

Decisions of the Licensing Sub-Committee

21 September 2020

Members Present:-

Councillor John Hart
Councillor Alison Cornelius

Councillor Claire Farrier

1. **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor Alison Cornelius be appointed Chairman for this Licensing sub-committee meeting.

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 Group Manager for Commercial premises requested an adjournment to the meeting, to enable conversations to take place that would aid in resolving the hearing.

The Committee agreed to a 30-minute adjournment. The meeting re-convened at 11.15am.

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

5. **REPORT OF TRADING STANDARDS & LICENSING MANAGER**

The Committee considered a review of the premises License for Levant Grill (Truth Bar), 78 East Barnet Road, New Barnet, EN4 8RQ.

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 Licensing Sub-Committee convened to determine an application for a Review of the Premises Licence in respect of Levant Grill (Truth Bar), 78 East Barnet Road, New Barnet EN4 8RQ ("the Premises").

The Application for a Review of the Premises Licence was made by Emma Phasey ("the Licensing Officer"), on behalf of the London Borough of

Barnet, (“the Responsible Authority”) under section 51(1) of the Licensing Act 2003. The Application was in furtherance of the licensing objectives namely, the prevention of crime and disorder and the prevention of public nuisance.

Prior to the hearing, the Sub-Committee had carefully considered the grounds for review of the premises licence which was set out in the Licensing Officer’s Review Application. Copies of the Review Application were made available to all the parties before the Hearing.

The facts in support of the Application were presented by Zekiel Cudjoe, an Officer in the Licensing Team of the Responsible Authority.

The Sub-Committee noted that the Police, which was represented by PC Vicky Wilcox who was also present at the Hearing, supported the Responsible Authority’s Application for a Review of the Premises Licence.

At the start of her presentation to the Sub-Committee, the Licensing Officer requested a short recess. The reason for the recess was that she was in the process of reaching an agreement with Mr Farshtchi, the current Licence Holder and Designated Premises Supervisor (“DPS”) of the Premises, regarding the conditions she was proposing that should apply to the Premises Licence upon review by the Sub-Committee.

The Sub-Committee decided to grant a short recess for 30 minutes to enable further discussions between Ms Phasey and Mr Farshtchi.

The Sub-committee reconvened at 11.15 a.m. after a short recess.

At the beginning of the reconvened meeting, the Licensing Officer informed the Sub-Committee that she had reached an agreement with Mr Farshtchi as to the conditions that should apply to the Licence. She however stated that she still wished the Sub-Committee to consider the Application for a Review of the Licence of the Premises.

The Sub-Committee was told by the Licensing Officer that Mr Farshtchi was not involved in the management of the Premises at the time when the police received complaints of noise emanating from the Premises and nuisance caused by parking. He was, however, the current DPS for the Premises.

One of the conditions proposed by the Licensing Officer was the removal of Mr Farshtchi as the DPS. The Sub-Committee was informed by Ms Phasey that Mr Farshtchi had agreed to step down as the DPS. This in effect meant that the Premises could not re-open for business until there was a properly appointed DPS.

Mr Farshtchi was asked by the Sub-Committee if he had anything to add to the representations made to the Sub-Committee by the Licensing Officer. He informed the Panel that he had only recently taken over control of the Premises which was run by a different group of people at the time of the complaints. He stated that he was in agreement with the conditions proposed by the Licensing Officer.

PC Vicky Wilcox representing the Police informed the Sub-Committee that she had nothing to add to the conditions that were being proposed to the Sub-Committee. She also stated that Mr Farshtchi was not involved in the running of the Premises at the time complaints were received about the Premises.

The Sub-Committee having considered the Application for a Review of the Premises Licence including all the documents in support of the Application, representations from the interested party (the police representative) and following their deliberations (in private), decided to review the Premises Licence by imposing the following conditions:

1. No noise shall emanate from the Premises, nor vibration be transmitted through the structure of the Premises which gives rise to a noise nuisance.
2. Loudspeakers shall not be located at the entrance of the lobby.
3. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons or patrons to the Premises.
4. The garden to the Premises shall not be used by patrons after 22:00 hours.
5. The Premises licence holder shall ensure that any patron(s) outside the Premises or in the back garden do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or disturbance to local residents or local businesses within the vicinity of the Premises.
6. A minimum of one SIA licensed door supervisor shall be on duty at the Premises from 20:00 hours until it is closed for business on Friday and Saturday evenings and any day preceding a Bank Holiday.

7. Mr Farshtchi, having consented to step down as the Designated Premises Supervisor, is to be removed as the Designated Premises Supervisor forthwith.
8. There must be a properly appointed Designated Premises Supervisor before the Premises may reopen for business.

Right to Appeal

Any party aggrieved with the decision of the Licensing Panel on one or more 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.