

4. REPORT

Background

A premises licence was originally granted to David Adewale for Imperium Wine Bar on 18th February 2008.

We are however aware that Mr Adewale has in recent months sub leased the premises to a Mr Nzuki Kanyemesha.

Mr Adewales name remained on the license as the license holder until early December 2013, but he was subsequently removed as the DPS at the premises following the outcome of the previous review brought by the Metropolitan Police. The premises has not been able to offer the sale of alcohol at the premises until early December when the license was transferred to Mr Kanyeshema and new DPS assigned to the premises license.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Regulated entertainment:

Sunday to Thursday 1200 to 0100

Friday and Saturday 1200 to 0200

Late Night Refreshment:

Sunday to Thursday 2300 to 0100

Friday and Saturday 2300 to 0200

Supply of alcohol

Sunday to Thursday 1200 to 0030

Friday and Saturday 1200 to 0130

Non Standard Timings

Christmas Eve and New Years Eve 1200 to 0230

The opening hours of the premises:

Sunday to Thursday 1200 to 0100

Friday and Saturday 1200 to 0200

Non Standard Timings

Christmas Eve and New Years Eve 1200 to 0230

The designated premises supervisor is: Kanyanga Ilunga

4.1 Details of the Application for Review and Supporting Documentation.

Appendix 1

Appendix 1 A- Copy of premises Licence

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Enforcement Services:

No comments made.

5.2 Comments from Licensing Officer.

Mr **Nzuki Kanyemesha** has been operating the premises and has previously sat before the Licensing Sub Committee with Mr Adewale in relation to the previous review of the license. Mr Adewale although in attendance at that hearing clearly demonstrated that he had no involvement in the day to day operation of the premises and only Mr Nzuki Kanyemesha ran the premises. We asked Mr Adewale to remove his name from the license if he was not in Control of the premises or had any interest in the current business. The Licensing Sub Committee did however resolve to remove him from being the DPS and so this stopped the premises from being able to supply alcohol. Follow up visits were made to the premises to ensure compliance with this.

We attach a copy of the resolution from the previous review hearing on this matter. **Appendix 1B**

5.3 Comments of The London Fire and Emergency Planning Authority

No comments made.

6.0 Comments of Interested Parties

No comments made.

7.0 Comments from Designated Premises Supervisor

No comments made.

8.0 POLICY CONSIDERATIONS

8.1 The following provisions of the Licensing Act 2003 apply to this application: 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 objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. 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 Licensing Sub Committee.

9.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 2.1-2.18 Crime and Disorder, 2.19-2.31 Public Safety, 2.32-2.40 Public Nuisance, Reviews arising in connection with crime 11.23-11.28, These provisions are attached at **Appendix 2**.

9.1 The following paragraphs of the licensing authority's Statement of Licensing Policy applies to this application; page 46 and 47 Crime and Disorder, these provisions are attached at **Appendix 3**.

9.2 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.

APPENDIX 1 – APPLICATION FOR REVIEW SUBMITTED BY THE MET POLICE



**METROPOLITAN
POLICE**

TOTAL POLICING

**Application for the Review of a Premises Licence or Club Premises Certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I Mark greaves

apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

IMPERIUM WINE BAR, 77 West Green Road

Post town:

London

Post code:
(if known)

N15 5DA

Name of premises licence holder or club holding club premises certificate (if known):

David Adewale

Number of premises licence or club premises certificate (if known):

L/N00006188

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:					First Names:				
I am 18 years old or over <input type="checkbox"/>									
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
Metropolitan Police, Unit 1 Quicksilver Place, Western Road, London N22 6UH	
Telephone Number (if any):	020 3276 0150
Email address: (optional)	mark.greaves@met.police.uk

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		

PROTECTIVE MARKING

I bring this second review in response to another violent incident, GBH, at the venue at 0001 hours on the 7th August 2013 shortly after the first review on 25th July 2013. Cris 2815447/13 relates to this offence stating shortly before midnight an argument occurred between two males. Suspect picked up a wine bottle and hit victim over the head causing a laceration to his scalp. A second suspect is also believed to have assaulted victim with a beer bottle. In all 3 beer bottles were broken and later taken by Police for forensic examination. Victim suffered a deep laceration to his wrist believed from a broken bottle.

