

**MEETING**

**LICENSING SUB-COMMITTEE**

**DATE AND TIME**

**MONDAY 3RD APRIL, 2017  
(POSTPONED FROM 27<sup>TH</sup> MARCH 2017)**

**AT 10.30 AM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

**TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)**

**Councillor Brian Salinger  
Councillor Maureen Braun  
Councillor Clare Farrier**

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Appointment of Chairman	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Licensing Sub-Committee Hearing Procedure	5 - 8
5.	New Premises application, Ashbar, 694 High Road, North Finchley, N12 9PY	9 - 54
6.	Motion to exclude the Press and Public	
7.	Deliberation by the Sub-Committee in Private Session	
8.	Re-admission of the Press and Public: Announcement of the decision of the Sub-Committee	
9.	Any other Item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

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distance away and await further instructions.

Do not re-enter the building until told to do so.

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# LONDON BOROUGH OF BARNET

## LICENSING SUB COMMITTEE

### HEARINGS PROCEDURE

AGENDA ITEM 4

#### *General points*

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from [www.culture.gov.uk](http://www.culture.gov.uk)

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

#### **Governance Officer**

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

#### **Chairman**

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

#### **Governance Officer**

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

### **Licensing Officer presents the report to the Committee**

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

### **Applicant**

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

### **Other parties**

- Presents opening submissions either in person or by spokes person Time allowed 5 mins per interested party.

### **Note regarding use of video evidence**

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

### **Members question Licensing Officer on Policy**

### **Discussion**

#### **Chairman leads a discussion concentrating on points of dispute:**

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

### **Determination**

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

#### **Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).**

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.
- Chairman reads out determination, and advises it will be sent in <sup>6</sup>

writing to all parties.

- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

### **...Within five working days of the hearing**

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

### **Information on Appealing against the decision**

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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	<p style="text-align: center;"><b>Licensing Sub-Committee</b> <b>Monday 27<sup>th</sup> March 2017</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p><b>New Premises application, Ashbar, 694 High Road, North Finchley, London, N12 9PY</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Trading Standards &amp; Licensing Manager</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Woodhouse</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Report of the Licensing Officer Annex 1 – Application Form Annex 2 – Representations Annex 3 – Matters for decision</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Daniel Pattenden 020 8359 2508 daniel.pattenden@barnet.gov.uk</p>

<b>Summary</b>
This report asks the Sub-Committee to consider an application for a New Premises Licence, under section 17 of the Licensing Act 2003.

<b>Recommendations</b>
<ol style="list-style-type: none"> <li><b>This report asks the Sub-Committee to consider to consider an application for a New Premises Licence, under section 17 of the Licensing Act 2003 for Ashbar, 694 High Road, North Finchley, London, N12 9PY.</b></li> </ol>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The licensing authority having received valid representations against the application for a premises licence is expected to hold a hearing to consider those representations. The application can be determined by the licensing authority without a hearing in certain circumstances.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Where a representation is submitted under section 18(3) of the Licensing Act 2003 (and not withdrawn), the authority must hold a hearing to consider it, unless the applicant and any party or responsible authority who has made (and not withdrawn) a valid representation agree, or where the authority considers that the representations are frivolous, vexatious or will certainly not influence the authority's determination of the application.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The decision will have immediate effect

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration

- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 N/A

### **5.3 Legal and Constitutional References**

- 5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.

- 5.3.2 Under the Constitution, Responsibility for Functions (Annex A), the Licensing Act 2003 and associated regulations, as delegated to it by the Licensing Committee, including the determination of review applications.

## **5.4 Risk Management**

5.4.1 N/A

## **5.5 Equalities and Diversity**

5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the

## **5.6 Consultation and Engagement**

5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003.

## **6. BACKGROUND PAPERS**

9.1 The application and report of the Licensing Officer and appendices are attached to this report.

# Officers Report

# LICENSING ACT 2003

## OFFICERS REPORT

**Ashbar, 694 High Road, North Finchley, London, N12 9PY.**

### 1. The Applicants

The application was submitted by RE consultancy on behalf of Assad Hussaini Basmenj.

