

Decision Notice

Application for the Review of a Premises Licence for MH Café, 715 Seven Sisters Road, N15.

The Licensing Sub-Committee (“the LSC”) carefully considered the above application. In considering the application, the LSC took account of the Licensing Act 2003 (“the Act”), the Revised Guidance issued under section 182 of the Licensing Act 2003 in February 2025 (“the section 182 guidance”), the Haringey Statement of Licensing Policy 2021-2026, the report pack, and representations from the applicant and objectors.

Having considered the application and heard from all the parties, the LSC decided to **revoke** the licence.

Reasons

Written representations received

The LSC received the following evidence:

1. A report from the Licensing Team Leader, Daliah Barrett.
2. The application from the Haringey Council Noise & Nuisance team.

The licence-holder did not submit any written evidence.

Oral representations received

The LSC heard from:

1. Haringey Council Noise & Nuisance team, represented by Craig Bellringer.
2. The licence-holder, Maria Ramirez, assisted by a) her partner, Abdul Hadi Safai, and b) Glen Lake.

Mr Bellringer made the following representations. While not seeking to record everything said during the course of the hearing, the LSC noted and placed reliance on the following points in particular:

- He had first become aware of the premises through an anonymous email to the council detailing an assault on a patron (the LSC notes that it did not hear anything further about the alleged assault and accordingly placed no weight on this).
- His service had made a total of five visits: 8 June 2025 at 0105, 15 June at 0120, 16 August at 0100, 17 August at 0057, and 21 September after 0100.
- On each occasion, the following breaches of the licence conditions had been observed:
 - The licence conditions provided for a latest closing time (depending in part on the day of the week) of 1am, with a 30-minute drink up time. The premises were open after that time; and
 - The licence conditions required that alcohol be served only as ancillary to food. He did not see food being served.
- There were further breaches observed on specific occasions.
- On 8 June:
 - Music was audible from outside and disco lights were seen;
 - The SIA officer tried to deny entry to the officers;
 - People were seen re-entering from the rear garden, which was not supposed to be used after 2100;

- CCTV was requested after the visit, and this was not responded to or provided.
- On 15 June:
 - Around 30-40 people were found inside, drinking and participating in karaoke;
 - Officers asked to speak to the Designated Premises Supervisor, and a man – Mr Safai – identified himself to speak to them;
 - The man told the officers there was a private party underway, but admitted there was no Temporary Event Notice in effect.
- On 16 August:
 - Music was loud at street level;
 - Around 30-40 people were inside. Some were dancing. This was not use typically associated with serving alcohol solely as ancillary to a meal;
 - Two people were found using the rear garden, use of which was not permitted after 2100;
 - There were three people who were visibly intoxicated. One was asleep, and one was asleep with his top off in the corner. All three struggled to walk out of the venue;
 - When the patrons left the premises there was no control of them leaving and most left with open glass bottles of alcohol;
 - When officers left, one of the visibly intoxicated males was urinating up against another business.
- On 17 August:
 - The shutters were closed as if the business was closed, but officers were able to see there was music being played and disco lights on;
 - A metal latch was on the door to prevent it from being opened from outside;
 - Around 25 people were found inside, who had drinks on tables but with no food visible;
 - Two people were found using the rear garden to smoke;
 - Mr Safai denied that alcohol was being served and asserted that a birthday cake had been served, but was unable to provide any CCTV footage to verify this, saying that his phone was broken.
- On 21 September:
 - The same pattern of people being present drinking and dancing, with no food in evidence, continued.
- This premises was functioning as a late-night drinking spot. Everyone was drinking. No-one was there for food or atmosphere.
- The Designated Premises Supervisor was never in attendance on the days he and his colleagues had inspected.
- The patrons seemed to be in the age range 25-55 and he had no concerns about possible underage drinking.
- He did not believe the Designated Premises Supervisor and owners were capable of following their licence conditions or upholding the licensing objectives and he asked the LSC to revoke the licence.

The licence holder made the following representations. For simplicity, save where necessary the LSC does record which of the three speakers made each comment. While not seeking to record everything said during the course of the hearing, the LSC noted and placed reliance on the following points in particular:

- They understand that things have “gone the wrong way”. They apologise sincerely for this. They intend to implement measures to correct things, and ask for a “period of recovery”.
- The licence holder, Ms Ramirez, does not like to be out too late. Her partner, Mr Safai, speaks limited Spanish – the language spoken by the majority of their patrons – and is reluctant to risk altercations with their patrons, so accepts he may have been too lenient on occasion.
- Ms Ramirez’s mother has been in hospital which is why she has not always been around.
- They do not serve alcohol to customers to excess. The persons observed by the Noise officers on 16 August were not intoxicated, but there were other explanations – for example, one at the end of the week after working hard and dozes off because he is tired.
- Food is always served. It is unfortunate that the Noise officers have always visited after they have cleared tables in an attempt to be ready to close the venue.
- Their customers do not cause problems outside the venue. Mr Safai ensures they depart safely and will sometimes arrange cabs or Ubers, or for groups of them to take the bus together.
- Similarly, their patrons obey instructions and are not out of control.
- The CCTV is now working perfectly. In relation to the 8 June request, this was never received.
- No-one smokes inside the building. There is a designated smoking area outside.
- Security staff have always let council officers in, and they are welcome any time they want to come.
- The shutters are closed around 12am as they do not want more people coming in. If one opens the shutters, the doors are not locked.
- Their plan for how to bring themselves into compliance is:
 - To make their customers realise there is a new regime and that rules will be strictly adhered to; and
 - For Mr Safai to obtain a personal licence of his own so that he is clear on how he is required to operate the venue when he is the person on site.

