

MEETING

LICENSING SUB-COMMITTEE

DATE AND TIME

TUESDAY 25TH JANUARY, 2022

AT 2.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Councillors

Lachhya Gurung

Claire Farrier

Zakia Zubairi

** The licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.*

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

Andrew Charlwood – Head of Governance

Governance Services contact: Governance Service governanceservice@barnet.gov.uk

Media Relations contact: Tristan Garrick 020 8359 2454

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.	REPORT OF THE LICENSING OFFICER - TEN - TALMUD TORAH TIFERES SHLOMO BOYS SCHOOL To consider an application for a Temporary Event Notice for an event to be held on 9th June 2022 – 10th June 2022 at Talmud Torah Tiferes Shlomo Boys School, NW4 2NB.	9 - 32
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 governanceservice@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 Committee staff or 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

Once you are outside, please do not wait immediately next to the building, but move some 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

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 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.

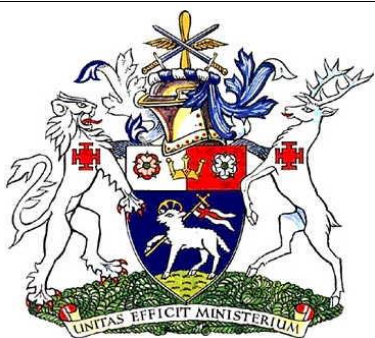
...Within five working days of the hearing

- 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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Licensing Sub-Committee AGENDA ITEM 5

14:00 25th January 2022

Title	Temporary Event Notice for Talmud Torah Tiferes Shlomo Boys School
Report of	Trading Standards & Licensing Manager
Wards	Hendon
Status	Public
Urgent	No
Key	No
Enclosures	Report of the Licensing Officer Annex 1 – Temporary Event Notice Annex 2 – Noise Nuisance Representation Annex 3 – Notice of Decision
Officer Contact Details	Elisabeth Hammond 0208 359 5639 Elisabeth.Hammond@barnet.gov.uk

Summary

This report asks the Sub-Committee to consider a Temporary Event Notice under Licensing Act 2003.

Officers Recommendations

1. That the Sub-Committee considers the Temporary Event Notice for an event to be held on 9th June 2022 – 10th June 2022 at Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue London NW4 2NB to which a Noise Nuisance Objection has been received.

1. Why this report is needed

- 1.1 The licensing authority having received a representation from the police that has not been withdrawn must (in the case of a standard TEN only) hold a hearing to consider the representation (unless all parties agree that this is unnecessary).

2. Reasons for recommendations

- 2.1 The Licensing Act 2003 states that should the licensing authority receive an objection notice from the police or Environmental Health Authority (EHA) that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary).
- 2.2 The licensing sub-committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.
- 2.3 If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party.
- 2.4 Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice

3. Alternative options considered and not recommended

- 3.1 Not applicable

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 are 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 None

5.3 Legal and Constitutional References

5.3.1 A valid objection notice has been received in relation to this Temporary Event Notice, which is therefore before the Sub-Committee for consideration

5.3.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

5.4 Insight

5.4.1 N/A

5.5 Social Value

5.5.1 N/A

5.6 Risk Management

5.6.1 N/A

5.7 Equalities and Diversity

5.7.1 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.

5.8 Corporate Parenting

5.8.1 N/A

5.9 Consultation and Engagement

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

5.10 Environmental Impact

5.10.1 Timely legal and fair decisions support objectives are 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.

6. Background papers

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

Officers Report

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NA

The Notice

This Temporary Event Notice was given to the Licensing Authority by Mr Mark Hus under Section 100 of the Licensing Act 2003.

The notice submitted seeks to permit the provision of regulated entertainment and the provision of late-night refreshment for a Bar Mitzvah.

Event Start: 18:30 on Thursday 9th June 2022
Event End : 00:30 on Friday 10th June 2022

A copy of the Temporary Event Notice is attached to this report in **Annex 1**.

Please note the original notice form states the end time to be 12:30 on 10th June 2022. I sought clarification from the applicant regarding this and they confirmed the correct end time should be recorded as 00:30 on 10th June 2022. Please see this communication also in **Annex 1**.

Noise Nuisance Objection

The licensing authority has received an objection from Mr Joe Prasad on behalf of Barnet's Environmental Health Noise Nuisance Team. Mr Prasad states:

"The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance."

Noise Nuisance's objection is attached to the report in **Annex 2**.

Officers Comments

The London Borough of Barnet's Licensing Policy states the following about Temporary Event Notices:

- Applicants should be aware that the serving on the Licensing Authority of a TEN does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Licensing Authority expects that applicants understand their obligations in respect of:
 - Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
- Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also, that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.

- Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Organisers should be aware this is the total number of persons, not customers, therefore staff should be included in this number.
- Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.
- The attention of applicant is drawn to the Licensing Authorities need to be provided with adequate information on the TEN. The applicant should make clear:
 - The nature of the event
 - If the event involves live or DJ music
 - whether it is open to the public or section of the public
- The applicant should also ensure all fields on the application form are completed, including their national insurance number.

Determination

The sub-committee shall determine the application in accordance with Section 105 of the Licensing Act 2003. The Notice of Decision is attached as **Annex 3**.

- (1) Where a relevant objection notice is made, the authority must-
 - (a) hold a hearing to consider the objection notice, unless the premise user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and
 - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of a licensing objective to do so.
- (2) The licensing (sub) committee can only
 - (a) issue a counter notice if it considers it appropriate for the promotion of a licensing objective
 - (b) impose conditions on the temporary event notice that are shown on the premises licence/club premises certificate for this property if it is considered appropriate for the promotion of a licensing objective (and not inconsistent with the carrying out of the licensable activities sought on the TEN)
 - (c) refuse to issue a counter notice, and give notice of this decision

Section 105 (3) states: -

- (1) The relevant licensing authority must –
 - (a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
 - (b) in any other case –
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

Any decision or counter notice must be issued to the premises user at least 24 hours before the specified event period. A failure to do so will result in the premises user being able to proceed with the event.

Attaching conditions

As this premises does not hold a premises licence, conditions cannot be attached to this Temporary Event Notice.

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required. A map centrally locating the premises and premises plans will be available at the hearing.

Prepared By:

Elisabeth Hammond
Licensing Officer

Annex 1 – Temporary Event Notice
Annex 2 – Noise Nuisance objection
Annex 3 – Decision notice

Temporary Event Notice

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	02GBRG	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	MARK
* Family name	HUS
* E-mail	xxxxxxxxxxxxxxxxxxxxxx

Main telephone number		Include country code.
-----------------------	--	-----------------------

Other telephone number	
------------------------	--

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="Tiferes Shlomo School"/>
* Street	<input type="text" value="Danescroft Avenue"/>
District	<input type="text"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="nw4 2na"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Tiferes Shlomo School"/>
Street	<input type="text" value="Danescroft Avenue"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="nw4 2na"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="xxxxxxxxxxxxxxxxxxxx"/>
Telephone number	<input type="text" value="xxxxxxxxxx"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). ([See also guidance on completing the form, note 2](#))

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name	<input type="text" value="Tiferes Shlomo School"/>
* Street	<input type="text" value="Danescroft Avenue"/>
District	<input type="text"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="nw4 2na"/>
* Country	<input type="text" value="United Kingdom"/>

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither ☐ Premises licence ☐ Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

<input type="text"/>

Continued from previous page...

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
([see also guidance on completing the form, note 6](#)):

- ☐ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

09

 /

06

 /

2022

dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

10

 /

06

 /

2022

dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

start 09/06/22 18.30 finish 10/06/22 12.30

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

250

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

the proposal is for musical accompaniment throughout the evening

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☐ Yes ☒ No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- ☒ Yes ☐ No

Continued from previous page...

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☒ Yes ☐ No

State the total number of temporary event notices your associate(s) have given for events in the same calendar year

1

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
- * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/barnet/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="02GBRG"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

From: S HUS <xxxxxxxxxxxxxxxx>

Sent: 12 January 2022 14:42

To: Hammond, Elisabeth <Elisabeth.Hammond@Barnet.gov.uk>

Subject: Re: TEN - 9th - 10th June 2022

**** Warning External Email ****

Elisabeth.

I do apologise, it should be 00:30 on the morning of the 10th

Thank you !

Mr Hus

On Wed, 12 Jan 2022, 13:26 Hammond, Elisabeth, <Elisabeth.Hammond@barnet.gov.uk> wrote:

Dear Mr Hus

The Licensing Team have received your TEN for an event at Talmud Torah Tiferes Shlomo Boys School. I notice you state the finish time to be 12:30 on 10th June 2022, please can you confirm if this should be 00:30 on the morning of the 10th or 12:30pm in the afternoon?

Regards

Elisabeth Hammond

Licensing Officer

Commercial Premises

London Borough of Barnet

2 Bristol Avenue

Colindale

London

NW9 4EW

0208 359 5639

Objection

Development & Regulatory Services
The London Borough of Barnet
Community Protection (Regulation)
2 Bristol Avenue, Colindale
London, NW9 4EW

Tel: 020 8359 3545

Date: Thursday 13th January 2022

Ref: PHCP/21/05613

Noise Nuisance Make Representations to the following Temporary Event Notice

Sect 100 of the Licensing Act 2003

Application Given to Noise Nuisance:	Wednesday 12th January 2022
Premises:	Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue London NW4 2NB
Person:	Mr Mark HUS
Event:	LATEN/22/65391
Date:	9th June 2022 – 10th June 2022
Time:	1830hrs – 0030hrs

The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.