### 2. Application

The application before the subcommittee was submitted under Section 17 of the Licensing Act 2003 for a New Premises Licence. The application seeks to allow the following:

- To allow the sale of alcohol for consumption on the premises only from 11:00hrs until 00:30hrs (the following morning) Monday to Sunday
- To allow performance of live music (indoors only) from 18:00hrs until 22:00hrs Friday and Saturday.
- To allow playing of recorded music (indoors only) from 18:00hrs until 22:00hrs Friday and Saturday.
- To allow the provision of late night refreshment (indoors only) from 23:00hrs until 01:00hrs (the following morning) Monday to Sunday.
- To allow the premises to remain open to the public from 11:00hrs until 01:00hrs (the following morning) Monday to Sunday.

A full copy of the application can be seen attached to this report in **Annex 1**.

### 3. Representations

#### Responsible Authorities

The Licensing Team have received a representation from PC John Akers on behalf of the Metropolitan Police, their representation relates to the prevention of crime and disorder. We also received a representation from Roxanne Patemen on behalf of the London Borough of Barnet Noise Nuisance team, their representation relates to the prevention of public nuisance.

#### Other representations

The Licensing Team have received 2 valid representations from members of the public, these relate to the prevention of public nuisance.

The representation can be seen attached to this report in **Annex 2**.

#### **4. Attaching conditions**

The operating schedule, which is part of the application, includes certain additional steps that the applicant will take to protect the licensing objectives. These will become enforceable conditions, should the licence be granted. Additional conditions may be attached to the licence if the committee thinks it appropriate.

The Committee must have regard to all of the representations made and the evidence it hears, and is asked to note that it may not attach conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

In relation to conditions, the statutory guidance at chapter 10.8 states that “The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council’s Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

A map centrally locating the premises and a plan shall be made available at the hearing.

Daniel Pattenden  
Licensing Officer

Annex 1 – Application Form  
Annex 2 – Representation  
Annex 3 – Matters for decision

# Application Form

Elisabeth Hammond  
Re Consultant  
Barnet House  
1255 High Road  
N20 0EJ

London Borough of Barnet Licensing Team  
Licensing Team,  
1255 High Road  
Whetstone  
London  
N20 0EJ

Dear Sir/Madam

**Premises Licence application:- 694 High Road N12 9PY**

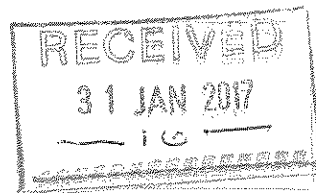
Please find enclosed a copy of a Premises Licence application submitted via our service.

Please note that we will not be acting as the agent for the applicant with regards to representation or queries with the application. Should you have any questions about the application, please address these with the applicant. Their contact information can be found on the application form.

Regards,

Elisabeth Hammond

Re Consultant



**Re**

Enc



**Application for a premises licence to be granted  
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/We~~ **ASSAD HUSSAINI BASMENJ**  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
694 High Road North Finchley			
Post town	LONDON	Post code	N12 9PY
Telephone number at premises (if any)		07872565208	
Non-domestic rateable value of premises		£ 25,250	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>HUSSAINI BASMENJ</b>			First names <b>ASSAD</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>694 HIGH ROAD NORTH FINCHLEY</b>			
Post Town	<b>LONDON</b>		Postcode	<b>N12 9PY</b>	
Daytime contact telephone number					
E-mail address (optional)		<b>[scribble]</b>			

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

Restaurant - one part modern restaurant and other part is Iranian traditional

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick yes

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of entertainment facilities:**

- |   |                          |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I)   | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			



D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) <i>Background music</i>		
Mon	11:00	01:00			
Tue	11:00	01:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	11:00	01:00			
Thur	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	01:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>			
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue						
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat						
Sun						

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	01:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23:00	01:00			
Wed	23:00	01:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	01:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	23:00	01:00			
Sun	23:00	01:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11:00	01:00			
Tue	11:00	01:00			
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
Sun	11:00	01:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

<b>Name</b> FERIDOOON RAYEGANI	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	01:00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	
Fri	11:00	01:00	
Sat	11:00	01:00	
Sun	11:00	01:00	

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

CCTV in operation 24/7. For special events we hire in SIA door staff.

