

Decisions of the Licensing Sub-Committee

27 October 2014

Members Present:-

Councillor Jim Tierney (Chairman)
Councillor Alison Cornelius
Councillor Maureen Braun

Officers to the Panel
Bob Huffam – Legal Services
Edward Gilbert - Governance Officer
Faith Mwende – Governance Officer

Licensing Officers
Daniel Pattenden
Mariesa Connolly

Responsible Authority
Sergeant Mark Altman – Metropolitan Police

Applicants
Mr Sotiris Kalogirou
Mrs Elenie Kalogirou

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):

Councillor Jim Tierney was appointed as Chairman.

2. ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):

There were none.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) (Agenda Item 3):

There were none.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):

The Chairman introduced the sub-Committee Members and explained the procedure that would be followed at the meeting.

5. NEW PREMISES LICENCE, GREEDY GREEK, 109 FRIERN BARNET ROAD, LONDON, N11 3EU (Agenda Item 5):

The Sub-Committee considered an application to review a new premises licence under section 51 of the Licensing Act 2003 for Premier Foods, Greedy Greek, 109 Friern Barnet Road, London, N11 3EU.

The Sub-Committee heard oral representations from the Licensing Officer, the Police and the applicants.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):

RESOLVED – That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The Sub-Committee deliberated in private session.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

RESOLVED – That the press and public be re-admitted.

The Sub-Committee, having considered the application and all verbal and written representations received, unanimously **RESOLVED** –

We have today considered an application for a new premises licence in respect of The Greedy Greek, 109 Friern Barnet Road, Friern Barnet.

The representation received against the application is from the Police, mostly on the grounds of the prevention of crime and disorder.

The Police objections are based upon reports showing allegations of criminal activity in connection with the possession of illegal drugs, primarily cannabis. The alleged use being both at 109 Friern Barnet Road and 40 Betstyle Road, Arnos Grove, the home address of the applicant. These allegations cover the period from 2008 to July 2013.

It is not for this sub-Committee to make findings of fact insofar as these allegations are concerned. The Panel must consider whether granting the application would undermine the licensing objectives. The guidelines state that in crime and disorder issues the panel should place considerable weight on the suggestions by the Police where there is evidence to support them and they are reasonable and proportionate. The Panel notes however that some of the evidence is from intelligence rather than any convictions, and that there have been no offences for over a year.

In response the applicant states that he intends operating a family restaurant with hours that are quite restricted compared to other outlets. A great deal of money has been spent to make the premises a restaurant and the applicant states that they would not risk their livelihood by failing to promote the licensing objectives. They make the point that the Police evidence is largely innuendo and that it mostly involves their sons not them. They would not allow their sons to visit the premises and have distanced the sons from the business. They should not be blamed or prejudiced for the actions of their sons.

As stated above it is not for the sub-Committee to decide on the guilt or otherwise of the applicants, or on questions of fact. We note that drugs have been found on the premises and at the applicant's home while they have been in control of the premises. Whether or not they brought the drugs in to the premises they must take some responsibility for the drugs being there. The applicant's wife Mrs Kalogirou was convicted of possession of cannabis. The Panel has to consider the weight to be given to the Police representations when supported by evidence. In this instance we are not sure that the evidence is sufficient, or sufficiently recent, to warrant refusing the application.

We remain concerned about the influence of the sons on the business. It seems that they may still have some part in this and we understand the difficulty of the applicants in keeping some distance between their business and their sons. We believe therefore that conditions are required to make sure of this distance being maintained. There will therefore be a condition that the sons, Anthony, Barry and Leon, shall play no part in the management or operation of the business, and shall not be allowed on the premises during opening hours.

We find that the promotion of the prevention of crime and disorder is most appropriately served by granting the application subject to these conditions.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

There were none.

The meeting finished at 13:45