

Licensing Sub Committee B - 18 February 2022

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 18 February 2022 at 1.15 pm.

Present: **Councillors:** Phil Graham (Chair) Anjna Khurana and Marian Spall

Councillor Phil Graham in the Chair

- 291 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Phil Graham welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 292 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Valerie Bossman-Quarshie.
- 293 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Anjna Khurana substituted for Councillor Valerie Bossman-Quarshie.
- 294 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 295 **HOLLOWAY FOOD STORE, 59-61 SEVEN SISTERS ROAD, N7 6BH -
EXPEDITED REVIEW APPLICATION (Item C1)**
The licensing officer introduced all parties and stated that there was nothing further to add to the circulated report.

The Sub-Committee viewed the CCTV in relation to the incident provided by the police. In response to a question the police stated that there had been two members of the public involved. He stated that this review had been brought under S53A of the Licensing Act. The premises were licensed for alcohol and associated with serious crime. S53A powers were specifically aimed at tackling serious crime and disorder, in particular the use of guns and knives. The police had sought legal advice and the use of S53A was supported. This incident was so serious that immediate steps must be taken. The police considered that it was fair to describe the knife used as a Rambo knife and not one used to open boxes. He would not think that it was appropriate that it had been used to slash a member of the public. It was accepted that the violence had been instigated by the drunk male victim. Staff had removed him from the store and the victim then threw fruit and the glass door which was possibly smashed in the process. Staff did not call the police, they armed themselves and attacked the male. Against the licensing objectives and a breach of licence conditions, the police were not called to the premises. The suspect had now handed himself into the police and had been arrested on suspicion

of grievous bodily harm and the possession of an offensive weapon. On the following day there had been a further incident at the premises. A male entered the premises followed by another male who was friends with a member of staff. This male was punched which caused a facial injury and the loss of teeth. The police were not called as required. This incident was still under investigation. He stated that the sale of alcohol brought with it additional control and management. This incident highlighted that this control was not present at the venue. Proper management and control was essential to prevent crime and disorder. He had no faith in the current management and invited the Sub-Committee to suspend the licence to allow further engagement and to mitigate the risk in relation to the sale of alcohol. This was not the first time that issues regarding staff behaviour had come to light.

In response to questions it was stated that the victim had not bought any alcohol from the premises. The window had been smashed and the victim had instigated the incident. The police stated that the issue began initially inside the shop but he was not sure that anything had been purchased. When viewing the CCTV provided the police were confident that the weapon had been a Rambo knife. The police had a record of previous incidents which had not been included in the report as it had been put together at short notice. The police considered that although the incident was not alcohol led it was relevant to the incident and the other breaches that the police had witnessed which indicated the irresponsible management of the venue.

The licensee's representative asked the Sub-Committee if they had received their submissions and this was confirmed. He stated that the police had chosen to show one minute of CCTV which had been selective and had chosen not to show the remaining 58 minutes. There had been four males causing a disturbance in McDonalds which then moved along the road to cause a disturbance at this premises. They had been warned by the security guard from McDonalds. The males were not customers but only attacked the premises. He did not say that this was appropriate behaviour. This was not a Rambo knife. No expert had confirmed this. The member of staff had been suspended although the incident had not been instigated by him. The Sub-Committee could not determine a future court decision. He was shocked that the police tried to introduce additional incidents. It had been confirmed that the male was not inside the shop. The licensee was happy to engage with the police and show the CCTV. There was no need to call for the police as they were already present at the scene. The perpetrators went away and then returned in a sustained attack. The staff member was beaten. It was not as simplistic as shown in the CCTV at the meeting. There had been four males involved and not two. Staff were using self-defence. He was not condoning the use of the knife but the knife was used to open the boxes in the premises and was not carried as a weapon. The police had stated that the incident had started in the shop but this had not been the case.

In response to questions, it was noted that when the client was called to the scene he asked if the police had been called and he helped the police by showing them the CCTV. The knife was in the kitchen shop and police could pick it up at any time. Staff needed to open boxes with knives and the member of staff already had the

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knife when the attack happened. It was noted that the member of staff was not present when the police arrived. The knife seen on the CCTV was a kitchen knife for domestic use. His client had suspended the member of staff and he would not be going back to work in the premises.

In summary, the police stated that the knife used was a key piece of evidence and suggested that if it was in the possession of the licensee it should be handed in immediately. A serious crime had taken place which met the test of Section 53A. The victim had called the police but this should have been done immediately by staff in the premises. There had been two incidents in response to serious violence. The sale of alcohol was not well managed. The licence should be suspended. He also stated that another member of staff had been found to be in possession of drugs.

The licensee's representative stated that they had no knowledge of a report of drug possession and the police wished to introduce this issue in order to revoke the licence. There had been no evidence submitted regarding a further incident. He reiterated that the alleged victim had not entered the shop at any time as indicated on the full CCTV footage.

RESOLVED

That the Sub-Committee decided to impose the following interim steps with regard to the premises licence in respect of Holloway Food Store, 59-61 Seven Sisters Road, N7 6BH with immediate effect and until a full review hearing has taken place.

An additional condition to be added to the premises licence:-

That the member of staff arrested in relation to the incident on the 13 February 2022 is not permitted to return to the premises until the conclusion of the criminal investigation into the said incident.

REASONS FOR DECISION

The meeting was facilitated by Zoom.

The Licensing Sub-Committee considered whether it was necessary to take interim steps pending a full licence review. The Sub-Committee took into account the oral and written representations from the police and the legal representative of the licence holder.

It was common cause that the victim had been part of a group of people who had damaged the premises and threatened the staff on 13th February 2022 and that instead of immediately calling the Police to the scene one staff member took matters into his own hands and stabbed one of the members of the group who then reported the incident to the Police.

A criminal investigation has been launched by the Police into the incident and one staff member has been arrested. That staff member has had his employment suspended by the licensed premises.

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The Sub-Committee determined that it was necessary to impose interim steps to promote the licensing objectives. The Sub-Committee determined that the added condition referred to above was reasonable and necessary.

The meeting ended at 2.30 pm

CHAIR