

Environment & Resident Experience

Assistant Director – Eubert Malcolm



Your ref:

Date: 7th September 2024

Our ref: WK/000607800

Direct dial: 0208 489 5192

Email: Festus.Akinboyewa@haringey.gov.uk

Dear Mr Ghebreselassie,

**Re: Permitting your Business to carry out unauthorised licensable activities
Stadium Lounge Restaurant & Wine Bar, Restaurant, 783 High Road, Tottenham, London,
N17 8AH**

The facts of the alleged offence reported to me by the case officer namely that on the **14th July 2024** at **approximately 00.30** hours, you permitted the business you were responsible for to carry out unauthorised licensable activities and hold an unauthorised event contrary to section 136, 137 and 138 of the Licensing Act 2003.

Having carefully considered these facts and the circumstances surrounding the alleged offence I have concluded that there are sufficient grounds to institute legal proceedings against you under the above mentioned Act.

However, on this occasion I am proposing to issue a Simple Caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

I must advise you that should you agree to accept a Simple Caution; a record will be kept of it at this office. The record of a Simple caution may influence any subsequent decision should you be found to be infringing the law in the future. A Simple Caution is not a form of sentence (which only a court can impose), nor is it a criminal conviction. It is however an admission of guilt. The Simple Caution may also be cited should a Court subsequently find you guilty of an offence. **Please note that all cost will need to be paid when the Simple Caution is administered.**

Please see below the proposed time, date and location the Simple Caution will be administered.

Date: 11th September 2024
Time: 12.00 hours
Location: **Community Safety & Enforcement
4th Floor, Alexandra House
Station Road
London N22 7TY
020 8489 5288**

On behalf of Community Safety & Enforcement
Festus Akinboyewa
ASB Enforcement Officer

Community Safety & Enforcement

4th Floor, Alexandra House
Station Road
London N22 7TY

T: 020 8489 1335

F: 020 8489 3923

E: asb.enforcement@haringey.gov.uk

www.haringey.gov.uk

Community Safety & Enforcement

Alleged Offender	Mr Tekleweni Ghebreselassie		
Ref:	WK/000607800		
Offence	Offences relating to the Licensing Act 2003, section 136, 137 and 138		
Officer	Festus Akinboyewa		
	Number	Comments	Costs
Letters (£30)			
Visits and officer time £60 per hour for first 2 hours and £62 further hours	2 visits	2x officers for 2 hours	£285
	1 visit	1 hour	£71.20
Company Search £20			
Typing & Administration £25			
Section 9 Statement (£60)		Statement and preparation of prosecution bundle	£250.00
Test Purchase			
Miscellaneous Company search, typing & administration			£45.00
Storage			
Consideration of case file by Management			£100.00
Photographs £5 Each			
Total			£751.40

RECORD OF SIMPLE CAUTION

PART 1: IDENTITY OF PERSON CAUTIONED

CASE REFERENCE:	WK/000607800
OFFENDER'S SURNAME:	Ghebreselassie
FORENAME(S):	Tekleweni
NATIONAL INSURANCE No.:	
ADDRESS:	
DATE of BIRTH:	

DATE of OFFENCE(S):	14th July 2024
PLACE of OFFENCE(S):	Stadium Lounge Restaurant & Wine Bar, Restaurant, 783 High Road, Tottenham, London, N17 8AH

PART 2: PERSONS PRESENT

Jennifer Barrett

Manager

Sign:

Mr Tekleweni Ghebreselassie

Sign:

Festus Akinboyewa
ASB Enforcement Officer

Sign:

PART 3: DETAILS OF OFFENCE(S)

On the **14th July 2024**, Mr Tekleweni Ghebreselassie allowed his/her business, Stadium Lounge Restaurant & Wine Bar, Restaurant, 783 High Road, Tottenham, London, N17 8AH, to carry out unauthorised licensable activities and hold an unauthorised event.

PART 4: CERTIFICATE AS TO EVIDENCE and PUBLIC INTEREST CONSIDERATIONS

I certify that I am satisfied that there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction of the offence specified in Part 3 hereof. I am further satisfied that the administration of a caution is in the public interest by reason of:-

The reasonable and satisfactory steps which the offender has taken to prevent a reoccurrence of this offence

Signed:

Festus Akinboyewa
ASB Enforcement Officer

PART 5: ADMISSION OF OFFENCE and CONSENT TO CAUTION

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

DECLARATION

**I have read and understand all this information.
I hereby declare that I**

I Admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: Mr Tekleweni Ghebreselassie

SIGNED:

DATED:

PART 6: CERTIFICATE AS TO CAUTION

Onat Noise & Nuisance Team, Alexandra House, Station Road London N22 7TY,
I consented to formally caution the person named in Part 1 hereof in respect of the
offence specified in Part 3 hereof.

