

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 6TH JULY, 2023** at 7.00 pm in Remote meeting via Microsoft Teams. This meeting can be watched live at www.camden.gov.uk/webcast

MEMBERS OF THE PANEL PRESENT

Councillors Gio Spinella and Jenny Headlam-Wells

MEMBERS OF THE PANEL ABSENT

Councillors Lorna Greenwood

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 B and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. ELECTION OF CHAIR

Proposed by Councillor Jenny Headlam-Wells and seconded by Councillor Jonathan Simpson, Councillor Gio Spinella was elected Chair of Licensing Panel B for the 2023-24 municipal year.

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

RESOLVED –

THAT the guidance on remote meetings be noted.

3. APOLOGIES

Apologies had been received by Councillor Lorna Greenwood; Councillor Jonathan Simpson was present as a substitute.

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.

5. ANNOUNCEMENTS (IF ANY)

Broadcast of the 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."

Supplementary Agenda

A supplementary agenda was published which included late papers submitted by the Applicant for MIA Restaurant.

Item 10 Resolved

The application for Item 10, Flight Club, was resolved ahead of the meeting and would therefore not be considered by the Panel.

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

There was no urgent business.

7. TERMS OF REFERENCE

RESOLVED –

THAT the terms of reference be noted.

8. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 27 April 2023 be approved and signed as a correct record.

9. MIA RESTAURANT: 135 FINCHLEY ROAD, LONDON, NW3 6JH

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

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The Licensing Officer summarised the report. In addition to the report, it was clarified that the times and conditions proposed, for consideration by the Panel, were those agreed between the Applicant and the Met Police, prior to the withdrawal of their representation.

Michael Bromley-Martin KC (Agent) set out to the Panel why the late papers submitted by the Applicant, published in the supplementary agenda, should be accepted for consideration. The Panel agreed to accept the late papers on the basis the information was relevant to the Panel's decision making on the application and they were submitted within the deadline of receiving late papers for publication.

Reza Pashazedah (Resident Interested Party Objector) summarised their written representation on pages 71-75 of the main agenda. In response to Panel Members, Reza Pashazedah stated that residents did not have clear lines of communication with the venue to raise any concerns.

Edie Raff (Cresta House Resident Association Interested Party Objector) summarised their written representation on pages 76-79 of the main agenda.

Felix Ko (Resident Interested Party Objector) summarised their written representation on pages 80-81 of the main agenda.

Michael Bromley-Martin KC, accompanied by Michael Quinn (Applicant), summarised the Applicant case. The following was clarified:

- This was a new premises licence application to replace the current licence. The Police and Camden Council Licensing Team advised the Applicant to take the new licence route, and not apply for a variation, for the reason of improving the current licenced conditions. A number of the current licence conditions were out of date or duplicitous and this application proposed to reduce from 91 to 49 conditions and would be easier to manage. Since the current licence was first granted in 2015, there had been a number of variations granted.
- The Lower Ground Floor on the current licence served private functions which was proposed the change use. This application was to change the Lower Ground Floor into an additional floor of the restaurant.
- The premises had successfully ran a number of TEN events in December 2022 to 49 and no complaints were received. The premises had not received a formal complaint in the eight years of operation.
- In response to the refuse complains outlined in the objector representations, it was stated that the issues were due to fly tipping. In addition to section 16, page 6 of the supplementary agenda, it was stated that the Applicant was in discussions with the Council in how to mitigate the fly tip problem.
- No responsible authorities had a live objecting representation.

In response to questions to the Applicant party, the following was clarified:

- The image of the bin store in the supplementary was dated April 2023.

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- The application did not include a dancefloor or organised customer dancing. The performances of dance applied for was to give the venue flexibility for specific functions and the business model would remain the same. There was currently and would no dancing which included nudity or required a specific sex establishment licence. The restaurant was an inclusive venue.
- There were local residents who were patrons to the venue.
- The First Floor smoking terrace had been open for a number of years and had been smoking compliant area since 2015. There were no issues in legality of the smoking terrace according to Camden Council, the Met Police, Planning Authority and Environmental Health.
- The Applicant did not have plans for adopting the Camden Council principles for safeguarding women as part of the licence application. It was confirmed that the venue had SIA staff, high definition cameras and the toilets were checked regularly.
- Increased kitchen capacity was required to cater for an additional day-to-day floor of the restaurant, increasing from one to two floors.
- The current bin store was following the current licence and located on the premises, but issues had arose from fly tippers and refuse collectors not shutting the entrance to the bin store. They were re-engaging with Camden Council to explore alternate areas for the store.
- Condition 47 was to ensure due diligence of a risk assessment procedure if a company was used in an event, such as New Years Eve.

