

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 19TH JANUARY, 2023** at 7.00 pm in a remote meeting via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Jonathan Simpson (Chair), Matthew Kirk and Sylvia McNamara

ALSO PRESENT

Councillor Pat Callaghan

The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel C and any corrections approved at that hearing 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 on remote meetings be agreed.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

There were no declarations of interest.

4. ANNOUNCEMENTS (IF ANY)

Broadcast of the Meeting

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The Chair made the following announcement: “In addition to the rights by law that the public and press had to record this meeting, he would like to remind everyone that this meeting was being recorded and broadcast live by the Council to the Internet and could be viewed on the Council’s website for six months after the meeting. After that time, webcasts were archived and could be made available upon request.

If you had asked to address the meeting, you were deemed to be consenting to having your contributions recorded and broadcast, including video when switched on, and to the use of those sound recordings and images for webcasting and/or training purposes.”

The Chair further announced:

Resolved Application

That Item 9, Elysee Restaurant, had been resolved ahead of the hearing and therefore would not be considered at the hearing.

Supplementary Agenda

Since the publication of the agenda, there had been 1 supplementary agenda published:

Supplementary Agenda 1 - in relation to item 7, Forge and Foundry – additional information submitted by the applicant.

Item 8, Savemore Supermarket – additional information provided by the Premises Licence holder.

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

There were no notifications of items of urgent business.

6. MINUTES

Consideration was given to the minutes of the meeting held on 20th December 2022.

RESOLVED –

THAT the minutes be approved and signed as a correct record.

7. FORGE AND FOUNDRY / CAPONATA RESTAURANT, GROUND & FIRST FLOOR, 3-7 DELANCEY STREET, LONDON NW1 7NL

Consideration was given to the report of the Executive Director, Supporting Communities detailing an application to vary a premises licence under Section 34 of the Licensing Act 2003.

The Licensing Officer introduced the report and explained that the premises was located in the Camden Town Cumulative Impact Policy Area where there was a presumption to refuse all new or variation licensing applications. However, the presumption was rebuttable. Further the hours policy was engaged by the application in relation to the proposed times for licensable activities.

The application was for a variation to the hours permitted for existing licensable activity including the supply of alcohol for consumption on and off the premises and regulated entertainment, as highlighted on page 61 of the agenda. There were no changes sought to the existing opening hours or seasonal variations.

The Responsible Authorities - Licensing Authority, Environmental Health and Police had all objected to the variation application. In addition, 2 resident associations and 44 local residents opposed the application. The licensing objectives engaged by the application were the prevention of crime and disorder, the prevention of public nuisance, public safety and protection of children from harm.

The Applicant's Representative, Andrew Woods, requested an amendment to the application as follows:

a) Supply of Alcohol (For consumption on the premises)

- i) 10:00am to 11pm on Sunday (reduced from 10.00am to midnight), and
- ii) 10.00am to 1.00am Monday and Tuesday (reduced from 10.00am to 2.00am)

The representative from the Licensing Authority Responsible Authority, Paru Bhudia, summarised her representation found on pages 96-104 of the agenda. In addition, she highlighted that:

- The premises operated as a restaurant and music venue located in a mixed residential and commercial area.
- Camden Town was a lively and busy night life area which also generated a great deal of issues and there was concern that the applicant had sought to extend the hours for all licensable activities.
- This would generate the lingering of patrons after pubs and bars had closed.
- The patrons visiting these premises in the early morning intoxicated would be difficult to manage.

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- There had been a number of Temporary Event Notice (TEN) events organised by the venue which had generated a number of complaints from local residents.
- There had been a meeting with the applicant, Licensing Authority Enforcement and Environmental Health Responsible Authorities to address the concerns generated from the complaints.
- Although the applicant had appeared to be keen to adopt the suggested conditions and recommendations there had been no further engagement from the applicant after the initial meeting.
- There were two other premises in the immediate vicinity which were open at the weekends till 2.00am and 4.00am respectively. Although this premises was proposing to close at 3.00am at weekends and there was a staggering of closing times, the fact that the premises were in close proximity to each other could potentially add extra pressure to the cumulative impact area.
- It was noted that the applicant had indicated that this was the only LGBTQ+ venue in the area, commenting that, all diverse communities were supported in Camden.
- However, all licensing applications were considered on their own merits, and assessed according to policy, the premises already had a licence, the applicant could still run a business and support the LGBTQ + community within the hours already permitted.
- Extending the hours had the potential off adding to cumulative impact in the area.
- Commenting further the view was that the applicant had not demonstrated that the venue was an exception to the policy or that it would not add to the cumulative impact of the area and asked that the application be refused in its entirety.

PC Christopher Malone representing the Police Responsible Authority summarised his representation which could be found on pages 91-95 of the agenda. In addition, he highlighted that:

- Camden Town was a crime hotspot for both the boroughs of Islington and Camden, the major contributing factor to this was the night-time economy where people frequented the area to visit its many licensed venues.
- The Metropolitan Police Service were mostly concerned about the alcohol related violence associated directly or indirectly with licensed premises.
- Alcohol related crime was higher in Camden Town a cumulative impact area than other areas of the borough.
- He commented that approving the variation application for this premises which was situated in a highly residential street, would bring more people to the area in the early hours of the morning every night of the week.
- This would add to footfall, increased traffic from cars parking and picking up customers, and noise nuisance which would all add to cumulative impact in the area.
- The Police requested that the Panel reject the application in its entirety.

