

Licensing Act 2003 Sub-Committee on 29th June 2010

Report title: CONSIDERATION OF A LICENSING REVIEW FOLLOWING A CLOSURE ORDER
EKUBANZ 651 HIGH ROAD, TOTTENHAM N17

Report of: The Lead Officer Licensing

Ward(s) affected NORTHUMBERLAND

1. Purpose

To consider a Closure Notice referred to the Licensing Authority by the Magistrates Court. The Closure Order was served by the Metropolitan Police.

A Closure Order was made by Inspector Hembury on Saturday 12th June 2010, and served on the Premises Licence Holder Simon Ekuban.

The matter was then subsequently put before the Magistrates Court on 14th June 2010 and the Court resolved to uphold the Closure Notice but with conditions that the premises is able to operate as a restaurant with the ability to do the sale of alcohol until 2.00am each day. The Court withdrew the ability to offer regulated entertainment at the premises.

Date of notification received: 14th June 2010

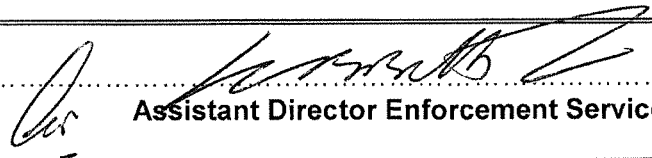
In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005. officers arranged for notices of the review to be published for 7 days on the affected premises, on the public notice board at the Civic Centre and on the Councils website.

2. Recommendations

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) need to promote the four licensing objectives
(b) Representations
(c) Relevant sections of the statutory guidance to licensing authorities
(d) relevant section of the licensing authority's statement of licensing policy

Report authorised by: Robin Payne.....


Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett -Williams

Telephone: 020 8489 8232

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: EKUBANZ The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

4. REPORT

Background

4.1 Ekubanz operates as a restaurant wine bar and night club. The premises applied to convert and vary their licence into the new regime and this was granted in November 2005.

A copy of the current licence is attached as **Appendix 1**.

The Designated Premises Supervisor is **Mr Simon Ekuban**

5.2 Details of the review . Appendix 2

The review is brought by the Police in response to serious concerns of the conduct of the premises and the clientele that frequented the premises. The Police have met with the Licence holder and given advice as well as a 'stepped programme' in the management of the premises. The evidence produced by the Police shows various crimes and public disorder breakouts as well as firearms being discharged in or around the venue.

A copy of the Magistrates Court decision is tabled at Appendix 2.

5.4 REVIEW DOCUMENTS FROM METROPOLITAN POLICE

The Metropolitan Police have submitted the following evidence:

App 3 - Witness statement from PC Nev Ress- showing service of Closure Notice on Mr Ekuban.

App 4 – Notification letter from Magistrates Court

App5 – Copy of Notice displayed by the Licensing Authority

App 6 – Police Overview of problems at Ekubanz

App 6A – Statement of Inspector Hembury

App 7 – Statement of DI R Shanks

App 7A – Statement of licence holder Mr S Ekuban

App 8 – Statement of Det. Colin Perry

6.2 Comments of Enforcement Services:

Noise Team – App 9

The Enforcement Response have provided an information document detailing

noise nuisances they have received complaints about in relation to the premises

Food Team – App 10

Have submitted an overview of food safety matters dealt with at the premises.

7.0 Interested Parties

1 letter of representation has been received from a nearby resident concerned about the conduct of the premises. **App 11**

8.0 Licensing Officer Comments

The following provisions of the Licensing Act 2003 apply to this application:
Section 13(3) (definition of interested parties)
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 objective, which are:

1. Take no further action
2. to issue formal warnings to the premises supervisor and /or premises license holder
3. modify the conditions of the license
4. exclude a licensable activity from the scope of the license
5. remove the designated premises supervisor
6. suspend the license for a period not exceeding three months
7. 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 decision of the Licensing Sub Committee.

- 8.2 The following provisions of the Secretary of State's guidance apply to this application: Paragraphs 11.1 – 11.10, 11.14 – 11.21, 11.22 – 11.27. These provisions are attached at **appendix 12**.
- 8.3 The following paragraphs of the licensing authority's statement of licensing policy apply to this application; 7.13-7.14, 11.1-11.3, 12.1-12.4, 13.1-13.7, 14.1-14.3, 18.1-18.2, 25.1. These provisions are attached at **appendix 13**.
- 8.4 The Licensing Sub Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder objective in their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 8.5 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