NAME: Festus Akinboyewa

SIGNED:

DESIGNATION: Noise and Nuisance Enforcement Officer

DATED:

ETHNIC ORIGIN (Optional)

In view of the importance of ensuring that every cautioning decision is taken on the basis of fair and equal treatment irrespective of ethnic origin, the Head of Legal Services maintains a record of the ethnic origin of persons cautioned in order that decisions may be monitored. Please specify Ethnic Origin (not Nationality) as UK European, Greek-Cypriot, Turkish-Cypriot, African, Caribbean/West Indian, Asian, Irish or Other (specify):

Ethnic Origin:

**Community Safety & Enforcement
Simple Caution Aide Memoir**

Officer's name: Festus Akinboyewa

Alleged Offender: Mr Tekleweni Ghebreselassie

Of: 31 Thornley Close, Northumberland Park, London, N17 0TQ

	Completed Yes/No Initial
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Simple Caution Process

1. Is there enough evidence to offer and administer Simple Caution?	Yes
2. Has the defendant made a clear and reliable admission of the offence (either verbally or in writing)?	Yes
3. Is the defendant 18 years or over?	Yes
4. Is it in the Public interest to issue a Simple Caution?	Yes
5. Has the case officer checked to see if the defendant has been Prosecuted or Cautioned for similar offences?	Yes
6. Has the victim been considered/consulted (if applicable)?	N/A
7. Has the defendant been given a reasonable amount of time to consider the offer of the Simple Caution (in writing 14 days)?	Yes
8. Has a cost schedule been sent to defendant?	Yes
9. Has the Simple Caution been agreed and signed off by Team Leader?	
10. Has Simple Caution been agreed and signed off by Service Manager?	

Administering Simple Caution

1. Has the Simple Caution been recorded (either in writing or by tape)?	
2. Has the Simple Caution been read and explained to the defendant?	
3. Has the Simple Caution been signed by the officer administering it, the defendant and witnessed by the second officer?	
4. Has the defendant paid the costs to the Local Authority?	
5. Has a copy of the Simple Caution been given to the defendant and receipt for cost (if applicable)?	

Recording the Simple Caution

1. Has the Simple Caution been scanned and put onto M3?	
2. Has the signed Simple Caution been put into central file?	
3. Has a record of the Simple Caution been provided to relevant national databases?	
4. Has a leader's brief been drafted for authorisation by Service Manager?	

[This form must be completed in all cases where an offence or other statutory non-compliance has been identified]

WK/000607800

Investigating Officer: Festus Akinboyewa

Actionable Subject:

Name: Mr Tekleweni Ghebreselassie

Address:

Offence/Statutory non-compliance

Statute(s): Licensing Act 2003 section 136, 137 and 138

Brief summary of offence, etc.:

Permitting or allowing your business to carry out unauthorised licensable activities and hold an unauthorised event contrary to section 136, 137 and 138 of the Licensing Act 2003.

Summary of facts (brief):

On the 14 July 2024, Mr Tekleweni Ghebreselassie , allowed his/her business, Stadium Lounge Restaurant & Wine Bar, Restaurant, 783 High Road, Tottenham, London, N17 8AH, to be used to carry out unauthorised licensable activities and hold an unauthorised event contrary to section 136, 137 and 138 of the Licensing Act 2003.

Description of Evidence:

Notebook Entry,

Anticipated defence:

Mitigation:

Did not know it was an offence

Relevant history of subject:

Witnesses/Costs issues:

As per cost sheet

ED2 form

Page 2

**Enforcement action check-list/Summary
(incl. Human Rights and CPS Guidelines assessment)**

Compliance with service policy:

YES* Festus Akinboyewa

NO*

+ Reasons for divergence from policy

Is prosecution/caution proposed for offences?

YES*Festus Akinboyewa [Go to B]

NO*+

+ Reasons for NOT pursuing prosecution/caution:

Scoring check-list: YES*..... [Go to B]

[unless also scoring check-list, Go to A]

Is WID or other primary relevant action proposed for Statutory non-compliance?

YES*Festus Akinboyewa [Go to C]

NO*+

+ Reasons for NOT pursuing WID, etc.

[Go to A]

A. Other action proposed:

[Go to C]

B. Prosecution/caution

Evidence test – Admissible?

YES* Festus Akinboyewa

NO*+

Comment (+ mandatory):

Reliability test - evidence reliable?

YES* Festus Akinboyewa

NO

ED2 form

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Public interest – factors for/against other than as per scoring check-list:

Unlicensed activities and holding an unauthorised event are a primary cause of public nuisance, noise and antisocial behaviour.