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The representative from the Environmental Health Responsible Authority, Lee Perella, summarised his representation which could be found on pages 110-114 of the agenda. In addition, he highlighted that:

- He disagreed with the applicant that there would be no cumulative impact from the operation of the premises.
- The applicant had not been very proactive in accepting new conditions proposed at the time the application was made.
- When the TEN events occurred at the premises, the capacity of the venue was 450 people which was larger than most venues in the area and added to the cumulative impact in the area.
- There was a noise impact generating from the venue, in addition to the noise created on dispersal after the venue had closed which impacted on residents.

PC Malone Police Responsible Authority answered questions as follows:

- Relating to homophobic hate crime stats, when the Black Cap venue was open there were some hate crimes reported but he did not have a figure in relation to other venues in Camden.
- He could not comment on whether a venue such as the Forge and Foundry would alleviate hate crime attacks in the area.
- He was not aware that the venue was an LGBTQ+ venue until a few days ago.

Lee Perella Environmental Health Responsible Authority answered questions as follows:

- Relating to the vibrating noise coming from the premises, felt and heard by residents in Chant House, it had been reported that the venue would need to work on and improve noise controls as per the existing licence.
- If vibration coming from the premises was still an issue the applicant would have to notify Environmental Health and the Licensing Authority about what they were doing to make sure that they were meeting the public nuisance licensing objective.
- The premises would need to provide a noise report to demonstrate that they would not cause public nuisance and noise outbreak.

The Panel heard from three Interested Parties: George Pennock also speaking for Kate McLaren (TRACT) and Russell Grant. Caroline Choo also speaking for Martin Seebach, Alex Yanacocha, Catherine Colley, Charles, William and Katherine Arnot, and Storm Moncur speaking on behalf of Jessica Parkinson.

The Interested Parties made the following points in their submissions:

- The premises was located within a cumulative impact policy area;
- It was currently operating outside of its permitted operational hours. In addition, it had been operating extremely late hours via TENs in recent weeks.

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- The premises appeared to be operating as a bar and club rather than the cafe restaurant, which it was permitted to run.
- A planning enforcement order had been submitted and was currently being acted on by the Council's Planning Department.
- The fact that the applicant seemed unaware of the planning conditions suggested that they were either naive or deliberately breaking the planning conditions neither suggested a competent operator.
- On the 24th of August 2011, permission was granted to vary conditions 2 and 6 of the original 2006 permission to restrict the cafe, restaurant and recital hall to open from 8:00am until midnight Monday to Thursday, 8:00am to 1:00am Friday and Saturday and 8:00am till 10:30 Sunday and bank holidays.
- Condition one on the premises licence stated that live and recording music should not be played on the premises between 11:00 PM and 8:00am. The application now wanted to considerably extend the current licensing hours. This would undoubtedly add to the cumulative impact in Camden Town as late night venues were magnets for trouble.
- Camden Town was a controlled drinking zone and no off sales in open containers should be allowed at any time from this premises, never mind late at night.
- Whilst licensing and planning were separate areas of responsibility, the Panel should consider the cumulative impact on residents and reject this application in full.
- There had been a great deal of correspondence and discussion between the local people in the community over the last few weeks with regard to this application, many of whom had strongly registered their objections in writing.
- The objection was being made with the full support not only of the Delancey Street Residents Association, but also neighbouring associations in Albert Street North and Arlington Road. This neighbourhood was set back from Camden High Street and was in close proximity to the Forge, it was not a commercial centre.
- A large number of people lived in the neighbourhood, which was 90% a residential community with a wide range of people, including families with small children.
- This was one of the reasons why residents were extremely concerned and felt that there should be an appropriate balance between the needs of the local economy and the right of local residents to have an undisturbed life.
- Unlike Britannia Junction, Camden High Street, or Parkway, Delancey Street had few licensed premises, so there can be no doubt whatsoever that introducing late night drinking on Delancey Street would change the character of the area irrevocably.
- If this application was granted, it would inevitably bring an increase in the amount of alcohol related public nuisance, and anti- social behaviour, which, to the exasperation of so many residents in Camden Town, regularly resulted in drug dealing, shouting, fighting, urinating and sometimes vomiting.
- This was accompanied by dangerous and offensive litter, usually comprising a large amount of leftover food and packaging and widespread broken glass, which often remained on the street for several days afterwards. This was an

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unsightly mess, a hazard to public health and hygiene, but also extremely dangerous to those local residents who were elderly, frail, had young children or owned pets.