Police called by a witness and arrived to find victim in the street outside venue and no trace of suspects. The venue appeared to be shutting with the outer grill being brought down. Police stopped venue closing and preserved scene.

On Wednesday 7th August 2013 at 1100 I attended Imperium Wine Bar, 77 West Green Road N15 regarding GBH the previous evening, 2815447/13 refers. I met Mr Nzuki and discussed the venue using plastic / polycarbonate glasses and not serve drinks in bottles. He wanted to speak with his partner but agreed to follow this advice in the meantime. I asked if agreed he would apply for a Minor Variation to make my advice Conditions. My David Adewale, Licensee and DPS called and agreed to my advice saying he was also looking at closing the venue. He told me he was present when incident took place.

On Saturday 24th August 2013 I phoned both persons to ascertain their decision on a Minor Variation as mentioned above. Mr Nzuki did not answer his phone and voice mail full but I left a message on Mr Adewale's mobile requesting he contact me with his views. I received no reply.

On Friday 13th September I attended venue and spoke with Mr Nzuki stating I needed to know his position regarding using plastic / polycarbonate glasses and not serving bottles. He pointed out plastic glasses were already in use but I informed him due to the serious violence involving glass / bottles taking place within a short period of time the risk of further such incidents I considered high and that such a Condition should be on the venues Premises Licence.

On Sunday 15th September I emailed Mr Nzuki requesting he respond with confirmation he agreed to the Condition regarding bottles and glasses we had discussed. I received no reply.

On Sunday 22nd September at 1900 I attended venue and spoke with Mr Nzuki. I asked him about officers observing the shutters of the venue being pulled down when they arrived on scene. He told me he had ejected a number of fighting men and was pulling the shutters down to keep them out. I asked about the use of bottles in the assault and he stated a wine bottle and two beer bottles were used. He told me he was not going to respond to my email. I informed him of my concern that so much time had gone by without a decision being made and that due to the risk of further such incidents occurring when the venue appoints a DPS and returns to later hours and sale of alcohol that I would again review the venues Premises Licence to enable the Licensing Committee to decide on the matter as we cannot reach an agreement. I phoned Mr Adewale to inform him of my action and will serve this form at venue this same day.

Please provide as much information as possible to support the application: (please read guidance note 3)

PROTECTIVE MARKING

I brought the first review due to the two serious violent crimes that have taken place since Mr Nzuki had purchased the venue in February. I consider his management of venue does not promote the licensing objective for the prevention of crime and disorder. The Council has not been informed of the change of ownership and the DPS appears to be in name only and Mr Nzuki did not have a contact number for him. Mr Nzuki appears to have little knowledge of Licensing Regulations. He has failed to inform Police of both violent incidents and cleaned crime scenes. He has breached a Licence Condition by not having an SIA Door Supervisor. I do not consider he has been open and honest in his dealings with Police relating to the offences.

Cris 2810358/13 refers to a GBH at the venue on Saturday 1st June 2013 at 0100 hours. Victim stated he had been at the venue for about four hours when a fight broke out involving four males fighting one male. Victim tried to break up the fight and was hit over the head with a bottle by suspect who then fled the venue. Victim believed staff had called an ambulance but the venue quickly closed and he had to leave. Victim went to the North Middlesex Hospital where a 1" gash to his head was glued and an appointment made for further examination of injury to his jaw. At 2100 hours that day victim returned to venue believing Police had been informed of the incident and wanted a crime number but on finding out staff had not informed Police he called them.

Police attended and spoke with the manager Mr Kanyenesha Nzuki. He said that he was serving drinks and noticed victim and suspect were arguing, he turned away to serve a customer and on turning back saw suspect running from venue and victim with head bleeding. He stated he believed a patron had phoned Police so he didn't and victim left so Mr Nzuki carried on serving drinks. Mr Nzuki could not describe suspect and the bottle had been thrown away and could not be retrieved. Mr Nzuki denied 4 males were fighting stating it was only suspect and victim. Victim spoken to on 3rd June and reiterated there had been 4 males threatening another male with a bottle and one had assaulted him. There is no CCTV at venue.

