

## Decisions of the Licensing Sub-Committee

19 July 2018

Members Present:-

John Hart  
Linda Freedman

Val Duschinsky

### 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)

None.

### 4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

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

### 5. REVIEW OF PREMISES LICENCE - AFTER PARTY, 232 WEST HENDON BROADWAY, LONDON, NW9 6AG

The Committee considered the review of the Premises Licence under Section 167 of the Licensing Act 2003.

The Committee heard a submission from the Licensing Officer and PCs Vicky Wilcock and Mark Fennessy as the Responsible Authority.

### 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

**In the matter of an application for a review for:**

**After Party**

**232 West Hendon Broadway, London, NW9 6AG**

**DECISION NOTICE**

This is an application for a review of the premises licence in respect of After Party, 232 West Hendon Broadway, London, NW9 6AG (hereinafter referred to as “the Premises”) pursuant to 167 of the Licensing Act 2003 (“the 2003 Act”).

It is a statutory requirement under s.167 of the 2003 Act for the licensing authority, having received notice of a closure order from Willesden Magistrate Court on 3 July 2018, to carry out a review of the premises licence and within 28 days hold a hearing to determine the review.

There has been a written representation from one Responsible Authority – the Police.

The facts are set out in the Police Representation dated 10 July 2018 and in the Licensing Officer’s Report dated 16 July 2018 and both the Licensing Officer Mr Pattenden and PC Wilcock on behalf of the Police also made oral representations. Briefly the police received numerous intelligence reports regarding drug activity connected to an establishment nearby the premises since April 2017. On 21 June 2018, intelligence from a reliable source revealed that someone from the premises was selling Khat (a class C drug) to another a few doors up. On 22 June 2018 a search warrant was issued and on 28 June 2018 the warrant was executed and substances were found at the premises and a closure notice was issued by the Metropolitan Police. On 29 June 2018 a closure order was granted at the Willesden Magistrates Court.

A premises licence was first applied for and granted on 7 July 2017. There have been no applications since and the licence holder is Shahla Shayesteh. Shahla Shayesteh informed the licensing team on Thursday 12 July 2018 that she had not been to the premises since 21 September 2017 and she claimed that she informed the Council’s licensing department of her surrender of her licence in October 2017 on the telephone and notified business rates by email that she had ceased trading and surrendered her lease. However the sub-committee noted that a telephone call is not sufficient to terminate a premises licence.

Subsequently after the issue of this application., Shahla Shayesteh formally surrendered the licence on 12 July 2018 in a series of emails. She was unable to provide the Licensing Authority with a copy of the premises licence because she is currently abroad. The procedure for terminating a licence is set out in s.28 of the 2003 Act. When the holder of a premises licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect, the notice must be accompanied by the premises licence or, if that is not practicable, by a statement of the reasons for the failure

to provide the licence. Thereafter under s.28 (3) of the 2003 Act, where a notice of surrender is given in accordance with that section, the premises licence lapses on receipt of the notice by the authority. The Licensing Authority is satisfied that there has been a valid surrender. However pursuant to section 50 of the 2003 Act, anyone can apply for a transfer of the licence within 28 days of a surrender and due to the mandatory requirement to have a review, this sub-panel hearing is still legally necessary.

The sub-committee were satisfied that licensing objectives in respect of the prevention of crime and disorder had been breached through the selling of Khat from the premises and the Closure Order itself and were aware of all the options open to them including: modifying the conditions, excluding licensable activities, removing the designated premises supervisor, suspending or revoking the licence.

The sub-committee took into account that the current licence holder had surrendered the licence on 12 July 2018 but in light of the regulations which would allow a transfer of the premises licence to another licensee without the requirement of any consent within 30 days of the surrender and could mean that the licence is capable of operation, the licensing sub-committee determined it was appropriate to revoke the premises licence to ensure that it could not be transferred to a new premises holder in the intervening period.

#### **Right of appeal**

Any party aggrieved with the decision of the Licensing Panel on one or more of the grounds set out in Schedule 5 to the Licensing Act 2003 may appeal to the Magistrates' Court within 21 days of notification of this decision.

Date: 19 July 2018

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

None.

The meeting finished at 11.48