In their closing remarks, Reza Pashazedah stated that the principles of the licensing act and the safeguarding of the wellbeing of local residents was important for considering the application. There were a number of resident concerns including the late night operation, performances of dance and crime in the residential area.

In their closing remarks, Michael Bromley-Martin KC stated the licence applied for was a replacement licence at behest of the Met Police with new and improved conditions. There were no live objections from any responsible authority and no formal complaints had been received in the eight years of operation or any examples of public nuisance or cause for concern. The complaints regarding refuse were being dealt with by the Applicant in liaison with the Council.

Decision and Reasons

In deliberation, Panel Members stated there appeared to be a lack of proactive communication from the venue to local residents. It was also noted that there had been no formal complaints made by residents about the venue in the eight years of operation, therefore there were no examples of public nuisance for the Panel to consider. Panel Members stated that there should be a condition to require a line of communication between the venue and residents.

Panel Members noted the hours applied for regulated entertainment were later hours than their current licence (page 49-66 of the supplementary agenda).

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Panel Members stated that the range of and hours applied for licensable activities did not suggest a primarily restaurant or food-led venue, but a late night bar venue. The late hours raised concern about safeguarding and there was no reassurance by any conditions to promote the safety of women, therefore a condition should be to promote women's safety.

Panel Members noted that the opening hours should reflect the hours of the licensable activities, but were not enforceable.

Having considered the cases made by the Interested Parties and the Applicant party, the Panel agreed to add two additional conditions to the licence and reduce the hours applied for.

RESOLVED –

i) THAT a licence be granted for:

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

Lower Ground Floor

12:00 – 00:00 Sunday to Thursday

12:00 - 01:30 Friday and Saturday

Upper Floor

12:00 – 00:00 Monday to Thursday

12:00 - 00:30 Friday and Saturday

First Floor

12:00 – 01:00 Sunday to Thursday

12:00 – 03:00 Friday and Saturday

12:00 – 00:00 Sunday

b) Live Music

Lower Ground Floor

12:00 – 12:30 Sunday to Thursday

12:00 - 02:00 Friday and Saturday

Upper Floor

12:00 – 12:30 Sunday to Thursday

12:00 - 02:00 Friday and Saturday

First Floor

12:00 – 01:30 Monday to Thursday

12:00 – 03:30 Friday & Saturday

12:00 - 00:30 Sunday

c) Recorded Music

Lower Ground Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

Upper Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

First Floor

12:00 – 01:30 Monday to Thursday
12:00 – 03:30 Friday & Saturday
12:00 - 00:30 Sunday

d) Performances of Dance

Lower Ground Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

Upper Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

First Floor

12:00 – 01:30 Monday to Thursday
12:00 – 03:30 Friday & Saturday
12:00 - 00:30 Sunday

e) Anything similar to live music, recorded music or performances of dance

Lower Ground Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

Upper Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

First Floor

12:00 – 01:30 Monday to Thursday
12:00 – 03:30 Friday & Saturday
12:00 - 00:30 Sunday

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f) Late night refreshment

Lower Ground Floor

23:00 – 12:30 Sunday to Thursday
23:00 - 02:00 Friday and Saturday

Upper Floor

23:00 – 12:30 Sunday to Thursday
23:00 - 02:00 Friday and Saturday

First Floor

23:00 - 04.00 Monday to Sunday

g) Opening hours

Lower Ground Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

Upper Floor

12:00 – 12:30 Sunday to Thursday
12:00 - 02:00 Friday and Saturday

First Floor

23:00 - 04.00 Monday to Sunday

Non-standard timings:

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

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

- 1) The premises shall operate as a restaurant.
- 2) Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 3) On the first floor the supply of alcohol shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
- 4) With the exception of the area hatched on the plan there shall be no vertical drinking on the upper ground floor.
- 5) 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.
- 6) A challenge 21 proof of age scheme shall be operated at these premises.

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- 7) The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police, covering all public areas where licensable activities take place.
- 8) The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available to the police or local authority within 48 hours of request.
 - A) 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.
 - B) The facility to transfer the images to a compatible, removal format, shall be held on the premises.
 - C) Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
 - D) Signs shall be displayed in the customer areas to advise that CCTV is in operation.
- 9) All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, shall be “designed out” in order to prevent drugs misuse.
- 10) When the venue is open for licensable activities, the toilets shall be checked by staff at least every two hours and these checks shall be documented on each visit.
- 11) The number of customers permitted in the premises at any one time shall not exceed 180.
- 12) On Fridays or Saturdays from 22:00 hours a minimum of 2 SIA-registered door supervisor shall be employed at the premises until 30 minutes after it closes.
- 13) All door supervisors shall wear high-visibility jackets or vests or high-visibility arm bands whilst working at entry/exit points and around the exterior of the building.
- 14) 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.
- 15) A door supervisor’s register shall be updated on occasions when supervisors are employed and the register is to be made available for inspection by the Police and/or an authorised officer of the Licensing Authority. Details to show: (a) full name (b) date of birth (c) SIA Registration Number (d) date and hours worked and contact telephone number and email address.
A coloured photocopy of each door supervisor’s SIA badge shall be taken by the DPS and retained at the premises.
- 16) The licensee 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.
- 17) Police shall be called to incidents of violence and/or disorder.
- 18) An incident log shall be kept at the premises, and made available on request to an authorised officer or the police, which shall record the following:
 - A) All crimes reported to the venue
 - B) All ejections of patrons

