

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of **LICENSING PANEL E** held on **THURSDAY, 15TH SEPTEMBER, 2022** at 10.00 am in Remote meeting via Microsoft Teams.

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

Councillors Meric Apak, Richard Olszewski and Nanouche Umeadi

**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. ELECTION OF CHAIR**

##### **RESOLVED –**

THAT Councillor Meric Apak be elected as the Chair for the duration of this meeting.

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

##### **RESOLVED –**

THAT the guidance on remote meetings be agreed.

#### **3. APOLOGIES**

There were no apologies.

#### **4. 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.

#### **5. ANNOUNCEMENTS (IF ANY)**

##### **Minute's Silence for Queen Elizabeth II**

A minute's silence was held in memory of HM Queen Elizabeth II.

##### **Broadcast of meeting**

The Chair made the following announcement: “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 six months after the meeting. After that time, webcasts are archived and can be made available upon request.

If you have asked to address the meeting, you are 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.”

### **Any Other Announcements**

It was announced that Item 10 (Secrets) had been withdrawn.

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

The meeting was notified that an item of urgent business would be considered.

An application for a summary review had been received from the Metropolitan Police Responsible Authority (“the Police”) at 16:30 on 14th September 2022. Under Section 53A of the Licensing Act 2003 the Police can submit a summary review of a premises licence if they believe the premises is associated with serious crime or disorder or both. Within 48 hours of the submission, the Licensing Authority must consider whether to take interim steps on the premises licence, pending a full review hearing. Due to these short timescales this item has been put forward as urgent so as to comply with the Licensing Act 2003 and the regulations that accompany it.

### **7. TERMS OF REFERENCE**

The terms of reference were noted.

### **8. MINUTES**

Consideration was given to the minutes of the meetings held on 28<sup>th</sup> April and 3<sup>rd</sup> May.

### **RESOLVED –**

- (i) THAT the minutes of the meeting held on 28<sup>th</sup> April 2022 be approved and signed as a correct record;
- (ii) THAT the minutes of the meeting held on 3<sup>rd</sup> May 2022 be approved and signed as a correct record.

**9. THE ALCHEMIST, 55-57 CHARLOTTE STREET, LONDON W1T 4PD**

Consideration was given to a report of the Executive Director, Supporting Communities regarding an application for a new premises licence under Section 17 of the Licensing Act 2003.

The Licensing Officer introduced the report. She said that the Police representation had been withdrawn following discussions with the Applicant, and clarified that the premises was not located in a cumulative impact special policy area.

The Applicant's Representative, Rebecca Ingram, informed the meeting of an amendment to the application to reduce the hours requested for off-sales to framework hours.

The meeting heard submissions from two Interested Parties: Anne MacGregor and Linus Rees (on behalf of the Charlotte Street Association).

Ms MacGregor made the following points in her submission:

- She had been a resident of a flat above the premises since 1991;
- She felt the application had not been advertised sufficiently to inform local residents of the proposals;
- She had concern about nuisance emanating from customers in the outside area of the restaurant;
- She also had concerns about noise nuisance from music being played in the premises as well as from customers coming and going late at night;
- She was concerned about rubbish collection and the danger of uncollected rubbish and food waste building up in the area.

Mr Rees highlighted the following points:

- The Charlotte Street Association (CSA) had been in negotiation with the Applicant but had not been able to come to an agreement on all points;
- The key point of difference was that the CSA had wanted the premises to operate solely as a restaurant.
- The CSA would prefer that the application was refused, but if it was granted they would like to see a restaurant condition, conditions limiting the use of the outdoor area to before 9pm, a limit of 4 to the number of smokers outside, no glass deliveries or collections between 11pm and 8am and, if there was to be a takeaway delivery service, only bicycles and electric vehicles to be used.

A Member asked whether Mr Rees wanted the smoking condition to apply to the forecourt only or to the public highway as well. He said he would like it to apply to both.

Rebecca Ingram presented the Applicant's case. She responded to Ms MacGregor's point about the application not being advertised by saying that the application had been advertised in accordance with the requirements of the Licensing Act. She

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thanked the CSA for engaging with the Applicant and responded to Mr Rees' suggested conditions by saying that the conditions offered in the supplementary agenda would limit the hours for glass collections and deliveries and that the premises would not be operating a takeaway service.

Ms Ingram said that the Applicant was a chain which operated a high-quality bar-restaurant model. They operated other premises in London and also in Manchester, Liverpool and Portsmouth. Because their model was based around some customers coming in solely for a drink, imposing a restaurant condition would render it unfeasible.

She said that there would be no more than 12 covers outside and that they would like smokers contained within that outside area where it was easier to manage people's movements. The Applicant wanted to be able to use the outside area after 9pm, and so a later closing hour of 10.30pm was suggested.

Ms Ingram stated the premises wanted the option to play live or recorded music, and this was a feature of some of their other restaurants. They did not intend the music to be loud but to be at a background level.

Members raised a concern about the impact of bass sounds in brick buildings. Ms Ingram said that the Applicant would consult with its acoustic consultants about what form of music was able to be played without causing vibrations. Mark Burville, for the Applicant, said that they did not intend to have bands at the premises and would not be having loud music.

A Member raised a query about the smoking area and arrangements for patrons to smoke. Ms Ingram said that four was too low a limit for the number of smokers outside given the capacity of the premises, and that they did not want to send people too far away from the premises to smoke where they would not be able to supervise them.

#### Panel Decision and Reasons

Councillor Apak said that he was minded to grant the application, but that he was concerned about noise caused by music in the premises. The volume of live music was harder to control than recorded music.