Human rights:

Object of proposed action:

Simple Caution to be sought for carrying out unauthorised licensable activities and holding an unauthorised event contrary to section 136, 137 and 138 of the Licensing Act 2003.

Enforcement powers to be used:

Simple Caution

Other powers considered and deemed inappropriate:

Action proportionate?

YES* Festus Akinboyewa

NO*+

Comment (+ mandatory):

Scoring check-list attached

YES* Festus Akinboyewa

Comment re- check-list:

*[Score Comparison Guide - 0-3 pts No action; 4 – 8 pts Written Warning;
9 – 12 pts Formal Caution; 13+ pts Legal Proceedings]*

[Go to D]

C. Actions re- Statutory non-compliance

With regard to any subsequent judicial scrutiny,

1. Is evidence admissible? YES* Festus Akinboyewa

2. Is evidence reliable? YES* Festus Akinboyewa

3. Is it in public interest to pursue proposed action?
YES* Festus Akinboyewa

4. What is the object of the proposed action?

5. What enforcement powers are to be used?

6. Other powers considered and deemed inappropriate:

7. Action proportionate? YES* Festus Akinboyewa

8. Comments/reasons (mandatory where “YES” NOT initialled in

D. Additional information

Reported within case-type target time?

YES*Festus Akinboyewa

NO*+

Comment (+ mandatory):

Contentious evidence/history?

Recommendation of Investigating Officer:

The appropriate course(s) of action are initialled:

No action Written warning Formal caution Festus Akinboyewa

Prosecution - summary indictment

Work in default Seizure/detention Emergency closure

Other (brief description)

Signature.....

Date:

Authorisation:

I have read the contents of this Form ED2 [*and the attached scoring check-list], and believe it contains all the relevant material to enable me to make a decision. The proposals are compliant with the service's Enforcement Policy. [*The emergency nature of the action(s) proposed necessitated my authorisation being given after the action had commenced].

[* delete if appropriate]

NOTE - This authorisation certifies that the proposals for enforcement action are compliant with the service's Enforcement Policy. The service's requirements for the operational processing of legal proceedings, work in default, seizures of goods, etc. are still applicable, and must be followed.

Signature.....

Name:

Designation:

Date:

ED2 form
Page 5 and 6

**OFFENCE REPORT
SCORING CHECK-LIST FOR PROSECUTION/CAUTION**

[This form must be completed and attached to Form ED2 in all cases where an offence has been identified and any part of section B of Form ED2 has to be completed. Guidance notes - see parags. 41 to 48 of "Enforcement Action Decision-making & Offences, etc. Reporting"]

WK/000607800

**Investigating Officer
Group**

	Enforcement Priority	Officer Comments	Score (0 or 5)
1.	Does a gravity factor apply?		5
1.1	Describe the gravity factor and how it applies?	Unauthorised gaming machines are primary cause of anti social behaviour and underage gambling	
	Enforcement Policy Issue	Officer Comments	Score (0-3)
1.	Attitude and accountability of the Offender	Offender takes full responsibility for offence	2
1.1	Has previous advice on how to comply with the law been ignored? Include when and how.	Yes	
1.2	Was there deliberate disregard for the law?	Yes	
1.3	Is the defendant vulnerable because of age, circumstances or mental state?	No	
1.4	What is the likelihood of re-offending? High / Medium / Low	Low	
2.	Views of injured party		0
2.1	What are the views of anyone who has been injured or suffered loss in relation to the case?		
3.	Public Perception		3
3.1	Has there been serious personal distress, injury, loss or public alarm?		
3.2	Is the case connected with a major area of local concern?	Yes	
4.	Was there significant economic advantage?	Not having licence and making financial gain from illegally carrying out licensable Activity.	2
4.1	What is the estimated monetary value of this advantage?		

5.	Has there been deliberate dishonesty or an intention to deceive?	No	0
6.1	Is the offence fraudulent?		
6.2	Is there a pattern to the offences that suggests that it have been planned?		
6.	Vulnerability of the Victim or intended victim?		0
7.1	Is the offence more significant due to the vulnerability of the victim?		
7.2	Have vulnerable groups been targeted?		
7.	Previous History		0
7.1	Is it a repeat offence?	First offence	
7.2	What formal action has previously been taken and when?		
7.3	If a new trader what efforts have they made to get information about how to comply?		
8.	Consequences		1
8.1	Has there been reckless disregard for safety?		
8.2	What serious consequences resulted or could have resulted from a failure to comply with a legal requirement?	Unlicensed gaming machines can lead to anti social behaviour and under age gambling	
9.	Are there multiple offences to be brought at the same time?	No	0
	Total Score	Add up the eight highest scores	13