- The application to extend the current licence was unreasonable, and, if granted, would effectively add to the cumulative impact in the area.
- Local residents had experienced stress disruption and many sleepless nights since the Forge reopened.
- The venue had proven to be a source of public nuisance, causing upset within the community, particularly when residents were unable to sleep or enjoy the peace and comfort of their own home.
- The venue had been operating outside of their permitted licensing hours and the hours of their planning conditions, often playing excessively loud music well after the 11pm. Live as well as recorded music, often with a heavy bass where you could feel the vibration of the music, which played into the early hours of the morning.
- The base echoed and reverberated between the buildings, which were predominantly homes that surround the venue and had negatively impacted residents lives to the point where they had to use fans and white noise machines in an attempt to mask the noise coming from the Forge. This was with windows closed and would be worse in the summer months with windows open.
- A contributing factor to the disturbance had been patrons queuing, smoking, exiting and loitering around the venue both during the day and into the early hours of the morning.
- On an already narrow stretch of road, there was a flurry of taxis and Ubers stopping in the road to collect patrons leaving the venue, causing congestion and the honking of car horns.
- Residents believed that by granting the variation the venue would undoubtedly lead to an increase in both public nuisance and crime and disorder in the area.
- The evidence had already proven that the venue would continue to contribute to these factors and therefore the application should be refused in its entirety.
- LGBTQ+ appeared to be an angle used by the applicant at short notice to get the application through.

The interested parties answered questions as follows:

- A number of residents had been in touch with the management of the venue. contact numbers had been provided for the management for residents to get in touch, some residents had also gone to the premises in the night when the noise disturbance was excessive. The management had not been very responsive to concerns of noise raised by residents.

The Applicant's Representative, Mr Woods, presented his client's case and called Luke Wright, Carlos Florez and Steve Wilmot- as witnesses. The key points Mr Woods made in his submission were:

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- The applicant noted that were the application to be granted, it could only operate in accordance with the conditions that the Panel would put on the licence.
- All conditions proposed by the Responsible Authorities had been agreed and accepted by the applicant. This meant that particularly the conditions with regards to noise would have to be complied with and a considerable amount of work had to be done before the premises could trade.
- The applicant took over the premises in September 2022 but did not accept all of the issues that had been levied against the applicant.
- The applicant had recently put in their own sound limiter.
- The reason for taking over this premises was to turn the venue into a unique culturally important venue for Camden. To provide a welcoming and safe environment for the LGBTQ+ community given the lack of similar venues in the area. Staff employed would be LGBTQ+ friendly with live music being overseen by the founder of Camden Jazz Café.
- There would be cultural and food events held.
- There had been 23 letters of support for the venue some from well-known figures and local politicians. There had also been a petition with over 600 signatures in support of this type of venue.
- There would be a consistent management team, people would not be allowed to come to the venue to run their own events and set the sound limiter this would be under the control of the management team.
- A Planning application would be submitted once a number of documents had been obtained. The premises would not trade without the appropriate planning permission.
- There was no evidence of crime connected to the premises, in fact if the application were granted there would be a positive effect on crime given the safety the premises would provide to a huge group.
- Noise was raised as an issue, and the Environmental Health Responsible Authority had proposed 21 conditions one of which was that a noise consultant had to be appointed, a sound insulation scheme had to be put together to prevent noise disturbance. All these measures had to be approved by the Council.
- The premises would also need to be structurally suitable for the entertainment proposed, and would not be able to open until these conditions had been implemented.
- With regard to the cumulative impact policy, since that policy had been introduced there had been a handful of premises that had closed and ceased operating such as the Black Cap and Shaka Zulu and Proud, had reduced its hours recently and been replaced by a golf course. Therefore, there had been a reduction in the number of late night premises in the area.
- The application was an opportunity to establish Camden as a music and artistic, diverse centre and a home for the overlooked LGBTQ+ residents who had fewer places in the borough to be themselves.
- The management team that had been put in place would strive, moving forward to work towards resolving all the issues that have been highlighted.

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- The management team confirmed to the residents that it would ensure the venue was run as a responsible operation friendly and respectful to local residents. It had long term plans with a 30-year lease for the venue.

The applicant answered questions as follows:

- The applicant was looking to hold between 8 and 10 LGBTQ+ nights a month plus cabaret events.
- The nights would be very inclusive not just about LGBTQ+ but also about diversity and race. It would also feel like a hub where people could have cocktails and food, it would not just be an events venue.
- The dispersal policy would also be dealt with via the noise attenuation scheme and agreed with Environmental Health. The applicant would be happy to accept a condition agreed with Environmental Health in terms of dispersal along Delancey passage.
- The applicant had agreed all the conditions proposed by the Responsible Authorities so there had been no need to go back to the Responsible Authorities. An email was sent to the Police and the applicant should have copied the other Responsible Authorities in on the email.
- The applicant did not agree with all the comments made by the residents about failure of the applicant to engage. A member of the applicant's management team had spoken to a resident to discuss some of the issues raised.
- Moving forward there would be a contact number at the venue for residents to call and they would be happy to agree quarterly meetings with residents at pre agreed times.
- With regard to the email of 9th December the applicant had been focussed on the application, and there had not been a response, there should have been.
- It was strongly disagreed that the venue would not operate as a culturally diverse venue for all people with live music, cabaret nights and LGBTQ+ nights.
- The applicant would be happy to accept a condition specifying the number of LGBTQ+ nights the venue would host a month.
- The current manager took over in December 2022 to take the venue forward into the new concept.
- The TENs appeared to have occurred under the previous management. Only one would have occurred under the present management which would have taken place on the third day after he took on the role.
- With regards to the Dispersal Policy the applicant would agree to a condition that any Dispersal Policy operating at the premises would be agreed with the Responsible Authorities.
- The premises would agree to increase the number of security staff to assist with dispersal and that patrons when leaving the premises would exit to the right going towards Camden High Street, also ordering taxis from the High Street.