On Monday 3rd June 2013 I phoned Mr Nzuki to make an appointment to meet him and the Licensee / DPS, Mr David Adewale, to discuss the incident on Saturday. I asked for Mr Adewales contact number as the one Haringey Council had no longer worked. He told me he did not have Mr Adewales phone number and that he would see me. I told him that as Mr Adewale was the Licensee and DPS I needed to see both of them so could he let him know we had agreed a meeting for 1400 on Tuesday 4th June at venue and Mr Nzuki said he would. I originally requested the meeting for 12.30 but Mr Nzuki wanted 1400.

On Tuesday 4th June at 1400 I attended venue and met Mr Nzuki and Mr Abrumo who told me he was an associate of Mr Nzuki. Mr Nzuki asked me to speak slowly as English was not his first language and that Mr Abrumo would assist him. I asked Mr Nzuki if Mr Adewale was attending and he told me Mr Adewale had sold him the premises in February and had nothing more to do with the venue. I showed him my copy of the Premises License showing Mr Adewale as Licensee and DPS and he told me that he had attended the Council offices in Ashley Road in February or March and changed the Licence into his name. I called Daliah Barrett at Haringey Council Licensing and was assured her department had no knowledge of any changes to the Licence and my copy was the same as theirs. I asked for Mr Nzuki's copy of the License and that was the same as mine. I advised him to attend the Council office and inform them of changes to the License and he said he would go that day.

I asked him who the new DPS was and he said it was going to be him. I asked if he had a Personal License and he said he had not but would apply to the Council for one that day. I explained the meaning of DPS and requirements and on Mr Nzuki's request Mr Abrumo wrote everything down that I said and I went through the Licence with them both. I asked Mr Abrumo if he had a Personal Licence and he said he did not. Mr Nzuki told me some of the local Congolese community did not approve of him taking over the venue and that the incidents of violence had been part of other violent incidents and damage to his premises to force him out of business. I explained about CCTV filming people entering would assist in deterring suspects entering and identifying them. He showed me a box of CCTV that he was going to install. I mentioned the fact the crime scene had been cleaned up before Police informed and explained about scene preservation. Mr Nzuki assured me he would do as advised in future but in the recent case the victim had insisted no Police were called and had cleaned up his own blood and told him to throw the bottle away so he did not call Police and disposed of the bottle. I pointed out that he was responsible for the venue not the customers and he should not clean up crime scenes and should call Police regardless of victims wishes for such a serious incident.

I asked for Mr Adewales phone number so I could explain to him that he needed to inform the Council he had sold the venue and resign as DPS so Mr Nzuki could delegate someone with a Personal License as DPS but Mr Nzuki did not have a contact number. He phoned a few people and eventually contacted Mr Adewales son and asked him to get his father to call back but son could not contact his father and gave me his fathers number but no reply when I called. I asked Mr Adewales son if his father had informed the Council he had sold the premises and if he was still DPS but he was unsure. I gave him my contact number and asked him to get his father to call me. I asked if he was aware of any recent contact with the venue his father had had and he told me his father had been at venue at 1230 that day. Mr Nzuki confirmed this but could not explain why Mr Adewale had not waited for me or why my original request for a 12.30 meeting had not been convenient.

Continued below.

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)						
If yes, please state the date of that application:	<table border="1"><thead><tr><th data-bbox="1053 302 1157 347">Day</th><th data-bbox="1157 302 1268 347">Month</th><th data-bbox="1268 302 1508 347">Year</th></tr></thead><tbody><tr><td data-bbox="1053 347 1157 392">0 6</td><td data-bbox="1157 347 1268 392">0 6</td><td data-bbox="1268 347 1508 392">2 0 1 3</td></tr></tbody></table>	Day	Month	Year	0 6	0 6	2 0 1 3
Day	Month	Year					
0 6	0 6	2 0 1 3					
If you have made representations before relating to this premises please state what they were and when you made them:							

PROTECTIVE MARKING

I pointed out a Condition on the Premises Licence for an S.I.A registered Security Officer to be present from 2300 hours when the venue was going to open after midnight and asked who had been the S.I.A Security Officer on the night in question as the venue was open after 0100 hours when incident took place. Mr Nzuki told me there was no security guard on the night in question as this was a new business and money was short so he could only afford security on Saturday nights as other nights were not busy enough to warrant the cost. I pointed out the Licence required an S.I.A security officer every night the venue opened after 2300 hours and he said he would employ one in future. I asked to see the register where S.I.A staff booked on duty and was told he did not have one.