**c) Public safety**

CCTV, Fire exit signs, up to date extinguishers

**d) The prevention of public nuisance**

Ensure customers are aware of surroundings, that they will be respectful of residential area

**e) The protection of children from harm**

Children must always be accompanied by adult. Staff are trained to ask for ID.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	25 Jan 2017
Capacity	Director

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Assad Hussari Basmenj  
694 High Road

Post town	London	Post code	N12 9PY
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



and any premises licence to be granted or varied in respect of this application made by

ASSAD HUSSAINI BASMENJ  
*[name of applicant]*

concerning the supply of alcohol at

694 HIGH ROAD NORTHFINCHLEY N12 9PY  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.


Personal licence number

*[insert personal licence number, if any]*

Personal licence issuing authority

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

  
-----

Name (please print)

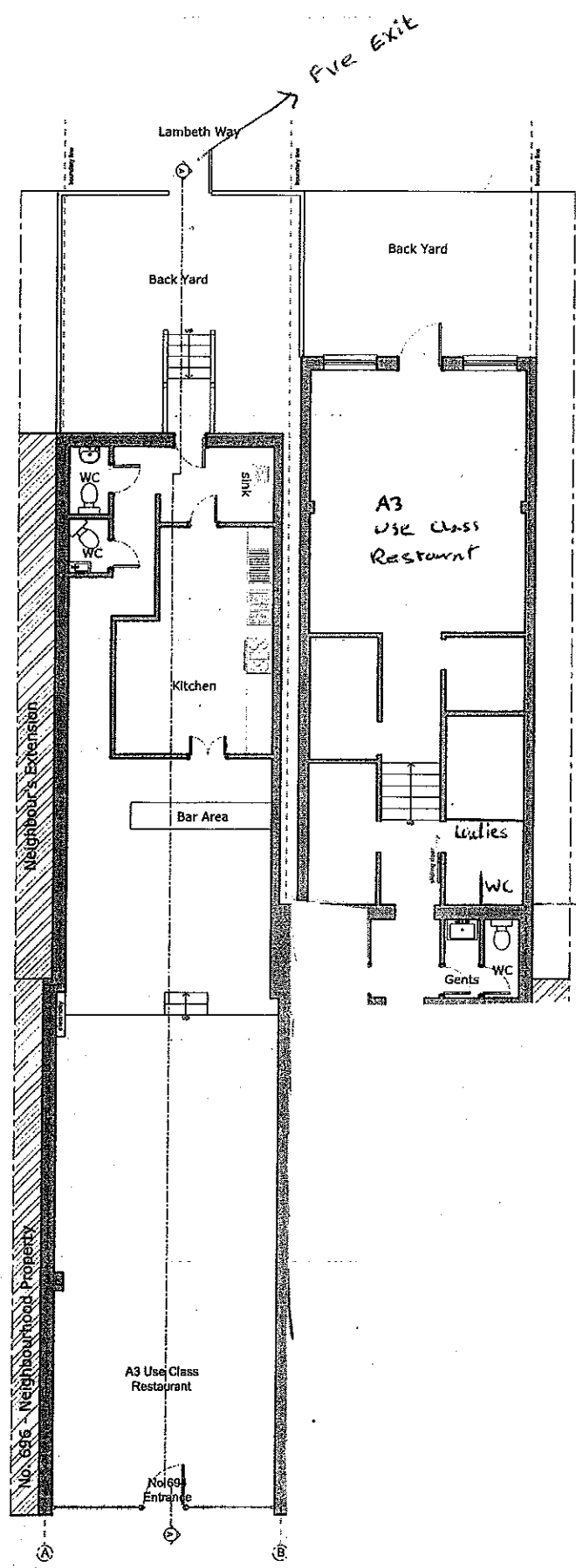
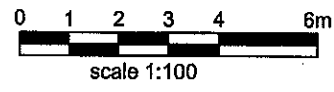
FERIDOON RAYEGANI  
-----

Date

26/01/17  
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- Notes
- 1- This drawing is not for construction
  - 2- All Dimensions are in millimeters
  - 3- Dimensions are not to be scaled directly from drawings
  - 4- All dimensions are to be checked on site and the Architect is to be informed of any discrepancies before construction commences
  - 5- All references to drawings refer to current revision of that drawing
  - 6- The Copyright of this drawing belongs to Archend Ltd.



- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Existing Ground Floor Plan

# Representations

Development & Regulatory Services  
The London Borough of Barnet  
Barnet House  
Floor 2  
1255 High Road  
London N20 0EJ

Tel: 020 8359 7995  
Date: 27<sup>th</sup> February 2017

**Noise Nuisance Representation to the following New Premises License Application**

**Licensing Act 2003 – New Premises Licence Application**

<b>Application Given To Noise Nuisance:</b>	<b>1<sup>st</sup> February 2017</b>
<b>Premises Name:</b>	<b>Abshar Restaurant</b>
<b>Premises Address:</b>	<b>694 High Road, London, N12 9PY</b>

The Noise Nuisance team are satisfied that allowing this premise to be used in accordance with the application submitted would undermine the licensing objective of the Prevention of Public Nuisance.

Our records show there have been a number of complaints made to Environmental Health of loud amplified music from this premises since 2014. Officers from the Out of Hour's Noise team at Barnet Council witnessed loud amplified music emanating from this premise on the 21.01.2017 which resulted in an Abatement Notice under section 80 of the Environmental Protection Act 1990 being served as the music was deemed to be a statutory noise nuisance. The notice requires the owner/manager of the premises cease or cause to cease the playing of amplified music and speech at such a level as to cause a statutory noise nuisance to neighbouring residents. Since the service of this notice the Out of Hour's Noise team have witnessed three breaches of this notice on the 8.01.2017, 18.02.2017 and the 25.02.2017.

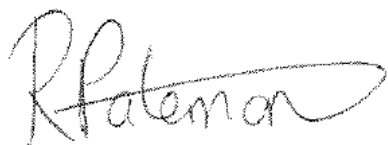
This clearly demonstrates that recorded and live music is not suitable for this premise as it is causing a significant on-going nuisance to a number of neighbouring residents.

A meeting was held with the applicant and the noise team on the 23<sup>rd</sup> February 2017. During which he was advised to engage the services of a reputable noise consultant in order to obtain what noise proofing methods are required to ensure the prevention of a nuisance arising from this premises.

Until such a time that a noise report is submitted to the noise team and agreed works are undertaken to prevent the continued noise nuisance from this premises I would respectfully request that the Licensing Sub Committee rejects the application or

amends the application to remove live and recorded music and condition no live or recorded music is permitted at any time.

Yours Sincerely,

A handwritten signature in black ink that reads "R. Pateman". The signature is written in a cursive style with a large, looping initial "R" and a long horizontal flourish extending to the right.

Roxanne Pateman  
Environmental Health Officer



London Borough Barnet  
Licensing Team  
Barnet House  
1255 High Road  
Whetstone  
London  
N20 0EJ

**BARNET POLICE STATION**  
Please post to:  
Licensing Office @SA  
Colindale Police Station  
GRAHAM PARK WAY  
LONDON  
NW9 5TW

Telephone: 020 8733 4195

Email: [barnet.licensing@met.police.uk](mailto:barnet.licensing@met.police.uk)  
Date: 28/02/2017

Ref:  
Our ref: 17/17

CC: London Borough of Barnet

**Police objection to a new premises licence**

Section	17					Licensing Act 2003
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Notice Received: 2<sup>nd</sup> February 2017  
From: Assad HUSSAINI BASMENJ  
Premises: Abshar, 694 High Road, North Finchley, London, N12 9PY

**For the following reason(s) Police are satisfied that the exceptional circumstances of the case are such that by granting the application would undermine the licensing objective, crime prevention.**

- On Friday 5<sup>th</sup> September 2014 the above applicant committed a serious sexual assault at an address in Lancashire, WN5 0QT
- The application has been made in the above applicants name
- Enquires are ongoing in relation to the above application which as a result of these enquires may lead to Police withdrawing their objections.

Yours Sincerely,

Licensing Office  
Barnet Borough Police.