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- The applicant believed that the venue would be positive towards crime and disorder as it would be a safe venue for discriminated against groups who felt that they did not have safe venues in Camden.
- One of the TEN events previously organised had been LGBTQ+ events.
- The description of the event taking place was not always included when completing the TENs application form.
- The venue was aiming to have a capacity of 200 people.
- The applicant was happy to abide by the condition agreed with the Police regarding no vertical drinking and customers taking alcohol with table meals.
- The applicant had not yet sent the noise report to Environmental Health Responsible Authority.
- The applicant believed that the capacity of the venue would not add to the cumulative impact in the area.
- The applicant agreed to limit the number of smokers outside to a maximum of 10 at any point in time.
- The premises wanted the later hours so it could run the LGBTQ+ events.
- The plan of the premises would be updated to show all the seats.
- The operation was run as one business, with the restaurant running alongside the entertainment.
- The Dispersal Policy would deal with how customers left the premises and ensure that the needs of neighbours were taken into account.
- The applicant could also carry out a sweep of the two roads to ensure customers left the area calmly and quietly.
- The exit from the premises onto Delancey Passage going forward would be used only as a fire exit.
- The applicant did not believe that they were unsuitable licence holders, with all the conditions that had been agreed this application would create a licence that would not impact on the licensing objectives.
- The applicant company took over the venue to develop the concept that had been put forward to the Panel and had agreed more than 60 conditions so it could move forward and mitigate any impact on residents and promote the licensing objectives.
- To operate the sort of events such as the cabaret, the current hours on the licence were not late enough. They wanted the later hours to operate these events.
- Restricting the number of people to 10 in the smoking area and security staff monitoring this would reduce the congestion on the pavement.

Having heard closing remarks from all parties, Members deliberated on the application.

Deliberations and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application.

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A panel member commented that the conditions proposed if added to the licence would in their view strengthen the licensing objectives quite considerably, particularly, the applicant's representative suggestion that the noise limiter and Dispersal Policy would actively be agreed with Camden officers in advance of opening. The panel member also agreed that other venues in the area that had closed had in some way reduced cumulative impact and this venue addressed the needs of a specific community in the area. He was happy that the applicant had agreed to condition the number of LGBT+ nights. Further the reduced hours were a significant change given that there were a small number of venues in Camden which had similar hours.

A Panel member commented that they were impressed that the applicant had agreed to all of the conditions requested and was not sure what else the applicant could do. They were of the view that all of the noise issues should be addressed because they were going to be negotiated with the various representatives and Responsible Authorities to ensure robust conditions were attached to the licence to promote the licensing objectives. Further it was noted that there was still the planning issues to go through as well in order for the venue to operate properly and reduce nuisance to residents. This could be seen as a really positive contribution to the cultural offering in Camden and with the applicant agreeing to reduce the hours, was of the view that the applicant had done everything that could be expected.

One Panel member commented that they were minded to refuse the application for 2 reasons. They were not sufficiently reassured given the past record of communication with regulatory authorities and with residents, and performance under the current licence and TENs over recent months which had been extremely poor and was a cause of great concern. They could however envisage an application in the future for an extension of hours, if appropriate measures were put in place and it was demonstrated that the premises could operate without any issues but not at the current time. They noted that the applicant was requesting the extension of operational hours, which would involve 200 plus people pouring onto the streets in the early hours of the morning. This would create a significant increase in the cumulative impact on the community and in the area, both in terms of nuisance and in terms of crime and disorder and was therefore not minded to support the application.

The Panel Decision

On a majority vote of 2:1 the panel was of the view that, the 60 plus conditions which the applicant had agreed to accept would reduce any cumulative impact of the premises, in addition to the amended hours and the adoption of the additional conditions agreed by the applicant in relation to the number of LGBTQ+ nights. The additional conditions agreed would strengthen the licensing objectives. In addition, the Dispersal Policy, noise limiter report and the noise issues needed to be agreed by the Responsible Authorities before the new licence could commence. There was also the separate regulation, relating to the planning application which was outside the scope of the Panel. All these measures would need to be approved and agreed

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before the venue could operate in accordance with the new licensing hours. On that basis, the Panel agreed to grant the variation.

The Panel expressed the view that it hoped the venue worked well in the area and operated harmoniously with neighbours and residents. If issues were to arise in the future the Licence could be reviewed.