Our records show that there have been several complaints of noise nuisance emanating from the venue, and the most recent complaint being received on 8th January 2022. The complaint was made to Barnet Council's out of hours service and was concerning loud music with heavy bass affecting the residents in their properties. On 8th January at approximately 9:35pm I visited a resident. From inside their property, I could clearly hear the bass from the music, and I witnessed this from two bedrooms in the resident's property. In my opinion the noise emanating from the school amounted to a statutory noise nuisance under environmental protection act 1990

I visited the venue and liaised with the caretaker who stated that he had not been told to monitor the bass levels and was not aware this could cause noise issues. I was also told he was only measuring the music levels using a phone application. My intention is to serve the premise with a noise abatement notice under environmental protection act 1990.

The Noise Nuisance Department have concerns with the event going past 11pm. The building has poor sound insulating properties and, in my opinion, would severely affect the local neighbourhood with many properties situated near the premises.

We also have concerns that people attending events at this premise (Up to 250 guests) these events are likely to cause unreasonably high levels of noise nuisance when they leave

the premise, with large groups gathering outside during the events. This concern is also heightened as this is a time when most of the residents would expect to be undisturbed by noise.

I have liaised with the owner, Mr Henry Bondi and Mark Hus on a number of occasions regarding previous complaints that the Barnet Noise Nuisance Team have received. Mr Bondi stated each time that the issues were addressed appropriately. However, during and after the previous TENs applications complaints have been received regarding the same issues previously stated. There are over a dozen residents who are reporting these complaints to Environmental Health and providing visual and audio/video recording evidence.

After each TEN I liaised with Mr Bondi via telephone, email and in person regarding the complaints I had received and about progressing forward. On Thursday 28th October 2021 I attended a meeting with Mr Bondi at the venue where I handed him a formal warning regarding the complaints I had received as I had also received visual evidence to corroborate the complaints.

On 11 November 2021 I attended a hearing as I had previously put in representation against a TEN from the venue, but it was granted as management presented an action plan and the Noise Nuisance had not witnessed any nuisances' occurring. I have a copy of the action plan if required.

If the premise user or their appointed representative does not engage with the Noise Nuisance Department and provide the information and reassurances to fully promote the licensing objectives identified above. I would respectfully request the Licensing Sub Committee reject the notice.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Prasad', written in a cursive style.

Joe Prasad
Environmental Health Technical Officer

Notice of Decision

PERMITTED TEMPORARY ACTIVITIES
Licensing Act 2003 part 5 sections 100-110 (the Act)

**Licensing Authority: Directorate of Commercial Premises,
2 Bristol Avenue, Colindale, NW9 4EW**

Ref: LATEN/22/65391

On Wednesday, 12th of January 2022 the licensing authority received from you, the premises user Mr Mark Hus, a temporary event notice in respect of proposed temporary licensable activities due to take place from 18:30 on 09.06.2022 and finishing at 00:30 on the 10.06.2022 within Tiferes Shlomo School, Danescroft Avenue, London, NW4 2NA.

NOTICE OF DECISION

(a) COUNTER NOTICE

(b) DECISION NOT TO ISSUE A COUNTER NOTICE

(delete that which is not applicable)

The Licensing Authority, having received a notice of objection from the relevant chief officer of police under section 104(2)(a) of the Act and in accordance with section 105(2)(a) of the Act, having held a hearing on 25th January 2022 at 14:00 to consider the objection notice hereby;

(a) gives the premises user this counter notice as it considers it necessary for the promotion of the crime prevention objective to do so. **The event may not go ahead.**

(b) does not consider it necessary to give a counter notice for the promotion of the crime prevention objective. **The event may go ahead.**

(delete that which does not apply)

NOTICE STATING REASONS FOR THE DECISION

The following reasons are given:

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SERVICE OF THIS COUNTER NOTICE/NOTICE OF DECISION.

At least twenty four hours before the beginning of the event period as specified in the temporary event notice, the relevant licensing authority must:

- (a) in a case where it decided not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case-
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

CERTIFICATE OF SERVICE

I Elisabeth Hammond (print name) an officer of the London Borough of Barnet, hereby certify that I served a true copy of this notice on the premises user Mark Hus (print name of premises user)

by: (insert method notice given)

Signed _____

Dated _____

MANNER OF GIVING A COUNTER NOTICE:

A counter notice is given in the prescribed manner if it is:

- (a) delivered to the relevant premises user in person
- (b) left at the “appropriate address”
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.

RIGHTS OF APPEAL:

Under Schedule 5 Part 3 Licensing Act 2003

Temporary Event Notices

- 16(1) This paragraph applies where -
 - (a) a temporary event notice is given under section 100, and
 - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrate’s court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices’ chief executive for the magistrate’s court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.