

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of **LICENSING PANEL E** held on **TUESDAY, 9TH NOVEMBER, 2021** at 10.00 am in Remote meeting via Microsoft Teams.

### **MEMBERS OF THE PANEL PRESENT**

Councillors Richard Cotton (Chair) and Steve Adams

### **MEMBERS OF THE PANEL ABSENT**

Councillor Angela Mason

### **ALSO PRESENT**

Councillor Stephen Stark

**The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of Licensing Panel E and any corrections approved at that meeting will be recorded in those minutes.**

### **MINUTES**

#### **1. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS**

### **RESOLVED**

THAT the guidance be noted.

#### **2. APOLOGIES**

Apologies for absence had been received from Councillor Mason and it was confirmed that the meeting was quorate with two Panel members present.

#### **3. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

No declarations were made

#### **4. ANNOUNCEMENTS**

The Chair announced the following:

“In addition to the rights by law that the public and press have to record this meeting, I would like to remind everyone that this meeting is being broadcast live by the Council to the Internet and can be viewed on our website for at least six months after the meeting. After that time, webcasts are archived and can be made available on upon request.

If you have asked to address the meeting, you are deemed to be consenting to being filmed and to the use of those images and sound recordings for webcasting and/or training purposes. If you are addressing the Committee your contribution will be recorded and broadcast.”

#### **5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There was no such business.

#### **6. LONDON AND SOHO STORES, 88 CHARING CROSS ROAD, WC2H 0JA**

Consideration was given to a report of the Executive Director Supporting Communities for a new premises licence within the Seven Dials Cumulative Impact Policy Area. The application was summarised by the Licensing Officer.

The agent Bobby Nakum representing the applicant, confirmed that the hours applied for in the application had been amended to the following:

##### **Supply of Alcohol (For consumption off the premises)**

Monday to Saturday 08:00 until 23:00  
Sunday 10:00 to 22:30

##### **Opening Hours**

Monday to Saturday 08:00 until 23:00  
Sunday 10:00 to 22:30

The applicant had also agreed to the conditions proposed by the Police Responsible Authority.

Julia Peterson on behalf of the Licensing Responsible Authority summarised their written representation. The premises was within the Seven Dials Cumulative Impact Policy Area where there was a presumption to refuse all new applications and this application should be refused in its entirety.

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PC Christopher Malone, Metropolitan Police, Police Responsible Authority summarised his written representation that included concerns that a small shop, with late opening hours would encourage more people to remain in the area and would make more alcohol available. This would add to the consumption of alcohol in the area, and the serious problems associated with alcohol and intoxication.

In response to questions:

- PC Malone confirmed that the times stated in his written representations on Friday , Saturday and Bank Holidays and Sundays of 10:00 to 18:00 were because of the problems and anti-social behaviour on the streets in the area
- Bobby Nakum confirmed that the plan on page 74 of the agenda should not have been included in the application

Interested parties

- There were no Interested Parties present at the meeting, but their written representations had been included in the report and given due consideration by the Panel.

Bobby Nakum representing the applicant provided an outline of the application that included:

- This was a small premises in a Cumulative Impact Policy Area and that it would not impact on the area
- 76% of businesses near the premises that had been granted licences were white owned in comparison to those owned by other ethnicities. It was his view that this was a breach of the equalities act where minorities were treated less favourably
- The owner of the premises would not serve alcohol to anyone who was intoxicated or to drug dealers
- The applicant was happy to accept the Police Responsible Authority conditions and had agreed to amend the application
- There would be no large deliveries of alcohol, this was a small premises and the sale of alcohol was ancillary to the sale of other goods but would help with the viability of the business. Alcohol would be approximately 20% of sales
- The applicant would accept shelves with shutters to store the alcohol
- 11pm was within the framework hours

Asked by the Panel about an accurate layout of the premises, no clarification could be provided. Mr Nakum said that the plan shown on page 74 of the agenda was incorrect and did not form part of the application. The correct plan of the premises was on page 75.