RESOLVED –

(i) THAT a licence be granted for:

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

10:00 – 01:00 Monday and Tuesday
10:00 - 02:00 Wednesday and Thursday
10:00 – 03:00 Friday and Saturday
10:00 – 11:00pm Sunday

b) Plays

c) Films

d) Live Music

e) Recorded Music

f) Performances of Dance

10:00 – 01:00 Monday and Tuesday
10:00 - 02:00 Wednesday and Thursday
10:00 – 03:00 Friday and Saturday
10:00 – 11:00pm Sunday

g) Late night refreshment

23:00 – 01:00 Monday and Tuesday
23:00 - 02:00 Wednesday and Thursday
23:00 – 03:00 Friday and Saturday

h) Opening hours

08:00 – 01:00 Monday and Tuesday
08:00 - 02:00 Wednesday and Thursday
08:00 – 03:00 Friday and Saturday
08:00 – 11:pm Sunday

i) Seasonal Variations

No changes being sought to existing Opening Hours and Licensable Activities

(ii) THAT the following conditions be appended to the licence:

Conditions agreed with the Police:

- 1.) All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out' - to the satisfaction of the MPS - in order to prevent drugs misuse.

- 2.) For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit; the licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform www.saferounds.org.uk and Camden Police Licensing team at least 14 days before the event occurs.

- 3.) A Personal Licence Holder to be fully trained in crime scene management.

- 4.) The venue must employ and document a dispersal policy to the satisfaction of the Police and Licensing Authority, for the patrons leaving the venue at the end of an event. These documents must be made available on request to any responsible authority and be reviewed on a monthly basis.

- 5.) The licensee will 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.

- 6.) No persons carrying visibly open or sealed alcohol vessels shall not be admitted to the premises at any time that the premises are open for any licensable activity.

- 7.) No patron shall be permitted to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage after midnight. This includes patrons using the smoking area(s).

- 8.) A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. The only acceptable forms

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of identity will be those with photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing the PASS hologram.

9.) The venue shall not engage the services of street promoters to encourage clientele to attend the venue.

10) Venue is to start to increase lighting at least 30 minutes before the end time the venue is permitted to supply alcohol; with full lighting no later than 15 minutes before that point.

11) Police must be called to incidents of violence and/or serious disorder.

12) 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 substantial table meal.

13) An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police, which will record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received
- any incidents of disorder and violence
- any faults in the CCTV system
- any refusal of the sale of alcohol to include date, time, and staff member
- CAD reference numbers where Police are called.

14) All conditions on the premises licence will apply to all Temporary Event Notices granted by the Council.

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- 15) The venue will use, to the satisfaction of Police Licensing, an electronic 'scanning' identification system in order that the identity of all persons entering the venue can be confirmed. This will be used at all times from 2200hrs on Thursday, Fridays, Saturdays, Sunday Bank holidays/ and for any promoted events or when recommended by Police.
- 16) Where the premises are open for licensable activities on Thursdays, Fridays and Saturday and Bank Holiday Sundays from 21:00 hours, a minimum of two (2) SIA-registered door supervisor shall be employed at the premises until 30 minutes after close to ensure all patrons are dispersed peacefully from the area.
- 17) All Door supervisors are to use body worn cameras. In the event of an incident, the footage must be made available to Police upon request. The venue will ensure that a suitable, expeditious playback / downloading system is in place for Police to be able to obtain any evidential footage.
- 18) Recordings of body worn footage shall be retained for a period of 31 days; and be available for inspection by the Police or Local Authority upon request.
- 19) All SIA staff on duty are to remain on duty for half an hour after the close of the venue to ensure all patrons are dispersed peacefully from the area.
- 20) Door supervisors and appropriate staff shall be provided with "two-way" radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
- 21) The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
- 22) The smoking area to be constantly supervised by an SIA registered door supervisor who will monitor the capacity and restrict access when necessary.

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- 23) All conditions on the premises licence will apply to all Temporary Event Notices granted by the Council.

Vulnerability

- 24) The licensee /DPS will ensure that all staff that are customer facing/engaging at the venue are trained, as appropriate, in respect of Welfare and Vulnerability Engagement (through safer sounds.org.uk) and that all new staff sit through this presentation. Refresher training to be conducted every six months. A record will be kept of when the training took place and will be made available for inspection by Police or other responsible authority, upon request.

Conditions agreed with the Licensing Authority Responsible Authority

- 25) A minimum of 2 SIA registered door-supervisors to be employed at the premises on Friday and Saturday from 20:00 hours. A dispersal manager must also be present on these days.
- 26) Police shall be called to the venue in all events of violence and serious disorder.
- 27) Notices shall be clearly displayed at the exits of the premises reminding patrons that they are in a residential area and must leave the premises quickly and quietly.
- 28) Door stewards shall supervise patrons leaving the premises to ensure that they leave quickly and quietly.
- 29) Whilst this licence is in use, all doors and windows (with the exception of the outer doors to Delancey Street) must be kept closed.
- 30) Prior to closing time an announcement will be made requesting patrons to leave quietly.
- 31) Where the entertainment provided consists, to a significant degree, of dancing by customers, the licensee shall ensure an adequate supply of wholesome, cool, fresh drinking water is available for the use of the customers. This water must be readily available throughout the time the entertainment is provided, and is to be supplied free of charge.
- 32) A dispersal policy shall be in place at all times.
- 33) The licensee shall, in consultation with the Council and Metropolitan Police, develop a crime prevention strategy for the premises and in particular

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shall carry out a risk assessment in respect of the possibility of assaults to customers and staff.