I advised them both that alcohol must not be sold until they had ascertained that there was a DPS and should not be on display. I told them I was going to review the venues Licence due to the serious acts of violence that had occurred in the 3 months that Mr Nzuki had taken over the venue and the way he had handled the incidents and that he had breached Licensing Conditions by not having a S.I.A security guard on night of assault and did not appear aware of Licensing Regulations.

On Wednesday 5th June at 1100 I phoned Mr Adewale, we had been missing each others calls, and he informed me he was still DPS and knew about the offences at the venue. I explained he needed to spend time at the venue to supervise staff/ clients conduct late evenings and he said he would. I told him I would review the venues Licence and explained why. I pointed out the requirement regarding SIA Door Supervisor on his Licence and the need for CCTV.

CAD 7504 refers to an emergency call from Mr Nzuki on 3rd June 2013 at 18.27, four hours after I had made an appointment to see him on 4th June to discuss violent incidents at his venue. He told Police 5 males who had entered his venue on Friday and tried to fight him were opposite his venue drinking. He said they had been to his home address asking for money. Police attended at 2004 and males had gone. Mr Nzuki said the males wanted to cause trouble at his venue to get the Police to close him down.

CAD 9403 refers to an emergency call from Mr Nzuki on 3rd June at 2131 stating suspects back at location wanting to fight him.

CAD 9441 refers to an emergency call from a male at venue on 3rd June at 2134 saying Police were needed at venue but phone taken by other male who said Police not needed and line cleared.

CAD 9434 refers to an emergency call from Mr Nzuki on 3rd June at 2136 saying he was being attacked. Disturbance heard in background. On Police arrival no offences alleged, male left of own accord and warned he faced arrest if he came back.

To explain CADs above I checked CADS on Monday morning, 3rd June, for venue and they obviously were not there and I did not check again until after our meeting when Mr Nzuki told me he had informed Police of problems with men trying to damage his business.

At 1350 on 5th June I phoned Mr Adewale and asked him about the incidents at the venue Monday night. He started telling me about the incident on Saturday morning so I interrupted and told him I wanted to know about the incidents on Monday night. He told me he was not at the venue Monday night and asked me what incidents I was referring to. I told him about Mr Nzuki's calls to Police listed above and he was not aware of them. I re-iterated he was required at venue to supervise and needed security on the door as per his Licence as there was not one there on Friday night and there had been further threats and he assured me security would be in place as per Licence. I advised him CCTV should be fitted as a priority and he said it would be.

Cris 2803485/13 refers to an allegation of Attempted GBH at the venue on Tuesday 19th February 2013 at 2300. Victim attend venue and whilst sat at a table drinking was approached by suspect. He had been at the venue the previous Saturday with a friend and suspect had been abusive to his friend but he did not know why. It appears recognised victim from previous encounter and approached him. Victim told suspect to leave him alone but suspect started shouting at him and picked up a glass which he smashed on the table. Victim stood up and suspect has grabbed him by the jumper can stabbed him in the chest with the broken glass. The jumper appears to have reduced the impact as victim only received 2 small cuts to the chest. At this point the manager Mr Kanyenesha Nzuki intervened and ejected suspect from venue. Victim told Mr Nzuki he was going to report the incident to the Police but Mr Nzuki did not want him to do so. Victim left the venue and reported the matter at Edmonton Police Station. Mr Nzuki was called to the Police Station and informed Police he did not see the assault only became involved at the end of the fight when the parties were being separated and were surrounded by broken glass. Mr Nzuki told Police there was no CCTV at venue as it was a new business and had not yet been installed.

Please tick Yes

PROTECTIVE MARKING

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:

 2013

Date:

22nd September 2013

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Mark Greaves PC 164YR

Post town: London

Post code: N22 6UH

Telephone Number (if any):

020 3276 0150

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

mark.greaves@met.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.