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The parties summed up their representations as follows:

- The Licensing Responsible Authority requested that the application be refused in its entirety because it was situated in a cumulative impact policy area
- The Police Responsible Authority asked for the application to be refused because of concerns about the sale of alcohol for preloading before attending other premises in the locality and that alcohol would be the main product sold at the premises
- Nothing further was added by Mr Nakum on behalf of the applicant

### **Decision and Reasons**

In deliberation, the Panel discussed that the premises was in a Cumulative Impact Policy (CIP) area, and whether it had been demonstrated that the application was an exception to the presumption to refuse applications in the CIP area. The Panel considered the representations from the Responsible Licensing Authority, the Police Responsible Authority, the Interested Parties and what they had heard about the application. The Panel was of the view that the reasons given for the viability of a business was not a justifiable exception to the CIP.

With regard to equalities issues about only white businesses being granted licences in the CIP area that had been raised by the applicant, this was the first time that this had been mentioned in licensing applications. The Chair noted that the consideration of licensing applications was carried out by Panel members having due regard to the requirements set out under the legislation and the Council's statement of licensing policy. Furthermore each application was considered on its merits and the ethnicity of applicants was not a consideration.

The Panel agreed that the application should be refused in its entirety because the premises was located within the Seven Dials Cumulative Impact Policy Area, where there was a presumption to refuse applications unless it could be demonstrated that the application was an exception to the policy and would not add to cumulative impact in the area. The Panel was of the view that an exception had not been demonstrated and that it had not been shown how the application would not add to cumulative impact to the area. For these reasons it was agreed that the application would be refused because to grant it would not uphold the prevention of crime and disorder or the prevention of public nuisance licensing objectives and was likely to add to cumulative impact.

### **RESOLVED**

THAT the application be refused in its entirety

**To Note: All**

**7. CAFE BRERA, 30 HAMPSTEAD HIGH STREET NW3 1QA**

Consideration was given to a report of the Executive Director Supporting Communities. The report was summarised by the Licensing Officer, who informed the Panel that, the Police Responsibility Authority and Licensing Responsible Authority had withdrawn their representations on the basis that their conditions had been agreed by the applicant.

The applicant Richard Bottomley confirmed that they had agreed to the conditions from the Licensing Responsible Authority and the Police Responsible Authority as set out on pages 131-132 of the agenda. The applicant also stated that he believed the café would not generate significant noise, but they were happy to and discuss further noise reduction measures.

The Interested Parties attending the meeting were Councillor Stephen Stark, a local ward Councillor and Dr Geraldine Bloustein, a local resident.

Councillor Stephen Stark described Hampstead as a quiet place. He wanted the premises to carry out measures to reduce noise before they opened for business. He also requested that any tables and chairs outside the premises should not be there too early, to avoid creating additional noise early in the morning.

Dr Geraldine Bloustein, expressed her concerns about public nuisance caused by alcohol and noise, that would disturb local families and children. She was concerned that this was yet another premises in the area selling alcohol from early in the morning until late at night. Intoxicated people were already causing problems in the area and this premises would add to the issue. The applicant had described the café as family friendly but the layout plans and happy hour made the premises look a wine bar. Local residents were also concerned about the noise that would be generated by people sitting outside the café and the litter caused by smokers.

Other interested parties had not been able to join the meeting, but the Chair confirmed that the Panel had read all the representations submitted in response to the application.