34) Whilst the premises are being used under the licence the licensee shall ensure that all litter and waste outside the premises is removed and disposed of with other waste from the premises.

35) The licensee shall take all reasonable steps to ensure that there is no unauthorised advertising of events to be held at the premises.

36) The licensee shall carry out a risk assessment in respect of the potential harm to customers of the use of illegal drugs, whether taken on the premises or taken by a customer prior to entering the premises and shall put in place appropriate measures to mitigate any such harm.

37) The licensee shall ensure that staff are trained, as appropriate, in respect of relevant licensing law, the implementation of licence conditions, health and safety, first aid, alcohol and drug awareness and conflict management.

38) A register of all door staff to be maintained at any time when working at the premises to include their full contact details and made available to the Metropolitan Police on request.

39) The premises will operate a zero tolerance drugs policy.

40) Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.

41) A proof of age scheme such as Challenge 25 shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

42) Posters will be displayed advertising the proof of age scheme and giving details of what forms of identification are acceptable and stating that offence to purchase alcohol on behalf of an underage person

43) A noise limiter is to be installed on equipment used for amplifying regulated entertainment within the premises, and if applicable, set at a level requested by Camden's Environmental Health Team.

44) A record is to be kept of any person ejected from the premises.

45) A direct telephone number for the Licence Holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity. Any complaints shall be remedied within 48 hours and details to be recorded

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in the incident book including the action taken by the Licence Holder/DPS/manager.

46) A minimum of **(2)** SIA licensed door supervisors shall be on duty at the premises from 21:00 until the premises closes and 30 minutes after the premises closes.

47) No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

48) Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area at the front of the premises. The maximum number of patrons permitted within this area shall not exceed (10).

49) The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

50) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

51) Loudspeakers shall not be located in any entrance lobbies or outside the premises building entrances.

52) All windows and external doors shall be kept closed after **(21:00)** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

53) Premises must sign up to the "Ask Angela Scheme" to promote women's safety.

Conditions agreed with Environmental Health Responsible Authority

54) A sound limiting device shall be installed where music is provided, set and sealed at a level approved by the Council

55) The sound limiting device or approved level shall not be altered without prior agreement of the Council.

56) All audio and musical equipment used in the premises, shall be played through the installed sound limiting device

57) The sound limiting device shall be used whenever relevant regulated entertainment is taking place

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- 58) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 59) All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 60) The premises shall be adequately ventilated to allow doors and windows to remain closed during licensed entertainment. The air conditioning system must be maintained in proper working order.
- 61) An acoustic lobby shall be installed or entrance designed to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of emergency. All fire exits adequately sound proofed to prevent sound outbreak.
- 62) The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which will include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for increased regulated entertainment. The report must satisfy the local authority that the premises structure is suitable for entertainment proposed to prevent noise breakout giving rise to public nuisance. The report shall include post completion test of all acoustic works during the quieter proposed operating hours for licensed activity.
- 63) All loudspeakers shall be sited and isolated from the structure to prevent noise and vibration public nuisance.
- 64) Persons wishing to leave the premises to smoke or otherwise shall not be permitted to take drinks outside with them at any time.
- 65) There shall be a limit of (10) smokers outside the premises at any one time
- 66) The premises shall operate a dispersal policy to be approved by the Responsible Authorities and all staff shall be trained in its implementation.
- 67) SIA and staff to actively monitor and intervene on public nuisance issues from patrons outside the premises. SIA to encourage effective and polite dispersal and remain on the premises until all patrons have dispersed from the area after the terminal hour.
- 68) All licensable activities to cease 30 minutes prior to the terminal hour to aid dispersal and soft finish.

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69) All deliveries and collection to take place between 0700 to 2000hrs. Sundays 10.00 to 20.00hrs

70) There shall be no glass waste movements outside the venue between 23.00 and 08.00hrs.

noise conditions

71) Up to 2300hrs applicable to entertainment premises which adjoin or are adjacent to noise sensitive properties

The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

and

The unweighted equivalent noise level (L_{eq}) in the 63-125Hz Octave band, measured using the "fast" time constant, inside any "living room" of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place

Up to 2300hrs applicable to entertainment premises which do not adjoin and are not immediately adjacent to noise sensitive properties

The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

the unweighted equivalent noise level (L_{eq}) in the 63-125Hz Octave band, similarly measured, should not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

After 2300hrs applicable to all entertainment premises

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The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

And

The unweighted equivalent noise level (L_{eq}) in the 63-125Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place

No sound emanating from the establishment should be audible within any noise sensitive premises between 23.00 and 07.00 hours.

72) Last entry for admittance will be midnight for those evenings where the premises remains open after midnight to customers.