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- C) Any complaints received
 - D) Any incidents of disorder and violence
 - E) Any seizures of drugs or offensive weapons
 - F) Any faults in the CCTV system or searching equipment or scanning equipment
 - G) Any refusal of the sale of alcohol to include date, time, and staff member
 - H) Any visits by a relevant authority or emergency service
 - I) CAD reference no: numbers where police are called.
- 19) Notices shall be prominently displayed at all exits requesting customers to leave the area quietly.
 - 20) A telephone number for the premises shall be available at all times the premises are open.
 - 21) No refuse shall be collected between 23.00 hours and 08.00 hours.
 - 22) All refuse shall be stored inside the premises until 1 hour before the refuse is due to be collected.
 - 23) No more than 5 customers shall be permitted to be in the smoking area outside the premises at any one time.
 - 24) Customers smoking on the public footway shall not be permitted to cause an obstruction of the highway to passers-by.
 - 25) Customers going outside to smoke shall not be able to take their drinks with them outside.
 - 26) A sound limiting device shall be installed, set and sealed at a level approved by the Council and the sound limiting device or approved level shall not be altered without prior agreement of the Council.
 - 27) All audio and musical equipment used in the premises, shall be played through the installed sound limiting device.
 - 28) A cut-out device shall be connected to all entrance and exit doors to the premises including emergency exits, and will be operational at all times the licence is in use. When the premises doors are open, the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.
 - 29) 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.
 - 30) The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.
 - 31) Amplified music, song or speech shall not be broadcast in external areas at any time.

In respect of alcohol for consumption off the premises

- 32) Off Sales shall be restricted to online orders and will be delivered to a valid address only. This will not include parks or open spaces.
- 33) Beer and cider above 5.5% ABV shall not be sold. This restriction shall not apply in respect of specialist branded premium priced products for example

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craft ales, local or microbrewery specialist products, boxed gifts or national Celebratory/ commemorative beer, lager or cider with alcohol content of 5.5% ABV or greater.

- 34) No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold.
- 35) All alcohol shall be stored and displayed behind a bar/service counter and not in areas accessible to the public.
- 36) The Licence Holder shall ensure that alcohol is not sold in an open container, opened on the premises or consumed on the premises.
- 37) Where the supply of alcohol includes delivery to the customer, the licence holder must ensure that specific procedures are in place and that the activity does not cause nuisance at or near the premises.

In respect of deliveries for consumption off the premises

- 38) All collections of takeaway food and drink by courier home delivery services shall be from the main entrance to the premises, 135 Finchley Road NW3.
- 39) Sales of alcohol for consumption off the premises shall only be supplied with food.
- 40) Couriers will be requested to wait at the reception area inside the premises whilst waiting for deliveries.
- 41) Couriers will be requested to switch off their engines whilst waiting for deliveries.
- 42) Couriers must park in the red marked parking bay area immediately in front of the Finchley Road.
- 43) Signage shall be displayed in a prominent position in the premises requesting that delivery drivers leave quietly.
- 44) An incident/ refusal book to be maintained and ready for immediate Police and Council inspection, upon request.
- 45) Challenge 21 will be implemented on all deliveries.
- 46) The current premises licences will be surrendered should the new application be granted.
- 47) 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 license holder 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.safersounds.org.uk and Camden Police Licensing team at least 14 days before the event occurs.

From application summary

- 48) A minimum of 1 SIA-registered door supervisor shall be employed at the premises whenever licensable activities are taking place.
- 49) A policy outlining what is expected of courier drivers shall be agreed with the Metropolitan Police Service and a copy sent to them and the Licensing Team.

Conditions agreed by Licensing Panel B on 6 July 2023

- 50) The premises is required to provide contact details of a named individual employed by the venue that residents can contact during operational hours.
- 51) The premises is required to adopt the 'Ask for Angela' initiative and liaise with the MET Police to aid implementation and training of staff.

ACTION BY: Executive Director Supporting Communities

10. FLIGHT CLUB: 55-59 ALBION HOUSE NEW OXFORD STREET LONDON WC1A 1BS

This application was resolved ahead of the meeting and was therefore not considered by the Panel.

11. ANY OTHER BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no urgent business.

The hearing ended at 9.00 pm.

CHAIR

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MINUTES END