The applicant Richard Bottomley attending with Konstantin Rzhebaev and Guru Bahl summarised the application as follows:

- Café Brera was a café not a bar. There were six premises of the same name that had been established over the last 30 years. They provided quality produce in an atmosphere that prided itself on the quality of their service. As a business they did not have a record of complaints
- 40% of sales at the café would be food, 60% drinks and 10% of the drink sales would be alcohol. The alcohol would primarily be for customers who wanted a glass of sparkling wine

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- The food was cooked off site. On site staff would consist of 6-10 people including 3 trained barista, 2 chefs for food preparation and front of house staff
- It was not a late-night alcohol led premises and the applicant would agree to alcohol only being sold after midday. There would be no vertical drinking, the focus of the business model was coffee and cake
- The applicant would be happy to meet with Councillor Stark to discuss sound proofing. The windows to the premises would be shut at 9pm. Only background music would be played and if required the applicant would agree to limiting the hours it was played
- The other Café Brera premises were clean, all of them had 5 out of 5 star hygiene ratings
- This was a small premises, not in a Cumulative Impact Policy Area, they had taken the concerns and objections seriously and had agreed to all the conditions that had been proposed by the Responsible Authorities. The applicant was experienced in making businesses successful and was happy to speak to local residents

The following information was provided by the applicant in response to questions:

- The bar area on the plan would be used for the storage of alcohol, cold drinks and a servery area for food. All alcohol would be served by a waiter/waitress. There would be no bar service
- The kitchen area on the plan would be used to prep food for serving. Most of the food would be made off site and would be delivered from Battersea
- The premises would comprise of 50 covers and there would only be one chef on duty
- The applicant had thought very carefully about noise and sound issues at the premises, windows at the premises would be closed at 9pm. They would agree to no alcohol being served before noon and it would only be served with food. The alcohol served would usually be a glass of wine or champagne with cake, it was an additional offer that customers enjoyed
- These premises were the same proximity to residential properties as the Café Brera premises in Battersea and there had not been any complaints from residents there
- The applicant would agree to tables and chairs outside the premises not being used before 8am Monday to Friday and not before 9am on Saturday and Sunday
- Any issues with rubbish or litter were not anticipated given the hygiene ratings at the other Café Brera premises
- It was too early to confirm if the premises would have a defibrillator on site

All parties summed up the points they had made in their representations.

## **Decision and Reasons**

In deliberation, Panel Members discussed the representations made by the Interested Parties and local ward councillor about the application. They considered the information provided by the applicant and confirmation that there would be no vertical drinking, alcohol would only be served ancillary to food and not be available before noon. They also noted the measures that had been taken about sound at the premises and the measures to reduce any noise.

In addition the applicant had agreed to a number of conditions from the Police and Licensing Responsible Authorities. The Panel noted in particular the steps taken to address the concerns of the interested parties and welcomed the discussions that had taken place between all parties to try and resolve matters. On this basis, the Panel agreed that granting the application, with the conditions below, would uphold the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

## **RESOLVED**

THAT the application, for a new premises licence, be granted as follows

### **a) Supply of Alcohol (For consumption on and off the premises)**

12:00 – 21:00 Sunday to Wednesday

12:00 – 22:00 Thursday to Saturday

### **b) Recorded Music**

07:00 – 21:00 Monday to Wednesday

08:00 – 21:00 Sunday

07:00 – 22:00 Thursday to Saturday

### **c) Opening hours**

07:00 – 21:00 Sunday to Wednesday

07:00 – 22:00 Thursday to Saturday

- i) The windows of the premises to be closed by 9pm.
- ii) Tables and chairs outside the premises to not be used before 8am Monday to Saturday and not before 9am on Sunday.
- iii) That alcohol will not be served before midday.

## **Summary of conditions consistent with the operating schedule**

1. A Challenge 25 Proof of Age scheme will be in place.
2. CCTV will be in operation.
3. An incident log shall be kept at the premises.
4. Alcohol shall only be served during Licensing hours.

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5. A Challenge 25 policy shall be in place.
6. Sale of alcohol shall be refused to people who are drunk.
7. Specially trained staff will dispense alcohol.
8. Customers will be asked to leave quietly and to give due regard to the neighbours.
9. Trained staff will be on duty to defuse any issues- and will seek the services of a security company in extreme instances.
10. No sale of alcohol to anyone underage.
11. Staff will check identity if in doubt.