Other Members echoed this concern, although Councillor Olszewski expressed a general concern about reduction of the number of live music venues across the borough and in the London area.

Members agreed by two votes to one not to permit live music in the venue.

They agreed that there needed to be a closing time for the outdoor area, as this was the area that would have the greatest impact on residents. They agreed that it should close at 10pm.

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Members agreed that smoking should be prohibited in the outside area of the premises and on the pavement outside, due to the extra noise nuisance and littering that could be caused by smokers congregating there.

Members agreed not to impose a restaurant condition.

Members agreed to grant a licence, subject to the existing proposed conditions and to the ones that were agreed by Panel members during their deliberations. Members also agreed that granting the licence subject to these conditions would uphold the licensing objectives.

**RESOLVED –**

(i) THAT a licence be granted for:

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

10:00 – 23:30 Monday to Thursday  
10:00 – 00:00 Friday and Saturday  
11:00 – 22:30 Sunday

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

10:00 – 23:00 Monday to Saturday  
11:00 – 22:30 Sunday

**c) Recorded Music**

10:00 – 23:30 Monday to Thursday  
10:00 – 00:00 Friday and Saturday  
11:00 – 22:30 Sunday

**d) Late night refreshment**

23:00 – 23:30 Monday to Thursday  
23:00 – 00:00 Friday and Saturday

**e) Opening hours**

10:00 – 00:00 Monday to Thursday  
10:00 – 00:30 Friday and Saturday  
11:00 – 23:00 Sunday

**f) Seasonal Variations**

**Opening hours**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day immediately preceding a Bank Holiday.

**All Licensable activities**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day immediately preceding a Bank Holiday.

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

**A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage. Copies shall be made available within 48 hours to the Police or Local Authority, upon request.
5. Where the premises are open for licensable activities on Fridays and Saturday from 21:00 hours, a minimum of one (1) SIA-registered door supervisor shall be employed at the premises until all patrons are dispersed.
6. At all other times, SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.

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9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
10. 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:
  - (i) all crimes reported to the venue
  - (ii) all ejections of patrons
  - (iii) any complaints received
  - (iv) any incidents of disorder and violence
  - (v) all seizures of drugs or offensive weapons
  - (vi) any faults in the CCTV system or searching equipment or scanning equipment
  - (vii) any refusal of the sale of alcohol to include date, time, and staff member
  - (viii) any visit by a relevant authority or emergency service.
  - (ix) CAD reference numbers where Police are called.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an incident log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.

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4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. External doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to.
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

**D) The Protection of Children From Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months. This will be written into a programme, a log will be kept including dates of the training and will be made available for inspection upon the request of relevant authorities.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

**Additional Conditions in Response to Representations**

1. At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exit in order to capture clear facial images of all persons leaving the premises.
2. The venue shall supply, and fit, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags
3. All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, are to be 'designed-out'



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4. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
5. Regular glass collection shall be undertaken by staff.
6. Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.
7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
8. At all times a minimum of 70% of the floor space of the ground floor public trading area will be occupied by tables and chairs.
9. The external area of the premises shall have no more than 12 covers and shall close at 10pm
10. The external area shall be delineated by barriers at all times.
11. The emptying of bins into skips, the disposal of bottles and refuse collections will not take place between 11pm and 8am Monday to Saturday, and not between 11pm and 12 midday on Sundays, Bank Holiday Mondays and other national public holidays (those being Good Friday, Christmas Day, Boxing Day and New Year's Day).
12. There will be no deliveries to the premises between 10pm and 8am Monday to Saturday, and between 10pm and 10am on Sundays and other national public holidays (those being Good Friday, Christmas Day, Boxing Day and New Year's Day).
13. No courier/delivery driver collection of food/drink for takeaway by way of Deliveroo/UberEats or similar shall be permitted at/from the premises.
14. The premises will implement the 'Ask For Angela' scheme. All staff will be trained in the requirements and delivery of 'Ask For Angela' in accordance with their role.
15. 'Ask for Angela' posters shall be displayed at the premises in a position where they can be clearly seen by customers.
16. All front of house staff shall complete WAVE (Welfare and Vulnerability Engagement) Training prior to commencement of employment at the premises. This training shall be documented and repeated/refreshed at 6 monthly intervals.

**Additional Condition imposed by the Licensing Panel on 15<sup>th</sup> September 2022**

There shall be no smoking by patrons in the external area or on the pavement outside the premises.

**10. SECRETS (PARKER ST.), 51 PARKER STREET, LONDON WC2B 5PS**

This item was withdrawn.

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

A request was received from the Metropolitan Police that the press and public be excluded from the meeting when this item was considered as publicity in respect of it could disclose information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Members agreed to the request and passed the following resolution:

**RESOLVED –**

THAT the press and public be excluded from the proceedings of the Licensing Panel on **15<sup>th</sup> September 2022** during consideration of the respective item on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically -

Publicity in respect of item 11 would be likely to lead to the disclosure of information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime by virtue of Category 7 of Schedule 12A of the Local Government Act 1972 (as amended).

**Part II**

Consideration was given to a report of the Executive Director, Supporting Communities regarding an application for a summary review of a premises licence under Section 53A of the Licensing Act 2003.

The Panel heard from the Counsel for the Metropolitan Police, who were the Applicant for the summary review, and from the solicitor for the Licence Holder.

Having heard from both parties, Members were of the view that it was in the public interest and would uphold the licensing objectives to suspend the licence of the premises.

**Part I**

Members returned to public session. The Panel -

**RESOLVED –**

THAT the licence of the Elysee Restaurant be suspended, pending a full review hearing.

**12. LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

The meeting ended at 1.10pm.

**CHAIR**

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**MINUTES END**