Evaluation

The LSC reminded itself that it is required by section 4 of the Act to exercise its functions with a view to promoting the licensing objectives:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Prevention of crime and disorder

In connection with this objective, the LSC had the following concerns.

First, the failure to have and make available CCTV on at least two occasions. It noted the copies in the report pack of the correspondence sent by Mr Bellringer requesting this after 8 June, to which there had been no response. And it noted that no CCTV was provided after Mr Safai’s phone was fixed, and that there was no evidence before it to corroborate either the nature of the problem at the time or the fact that there was no longer any other problem.

Second, on 16 August customers were observed being permitted to take open glass bottles containing alcohol with them when leaving the premises.

Third, on all occasions, alcohol was observed being served without any evidence that this was ancillary to a meal. The LSC noted the representations for the licence holder that it was indeed ancillary to a meal, and that it was merely unfortunate that the Council officers had not seen this. However, it noted and accepted the evidence of Mr Bellringer that what he saw was not consistent with ancillary drinking only, and that this was consistent (even though Mr Bellringer himself did not expressly make this connection) with the repeated presence of music and dancing.

Each of these points was a breach of a licence condition, and both individually and collectively meant that this objective was being undermined.

Public safety

In connection with this objective, the LSC had the following concerns.

First, although an SIA was present at the site, the LSC accepted the alarming evidence of Mr Bellringer that on 8 June the SIA was the person trying to deny entry to the council officers. Notwithstanding that he had not told the LSC of any repetition of that thereafter, this was deeply troubling.

Second, the fact that shutters were closed, and that on at least one occasion there was a further metal latch on the front door – again, the LSC accepted Mr Bellringer's evidence to this effect – was a clear concern should there be a fire or other emergency.

Third, it accepted the further evidence of Mr Bellringer that on 16 August three customers were observed who had drunk to excess. Although it noted the representations of the licence holder to the contrary, Mr Bellringer's evidence was comprehensive and clear, and his observations were likely to have been reliable in this respect.

Although none of these were obviously identifiable as breaches of specific licence conditions, both individually and collectively they caused the LSC concern that this objective was being undermined.

Prevention of public nuisance

In connection with this objective, the LSC had the following concerns.

First, it was clear that the 30-minute drink up time was being routinely flouted and that alcohol was being served outside the permitted hours.

Second, it was likewise clear that the rear garden was regularly being used after 2100.

Third, on multiple of the visits music had been found to be audible at street level outside the site boundary of the premises.

Fourth, the LSC noted and accepted the evidence of Mr Bellringer that on 16 August an intoxicated customer was observed urinating in public after leaving. Whilst it also noted the representations for the licence holder that their customers did not cause problems, this simply showed that the licence holder was not fully aware of their customers' behaviour, and if they were unaware on this occasion, it meant their general assertion was less reliable.

The first three points were breaches of a licence condition. Both individually and collectively, these meant that this objective was being undermined.

Protection of children from harm

On the basis of what it had heard, the LSC had no concerns that this objective was being undermined, and indeed no-one had suggested as much.

The appropriate action

For all of the above reasons, the LSC determined it appropriate to exercise its statutory powers under section 52(4) of the Act so as to promote the licensing objectives.

In deciding which of the powers available to it was appropriate to use, the LSC followed paras.11.20-22 of the section 182 guidance by asking what the cause of the concerns was. It took the view that this was a complete failure on the part of the licence holder to understand what was required of them and commit to carrying it out.

The LSC carefully considered all of the powers available to it and which would be proportionate. In accordance with para.11.18 of the guidance, it took into account that the Noise & Nuisance team had already issued warnings requiring improvement, which had had no effect. It was striking that there were so many breaches observed in such a short period of time, including on two consecutive days and on one occasion after the review had been initiated.

Had the licence holder had a clear improvement plan in place, the LSC may have reflected differently. However, the plan before it, such as it was, was vague and unspecific and gave the LSC no reassurance. The LSC had been told that Mr Safai a) spoke less Spanish, and b) was fearful of altercations. It did not understand how his obtaining a personal licence would address either of these.

Accordingly, the LSC resolved to **revoke** this licence as the appropriate and proportionate response to the causes of concern.

Appeal rights

This decision is open to appeal to the 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 that period, or, in the event that an appeal has been brought, until that appeal is either finally determined or abandoned.

This page is intentionally left blank