

Decisions of the Licensing Sub-Committee

3 April 2017

Members Present:-

Councillor Brian Salinger (Chairman)
Councillor Maureen Braun
Councillor Claire Farrier

Officers:

Daniel Pattenden – Licensing Officer
Sinead Clifford – HB Public Law Legal Officer
Abigail Lewis – Governance Officer

Also in attendance

Mr Assad Basmenji – The Applicant
Mrs Gibson – Public speaker
Mrs Broom – Public speaker

1. **APPOINTMENT OF CHAIRMAN**

Councillor Brian Salinger was appointed as Chairman for this meeting which was adjourned from the 27th March 2017.

2. **ABSENCE OF MEMBERS (IF ANY)**

None.

3. **DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

None.

4. **LICENSING SUB-COMMITTEE HEARING PROCEDURE**

The Chairman explained the procedure that would be followed for the meeting,

5. **NEW PREMISES APPLICATION, ASHBAR, 694 HIGH ROAD, NORTH FINCHLEY, N12 9PY**

The Sub-committee considered a New Premises application for Ashbar, 694 High Road, North Finchley, London, N12 9PY, together with submissions from the Licensing Officer, the Applicant and Public speakers objecting to the application.

6. **MOTION TO EXCLUDE THE PRESS AND PUBLIC**

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

The parties to the application were readmitted to the meeting and the Chairman conveyed the Sub-Committees decision as follows:

This is an application for a new licence in respect of Ashbar, 694 High Road, North Finchley, London N12 9PY. The application seeks to allow the following:

- (1) the sale of alcohol for consumption on the premises from 11:00hrs until 00:30hrs (the following morning) Monday to Sunday
- (2) the playing of recorded music (indoors only) from 18:00hrs until 22:00hrs Friday and Saturday,
- (3) the provision of late night refreshment (indoors only) 23:00hrs until 01:00hrs (the following morning) Monday to Sunday and
- (4) the premises to remain open to the public from 11:00 hours until 01:00 hours Monday to Sunday

Representations have been received from two residents of 690-698 High Road. The Environmental Health team and the Applicant, Mr Basenji, have agreed the following conditions:

- (1) the premises licence Holder and DPS shall ensure that any regulated entertainment provided at the premises shall not cause a statutory noise nuisance,
- (2) All amplified music is to be played through a noise limiter, which shall be set at a level agreed by an officer qualified in noise at Barnet Council,
- (3) No speakers shall be affixed to the walls or ceiling,
- (4) The outside area at the rear of the premises shall be regularly monitored by a member of staff from 20:00 hours until closing time making sure all patrons remain quiet to avoid causing local residents a nuisance,
- (5) No recorded or live music shall be played inside of the premises at any time,
- (6) No recorded or live music shall be played outside of the premises at any time, and
- (7) All doors and windows shall remain closed, except for ingress and egress.

These conditions have been agreed on the basis that the request for live music is withdrawn from the application.

The panel heard from Mrs Gibson, speaking on behalf of Mrs Broom and the residents of 690-698 High Road, who strongly objected to the granting of the premises licence on the basis of noise generated from the restaurant.

The Applicant advised the Committee that a noise limiter is now in place and he has no plans to have a live DJ present at the premises. He advised that he has exhausted all

Temporary Event Notices (TENs) available to him for this year and will not be permitted to apply for any future TENs until 2018. Therefore, for the remainder of 2017, the Applicant will not be permitted to apply for TENs for live music.

We have heard submissions from the applicant and residents. We acknowledge the concerns of the residents, however, based on the conditions agreed between the Applicant and the Environmental Health Team, and the removal of live music from his application, we hereby grant the application for a new premises licence.

We recommend that where any future application is made by the Applicant for a TEN for live music, there should be sufficient consultation between the Licensing Authority, the Noise Team and Police, and sufficient sound proofing of the premises to have been undertaken in order to limit the impact on residents of 690-698 High Road.

If any parties wish to appeal this decision they can do so via Willesden Magistrates Court 448 High Road, London NW10 2DZ within 21 days of notification of this decision.

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

None.

The meeting finished at 11.48am.