73) The license holder shall undertake a noise patrol to ensure there is no significant noise outbreak which could give rise to public nuisance.

74) Delancey Passage shall not be used by patrons at any time unless in an event of an emergency.

8. SAVEMORE SUPERMARKET 95 FAIRFAX ROAD, LONDON NW6 4DX

Consideration was given to a report of the Executive Director Supporting Communities regarding an application to review a premises licence under Section 51 of the Licensing Act 2003.

The Chair outlined the procedures to be followed for the review of the premises licence.

The Licensing Officer introduced the report and clarified that any decision made by the Panel – would only be implemented after the period to lodge an appeal had passed. She explained that the application to review the licence had been lodged by Trading Standards Responsible Authority and that the Metropolitan Police, Responsible Authority had also made a representation.

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Peter Agleby, Trading Standards Officer highlighted a correction to be made to his statement on page 277 of the agenda. The test purchase was carried out on 26th March 2022 not 6th March. He also pointed out that conditions referred to in the application were conditions taken from the old licence, which were condition 20 and 21 from the new licence which could be found on page 311 of the agenda.

The Licensing Officer informed the Panel that as part of the ongoing commitment to protect young people from harm over the past 12 months, Trading Standards had conducted 4 test purchases of tobacco by underage volunteers. Details of which could be found on pages 275-308 of the agenda.

Trading standards was applying to revoke the premises licence due to the serious failings in promoting the licensing objectives, sale of tobacco to a 16-year-old and the persistent breach of the licence conditions. The Licensing Officer explained that the licensing objective engaged was:

- The protection of children from harm.

The following submissions were made in support of the application to revoke the premises licence.

- The Trading Standard service had a responsibility to ensure businesses trading in the borough of Camden complied with relevant legislation regarding the sale of age restricted products to young people.
- As part of regulatory and compliance responsibilities Trading Standard Officers from time to time carried out test purchases across the borough where premises were visited by underage volunteers under the direction of an authorised officer.
- Tests were usually undertaken where intelligence had indicated that a retailer had either sold or previously sold age restricted products to a minor or were in a hotspot area.
- On 26th March 2022 a test purchase was carried out and a packet of Benson and Hedges was sold to the 16-year-old volunteer by a member of staff of Savemore Supermarket.
- There had been issues previously with the premises on 19th November 2021 there was a complaint regarding underage sale of tobacco and on 29th November 2021 there were issues with regards to the sale of single cigarettes. These issues had previously been brought to the attention of the licence owner.
- There were other instances of sale of tobacco to minors on 15th October 2022.
- The Trading Standard Officer advised that it was an offence for any person to sell tobacco products including cigarettes to a person under the age of 18 whether or not it was for their own use. This was a strict liability offence which meant the owner of the business could be held responsible as well as the member of staff.
- The issues of concern relating to the premises were that there appeared to be no evidence of the staff being trained, the member of staff did not appear

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to know who the Designated Premises Supervisor was. A disregard of the licence conditions attached to the premises licence relating to condition 20 – a minimum of 2 members of staff to be present at all times whilst the premises remains open, and condition 21 – at least one member of staff on duty whilst the premises remains open to hold a personal licence under the licensing act 2003 were breached.

- During several visits to the premises by Trading Standard Officers and Police colleagues, on more than one occasion just one member of staff was on the shop floor.
- The licence holder had submitted a number of documents in the Supplementary Agenda which consisted of a blank training manual which did not allay the concerns of Trading Standards Responsible Authority.
- It was the duty of the licence holder to fulfil their safeguarding duties and implement effective safeguarding procedures.
- A failure to do so could result in significant harm to children at licensed premises and could also cause reputational damage not only to the licence holder but also to the licensing authority that issued the premises license.
- The underage sale and inadequate training of the staff at the premises demonstrated a disregard for the protection of children from harm and a request was made to revoke the premises licence.

PC Joel Francis of the Police Responsible Authority made the following representation in support of the application to revoke the premises licence:

- The Police had concerns that the premises were not upholding the Licensing objectives.
- The Metropolitan Police had been working with Trading Standards to provide police cadets during their test purchase operations.
- Over a period of time, a pattern of concerning behaviour with regards to the premises had emerged, behaviour which should not be tolerated at licensed premises in Camden.
- There had been repeated breaches of the premises licence conditions which included repeated illegally selling age restricted goods to young people and the management seemingly failing to address these concerns when reasonably raised.
- The shop was situated in South Hampstead. It was usually very busy with school children of all ages during weekdays and the sale of age restricted products to these school children, undoubtedly without the knowledge of their parents, would put these children in direct harm.
- Smoking cigarettes was very addictive and, in some cases, could lead to experimentation and addiction to vapes, cannabis and other substances.
- It was noteworthy that in one of the allegations submitted by trading standards, staff at the premises had been making sales of single cigarettes, which it was believed would make it even more accessible to young people and would encourage greater consumption.