**Conditions agreed with the Licensing Authority Responsible Authority**

1. Alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal.
2. Orders for food and beverages can only be sold to and consumed by customers outside the premises when sat at a table covered by a tables and chairs licence where required.
3. Alcoholic beverages can only be sold to and consumed by customers outside the premises when sat at a table covered by a tables and chairs licence where required.
4. The contact telephone number of the premises shall be circulated to the local residents.
5. Customers smoking outside the premises shall not be permitted to cause an obstruction.
6. Any External areas shall be monitored and supervised by management and staff during the hours of operation .

**Conditions Agreed with the Police Responsible Authority**

Conditions Agreed with the Police responsible Authority

1. CCTV shall be installed operated and maintained ,to function all times that the premises is open for licensable activities The CCTV will comply with the following criteria:
  - a) The Premises Licence holder /DPS will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
  - b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the Police or other authorised officer on request.
  - c) The Police will be informed if the system will be operating for longer than one day of business for any reason.
  - d) The system will record in real time and recordings will be date and time stamped.
  - e) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act requirements) within 24 hours of any request.



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- f) CCTV to cover all entry and exit points of the building.
- g) CCTV will be of good quality, a standard approved by the Police/ Council licensing Officers.
- 2. The Premises Licence holder shall ensure that staff are trained , as appropriate in respect of relevant Licensing Law, crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written into a programme, on-going review and will be made available for inspection by Police or other responsible authority, upon request.
- 3. No person carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 4. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
- 5. Police must be called to incidents of violence and or serious disorder.
- 6. There shall be no vertical drinking. Alcohol will only be sold by Waiter /waitress service to customers seated at tables. Alcohol sales will be ancillary to a table meal.
- 7. All off sales of Alcohol, should either be sold ancillary to food /or to customers that have had a substantial meal already and are now leaving the venue and wish to purchase alcohol.

**To Note: All  
Action By: Executive Director Supporting Communities**

The Panel had a brief adjournment and the meeting resumed at 11.35a.m.

**8. CASA TUA, 170 ROYAL COLLEGE STREET, LONDON NW1 0SP**

Consideration was given to a report of the Executive Director Supporting Communities that was summarised by the Licensing Officer.

Mr Rob Edge of Licensing Leader Ltd, the agent representing the applicant Mr Giuseppe Miggiano informed the Panel that the Sunday hours for the sale of alcohol had been reduced to 22:30 to bring them within framework hours.

Ms Henrietta Oxlade an Interested Party (not attending the meeting) opposing the application, was represented by Mr Ben Colenutt of Jamieson Alexander Legal. Mr Colenutt was present and attending with George Chambi.

Mr Colenutt made the following points about the application:

- The closing times of 23:30 during the week and 3am closing on New Year's Eve to New Year's Day that had been applied for were very late hours
- That there were only 6 tables and that the premises was effectively a bar, with limited space between tables that could lead to anti-social behaviour
- The applicant had a bar/restaurant premises a few doors away and this application was described as a delicatessen but would also be a bar

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- The CCTV cameras for these premises were directed at residential properties and had caused problems in the past. Could it be conditioned that the cameras should not point at the residential properties?
- Could the Panel also reduce the on sales of alcohol to 8pm Monday to Sunday and refuse the off sales of alcohol on all days?

Bruce Saunders, an Interested Party supporting the application summarised his written representation with the following points:

- There had been many fast-food premises in the area and it had been transformative to have these premises available in the past eighteen months
- Casa Tua had provided local residents with a welcoming shining contrast to fast food with a delicatessen
- The premises was opposite a new pub and located in an area that was already busy with traffic and noise
- The premises were well run with responsible owners

The applicant Mr Giuseppe Miggiano was in attendance and was represented by Mr Edge of Licensing Leader Ltd, who provide the following summary of the application:

- The applicant had tried to mediate with the Interested Parties opposing the application but they had been unable to come to an agreement on matters
- The applicant already owned a restaurant close to the premises, that had opened in 2013 and was popular with local residents. He also owned another restaurant called Casa Tua in Kings Cross, that had opened in 2015
- The applicant had moved to London fifteen years ago, was passionate about hospitality and had made a significant investment of £150k in the refurbishment of this premises to ensure that it was special and successful
- The premises had the support of local residents' groups and was well known for its décor and fine wine
- The refurbishment had transformed the premises and the applicant hoped to open more premises in the future with job opportunities for local people
- The application had been taken very seriously and the business model included authentic Italian artisanal produce from Puglia and fine wine from the region. It was a place for families and local people
- The premises had a strong operating schedule. There were measures in place to help noise reduction, Challenge 25, a Refusal Log, a Designated Premises Supervisor, trained staff/managers and signage directing customers to be mindful of residents
- The applicant had been willing to receive advice from the Responsible Authorities
- The operation of CCTV at the premises would comply with GDPR, only footage to support the licensing objectives would be recorded and would not invade the privacy of any residential premises nearby. Recording at the premises would not go beyond the curtilage of the premises

The Interested Parties opposing and supporting the application summed up their submissions.

## **Decision and Reasons**

In deliberation, the Panel considered the written representations and what they had heard from those at the meeting. They were mindful that none of the Responsible Authorities had made representations and that the applicant had amended the hours for the sale of alcohol to bring them within framework hours.

The Panel discussed having a condition about the area to be covered by the CCTV to address concerns. It was noted that condition 11 addressed concerns about litter at the premises. The Panel also agreed that they would amend the start time for the sale of alcohol on Sunday to Noon.

On this basis, the Panel agreed that granting the application with the conditions below would uphold the licensing objective of the Prevention of Public Nuisance.

## **RESOLVED**

THAT the application, as amended, for a new premises licence be granted as follows:

a) Supply of Alcohol (For consumption on and off the premises)  
11:00 to 23:00 Monday to Saturday  
12:00 to 22:30 Sunday

b) Opening hours  
08:30 – 23:30 Monday to Sunday

c) Seasonal Variations

Licensable activities to be extended from the end of Permitted hours on New Year's Eve to 03:00 on New Year's Day

d) THAT the applicant should liaise with the Metropolitan Police to ensure that CCTV operations were in compliance with the relevant regulations and that coverage should only extend to the curtilage of the premises.

## **Summary of conditions consistent with the operating schedule**

- 1, CCTV will be installed, operated, and fully maintained at all times; images will be retained for at least 31 days and be produced at the request on any Responsible Authority. The CCTV will be operational at all times whilst the premises are open and trading. CCTV warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

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2. A refusals log will be maintained at all times this will be checked and signed by the DPS at the end of each week , this log will be available for inspection by any Responsible request.
3. Staff training in the Licensing Act 2003 will take place for all members of staff prior to the premises opening, and all records will be retained at the premises; and made available for inspection at any time.
4. The Premises licence holder or DPS will carry out pre-opening checks of the delicatessen, to ensure that there are no risks to patrons and that all safety precautions are in place.
5. The Premises Licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months.
6. The licence holder will ensure that staff are aware of their social and legal responsibilities regarding the sale of alcohol.
7. All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.
8. The Premises will comply with all food safety regulations. The staff involved with food preparation will be fully trained and their certificates displayed accordingly
9. The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours.
10. All doors and windows will remain closed when recorded music is played, other than for access and egress.
11. Staff will ensure that the frontage of the restaurant is inspected regularly for litter and rubbish, clearing any debris away. No rubbish, including bottles, shall be moved or placed in outside areas between the hours of 2200hours and 0800 hours.
12. A Challenge 25 policy is in place and only recognised forms of ID will be accepted (PASS accredited ID, passport or photo driving licence ) Children will only be allowed to remain in the premises when accompanied by an adult, and then only until 2200 hrs- unless it is a private function. A till prompt (electronic or visual) will be used for all alcohol sales.

**To Note: All  
Action By: Executive Director Supporting Communities**

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**9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no urgent business.

The meeting ended at 12.00 pm.

**CHAIR**

**Contact Officer: Donna Alexander-Morrison**

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**MINUTES END**