hotspur Stadium. He agreed with most of the conditions including selling alcohol ancillary to food as food was an important part of the business model. The applicant would employ SIA security staff and had a good understanding of the licensing objectives. There would be no tables or chairs placed outside the premises and there would be seating area for the bar only as there would be no standing area. The premises had CCTV and adequate signage. The applicant had employed a reputable training company to train himself and his staff. If the applicant was not able to obtain the licence then, his business would not be viable. This would affect his livelihood and he was a hard worker. As the applicant was based near Tottenham Hotspur football club, he would like to benefit from working in the location. The police appeared to be happy with him generally as they did not appear to be making a strong representation against the application. The applicant had held a temporary events at the premises (including after 9 January 2022) and had not sold alcohol outside the licensed hours. The applicant had complied with everything that had been asked of him.

At 12:22, the Sub-Committee withdrew to consider the application.

## **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 objectors' written and oral representations.

Having considered the application and heard from the parties, the Committee decided to refuse the application for a new premises licence.

### Reasons:

The Committee noted that the premises application had come before the Licensing Sub Committee on 18 November 2021 and was refused because the Committee was not confident that if the licence was granted the premises would be properly managed and the licensing objectives would be promoted by the applicant. On that occasion the main concerns related to the licence holder's misunderstanding of his responsibilities, issues regarding the plan/use of the lounge area and lack of compliance with the fire safety requirements. The Committee noted that in relation to the current application there was still a lack of clarity regarding whether a fire risk assessment had been properly carried out. This was still of concern because it was proposed that the lounge area of the premises linking the kitchen to the café, be accessed via a locked door with a PIN code. That would affect the means of escape in the event of a fire and there were therefore concerns whether the Public Safety licensing objective would be upheld.

A temporary event notice had been granted to the applicant for an event on 9 January 2022 until 4.00 a.m. There was a serious incident after the premises should have been closed, involving a stabbing and two people were seriously injured. The applicant presented a conflicting account of what happened that night which in not on all fours with the Police's account. It appears that the incident started within the premises and then carried on outside. Two people who were arrested were found hiding in the kitchen of the premises on the night of the incident, seeking to evade the Police. The applicant advised the Committee that the premises were closed at the time of the incident and that the applicant was unaware of the incident until the Police arrived, but the Committee were also informed that some people remained inside the premises after it closed and before the Police arrived in order to protect them from those outside, so that is a contradiction.

There was evidence of splattered blood at the premises suggesting that serious injuries were sustained within the premises. Whatever the truth, this was a very serious incident and very serious injuries were sustained. The Police were not called by the applicant or his staff because they hoped the problem would dissipate and when the Police arrived they encountered resistance.

Proper steps were not taken by the applicant to prevent crime and disorder or to promote public safety by calling the Police and rather than accept that, the applicant sought to distance himself from the incident by saying it was not related to the premises and that the arrested persons were not connected to the premises, despite being found in the kitchen when the premises were closed and the shutters were down.

Since the incident the applicant has been co-operating with the Police and he has ensured that staff training has been undertaken particularly regarding health and safety and CCTV. However, the Police have no confidence that the applicant will uphold the licensing objectives.

The Committee must be satisfied that it can trust the applicant to uphold the licensing objectives and comply with any licensing conditions if it was to grant the premises licence. Given the seriousness of the incident on 9<sup>th</sup> January and the applicant's lack of acknowledgement of its seriousness and how it should have been dealt with, the Committee had no confidence in the applicant's ability to uphold the licensing objectives. The public safety and prevention of crime and disorder licensing objectives would be undermined if the licence were to be granted and the application was therefore refused.

CHAIR:

Signed by Chair .....

Date .....