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- Off licence operations such as this could impact policing in the area because a shop making illegal sales could be a magnet for antisocial behaviour and other troublemakers.
- Defying the rules created an environment where it would seem acceptable to break the law and the premises repeatedly failed to abide by the conditions of their premises licence.
- These were conditions which at one stage were agreed by the licence holder to provide safeguards.
- Off licence premises in residential areas, such as these should be well aware of the risks young people posed to staff as they attempted to trick cashiers into selling them age restricted products.
- Inadequate age verification checks at the point of sale during the test, purchase operations had exposed the staff's inability to manage safe sales. The shop had been visited multiple times during a two-year period by Trading Standards, Police Cadets and Police licensing.
- Responsible Authorities had undertaken a stepped approach with the management to provide them with every opportunity to learn and to improve.
- A proportionate approach had worked at other venues in Camden, but warning letters, meetings and notification of events had not seemed to work with this premises as none of these steps had effectively stopped this premises from causing harm.
- The licence holder did not appear to accept the seriousness of the situation and appeared to be in denial of the problem.
- The shop was very well presented, with a good layout and a very good CCTV system, however, responsible and proactive stewardship of the premises licence was what was more effective at promoting the licensing objectives.
- The picture which emerged from the evidence was of a premises where vulnerable individuals, because of their age, were able to purchase age restricted products contrary to licensing objectives.
- It was believed that amendments to conditions may not be an effective remedy when current conditions had been persistently breached. The risk of children coming to harm was a very serious matter and the Police Responsible Authority asked the Panel to consider revoking the premises licence.

In response to a member's question about whether the premises licence had been previously reviewed the Licensing officer confirmed that this was the first time.

Aqueel Farid (son of Premises Licence Holder Ghulam Farid) made the following representation in support of his father.

- He acknowledged that the 26th March 2022 test purchase was a genuine mistake which the premises owned up to, but disagreed with the representations regarding the other incidents.
- He commented that the 19th November issue with regards to single cigarettes found in the shop belonged to him and were not being sold to children

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- He also disputed the shop assistant that was in the premises at the time that Prem Patel had been working in the premises for over two years and it appeared to be another shop assistant that was the trainee.
- He referred to till receipts as evidence which he had sent into the Licensing section.
- He also referred to instances where customers had remained in their car so as not get a parking ticket and asked someone else to purchase cigarettes and alcohol on their behalf.

Referring to the information received , the Committee Clerk advised that a lot of the information the Licence holder was referring to had been sent in late via email including CCTV images, which could not be downloaded or opened as they were not compatible with Council's computer system. What could be opened and was received 2 days before the hearing had been circulated in the Supplementary Agenda at pages 67-112 consisting of the training manual and an Etihad Airline plane ticket. In accordance with the Council's procedures other information that was sent in yesterday and this morning were not circulated as they had been received late and the onus was on the Licence holder to circulate the information to all parties. Other parties to the hearing had not seen the information.

Making further representations Aqueel Farid commented that:

- This was the first time the premises licence for the Savemore Supermarket had been reviewed.
- They were unable to find legal representation at short notice and had decided to represent themselves.

Responding to questions the Licence holder's representative provided the following answers:

- With regards to training of staff, the licence holder and Aqueel Farid checked up on staff every 4 weeks and ran through the procedure for selling alcohol and tobacco.
- Mr Aqueel Farid did not know what the 4 licensing objectives were off by heart, but the training manual was available on the premises which had also been sent into the Licensing Department.
- The shop had sold to minors when the parents were waiting in the car in order not to get parking tickets but agreed not to do so in the future.

Having heard closing remarks from all parties, Members deliberated on the application.

Deliberations and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application.

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It was noted by the panel that there appeared to be an 11-month pattern of the premises failing to act as responsible shopkeepers, even after being interviewed by Trading Standard Officers. It did appear logical that a shop that was willing to sell cigarettes to children could not be trusted not to sell alcohol to children. The 11-month failure to act responsibly should however be weighed against the background of the length of time the business had been in existence which was about 35 years and looking at this as a whole was minded not to revoke the licence on the provision that a firm final warning be given to the shop and asking the Responsible Authorities to continue to monitor.

It was agreed that the licence should not be revoked based on the assumption that the same situation would happen with alcohol. There would need to be evidence that alcohol was sold to underage children, however the family should consider re-allocation of the role of Designated Premises Supervisor.

Further all staff should be retrained on underage sales every 6 months and the training recorded.

The Panel Decision

The Panel decided not to revoke the licence on this occasion but gave a strong warning to the Licence holder that illegal underage sales was a matter which the Panel took very seriously. The shop and Licence holder should abide by the conditions of its Licence, in particular all staff should receive training every 6 months to ensure that they understood and adhered to the law relating to the sale of alcohol and age restricted products with records of the training kept. The Responsible Authorities were asked to continue to monitor the shop to ensure it kept to the conditions of its Licence.

RESOLVED -

Not to revoke the premises licence on this occasion and a warning given to the licence holder.

9. ELYSEE RESTAURANT, 13 PERCY STREET, LONDON W1T 1DP

The item had been resolved ahead of the hearing.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The hearing ended at 9.52 pm.

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CHAIR

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MINUTES END