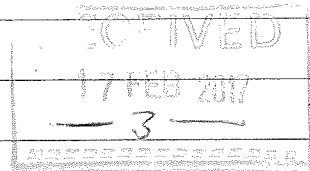
High Road  
North Finchley  
London.

15 February 2017

London Borough of Barnet  
Licensing Authorities Sub Committee  
1255 High Road  
London N30 0ET.

Dear Sir

Re Assad Hussain Basmeji  
Abshar Restaurant  
694 High Road  
London N12 9PY



It has come to my notice that application for a license has been made by the above mentioned.

I am writing to express my concern regarding the playing of music and to make you aware that music is at present being played at an unacceptable level and on occasions until after midnight.

My neighbour has lodged a complaint with the Noise Nuisance Dept and is the subject of an ongoing investigation.

I trust my comments will be taken  
into consideration when making  
your decision about issuing  
a license.

Yours Faithfully  
D Broom (Mrs)  
D BROOM

High Road  
North Finchley

Feb. 17th 2017

Dear Sirs

In response to the application Notice of Mr Assad Hussaini Basmerj. Living above the restaurant we would object strongly to any increase to his opening hours and to play live music living above the restaurant since it opened has been unbearable.

The music at weekends is ~~unbearable~~ ~~intolerable~~. The noise nuisance team have to be called at weekends REF PHCP 16 15270.

A warning notice was served on January 21st 2017.

The structure of the building vibrates noise throughout 690-698 High Rd.

Original plans were for a restaurant not a disco, private parties, and night club. as were sure it will become if the plans should be passed. Planning dispute for opening hours + music at this time is being looked at REF. ENF/00125/17.

We suggest a member of your committee visit the sight to see the very close proximity of the music set up and our living room and front bedroom.

Any alterations to the original plans must at all cost be rejected. For the wellbeing of the residents.

Yours Faithfully  
Mr. Mrs Gibson  
address as above





# Matters for Decision

## MATTERS FOR DECISION

**Ashbar, 694 High Road, North Finchley, London, N12 9PY**

To allow the Sale and supply of alcohol on the premises only

### Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	11:00	00:30			
Tuesday	11:00	00:30			
Wednesday	11:00	00:30			
Thursday	11:00	00:30			
Friday	11:00	00:30			
Saturday	11:00	00:30			
Sunday	11:00	00:30			

Added conditions, if any:

Reasons for decisions above:

**To allow the playing of recorded music indoors only**

**Standard Days and Timings**

<b>Day</b>	<b>Proposed start time</b>	<b>Proposed finish time</b>	<b>Granted as application</b>	<b>Amended to:</b>	<b>Refused</b>
Monday					
Tuesday					
Wednesday					
Thursday					
Friday	18:00	22:00			
Saturday	18:00	22:00			
Sunday					

Added conditions, if any:

Reasons for decisions above:

**To allow the playing of live music indoors only**

**Standard Days and Timings**

<b>Day</b>	<b>Proposed start time</b>	<b>Proposed finish time</b>	<b>Granted as application</b>	<b>Amended to:</b>	<b>Refused</b>
Monday					
Tuesday					
Wednesday					
Thursday					
Friday	18:00	22:00			
Saturday	18:00	22:00			
Sunday					

Added conditions, if any:

Reasons for decisions above:

## To allow the provision of late night refreshment

### Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	23:00	01:00			
Tuesday	23:00	01:00			
Wednesday	23:00	01:00			
Thursday	23:00	01:00			
Friday	23:00	01:00			
Saturday	23:00	01:00			
Sunday	23:00	01:00			

Added conditions, if any:

Reasons for decisions above:

**Hours premises are open to the public**

**Standard Days and Timings**

<b>Day</b>	<b>Proposed start time</b>	<b>Proposed finish time</b>	<b>Granted as application</b>	<b>Amended to:</b>	<b>Refused</b>
Monday	11:00	01:00			
Tuesday	11:00	01:00			
Wednesday	11:00	01:00			
Thursday	11:00	01:00			
Friday	11:00	01:00			
Saturday	11:00	01:00			
Sunday	11:00	01:00			

Added conditions, if any:

Reasons for decisions above: