

Decisions of the Licensing Sub-Committee

18 January 2018

Members Present:-

Councillor Alison Cornelius
Councillor John Hart
Councillor Claire Farrier

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor John Hart be appointed as Chairman.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Member	Item	Declaration
Councillor Claire Farrier	5	Councillor Claire Farrier declared a Non-Pecuniary interest. She lives in East Finchley but represents Burnt Oak Ward.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

5. SEASONS 205 HIGH ROAD

The Sub-Committee heard detailed submissions from Environmental Health, the Licensing Officer, and in addition have read their report and the witness statement submitted. They also considered the written and oral submissions of the local resident, Mr Joannou the Designated Premises Supervisor (DPS) Mr Yaragchi and his son, who is the manager of the premises.

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 the Officer from HB Public Law and the Governance Officer.

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

DECISION OF THE SUB-COMMITTEE

The review was made following numerous complaints dating from June 2015 regarding noise, vibration, odour and smoke emanating from the premises and numerous breaches of abatement notices.

The main unresolved issue is that of the odour nuisance from the premises. The main source of this is from the extraction system which is not fit for purpose and needs replacing. In addition to the odour nuisance the premises doesn't have sufficient ventilation which means staff are leaving the doors and windows open and this is allowing noise to escape and effect local residents.

The Sub-Committee heard detailed submissions from Environmental Health, the Licensing Officer, and in addition have read their report and the witness statement submitted. They also considered the written and oral submissions of the local resident, Mr Joannous, the Designated Premises Supervisor (DPS) Mr Yaraghchi and his son, who is the manager of the premises.

The Sub-Committee acknowledge the concerns of the Environmental Health team and in particular the significant delays in Mr Yaraghchi resolving the issues outlined in the abatement notices and the imposition of the acoustic ceiling.

The Sub-Committee also acknowledge Mr Joannou concerns and noted that he wanted the Sub-Committee to revoke the late license and he wanted to see that a proper extractor fan was installed and there was adequate sound proofing in the form of an acoustic ceiling and replacement of all the windows and doors.

The role of the Sub-Committee is to determine what steps should be taken in connection with the premises licence, namely the prevention of public nuisance.

We must consider whether the owner or any DPS is able or indeed willing to comply with the legal requirements of holding a licence and what action is appropriate to promote the licensing objectives in view of the problems at this premise. The Sub-Committee has been asked to consider all options.

The Sub-Committee must consider how to promote the licensing objectives.

The Sub-Committee were informed by Mr Yaraghchi that the premises have been closed since the 9 January 2018 and the owners are currently undertaking a considerable programme of works which they state will resolve all of the problems.

The Sub-Committee notes that the Licensee's engagement with Council Officers has been extremely slow, it is only now after two years and numerous breaches of abatement notices, that he is intending to carry out significant refurbishment of the premises, However In light of the proposed works, the Sub-Committee has decided to suspend the licence for a period of two months to enable Mr Yaraghchi to complete appropriate works, The suspension will commence immediately save for the usual laws governing appeals.

In addition to the suspension the Sub-Committee wish to attach the following conditions to the licence:

- Mr Yaraghchi must install an acoustic ceiling covering the entire ceiling to the satisfaction of Mr Ralph Haynes the Environmental Health Officer.
- The programme of refurbishment works that Mr Yaraghchi is currently carrying out to the licensed premises needs to be agreed and approved by the Environmental Health team and the completion of those works has to be to the satisfaction of Environmental Health team.
- The odour nuisance from the premises must be addressed before licensable activities can take place.
- All doors and windows to be kept closed, except for the ingress and egress to the premises.

The Licensee should know that the Sub Committee gave very serious consideration to revoking the licence. He should be aware that he is unlikely to be given any further chances should he continue to be in breach of his licence.

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

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

None.

The meeting finished at 16:20