

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 19TH OCTOBER, 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 (Chair) and Jenny Headlam-Wells and Jonathan Simpson MBE.

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

RESOLVED -

THAT the guidance on remote meetings be agreed.

2. APOLOGIES

An apology for absence was received from Councillor Lorna Greenwood. Councillor Jonathan Simpson was in attendance as substitute.

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.

4. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made

available to those that requested them. Those participating in the meeting were deemed to be consenting to being filmed.

Supplementary Papers

The Chair also announced that a supplementary agenda had been published, which included additional information from the Premises Licence Holder and a list of additional conditions proposed by the Licensing Responsible Authority.

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

There was no urgent business.

6. MINUTES

Consideration was given to the Minutes of the previous meeting.

RESOLVED -

THAT the Minutes of the meeting that took place on 14th September 2023 be agreed and signed as an accurate record.

7. THE SQUARE TAVERN, 26 TOLMER'S SQUARE, LONDON, NW1 2PE

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

Dennis Viechweg, Licensing Officer, summarised the report and explained that the application to review the licence had been lodged by a local resident because they did not believe licensing objectives, the prevention of public nuisance and the protection of children from harm were being upheld.

Chris Roberts outlined the application for review and presented the Panel with a series of photograph and video evidence in support of the application. Chris Roberts made the following key points:

- The application for review had been a last resort, following a series of complaints and unsuccessful attempts at resolution with the management of the premises.
- On several occasions (some of which had been recorded and submitted as evidence), pub staff had emptied bottles into bottle bins, as late as 00.15hrs.

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- The outside area had been very poorly managed late in the evening, and patrons were rowdy and noisy, and it appeared that pub staff did little to intervene.
- The residents did not want the licence to be revoked or suspended but had drawn up a list of proposals for the Panel to consider.

Responding to questions Chris Roberts advised:

- The pub entrance was accessed from Tolmer's Square, rather than Hampstead Road.
- Residents had made several complaints, mainly related to noise nuisance, and were of the view that these had not been adequately addressed by the Licence Holder.
- It was not clear if patrons frequently purchased alcohol for consumption off the premises, as most patrons were seen drinking from open containers in the outside area, rather than sealed containers which could be consumed away from the premises.

Afshar Ahmad (Licensing Team Leader) on behalf of Licensing Authority Responsible Authority spoke in support of the application for review and summarised the representation as set out in the agenda and highlighted a list of additional conditions that had been proposed, set out at page 3 of the supplementary agenda, and could be applied to the licence if the Panel were so minded.

Afshar Ahmad reported that there were corrections to the proposed conditions within the Licensing Responsible Authority's representation, as follows:

Proposed condition 2 should state: "That the premises, as well as the internal CCTV already installed, also install CCTV to cover the outside of their premises. All such recorded footage shall be securely retained for a minimum of 31 days and recordings to be made available to council and or responsible authority officers on request."

Proposed condition 4 should state: 'No drink should be allowed outside the venue after 21:00hrs and all persons wishing to smoke shall leave their drinks inside to smoke outside.'

Responding to questions, Afshar Ahmad provided the following clarifications:

- Whilst Esther Jones, Licensing Team Leader had sent a letter to the Licence Holder on 25th May 2023 outlining various suggestions and measures, it was unclear if the Licence Holder had yet adopted any of these measures.
- Tolmer's Square was a unique area in which a communal square was surrounded by residential and commercial buildings, which meant that noise in the square echoed and had the potential to be a nuisance to residents.
- Whilst he was familiar with the premises and the surrounding area, he had not attended an inspection of the premises, this had been undertaken by Esther Jones, Licensing Team Leader.

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Interested Parties, local residents Rena Alieva, Lorraine Hayward and Evie Dineen, were in attendance and spoke in support of the application for review.

Rena Alieva, reported that loud noise, including rowdy patrons, DJ music and the emptying of glass bins late at night, was of particular concern. Rena Alieva confirmed that residents had complained to the premises several times, both via phone and in person.

Responding to a question, Rena Alieva stated that there had not been any issues with noise when the previous licence holder had operated the premises, and that the issues with noise started when the current licence holder began managing the pub. This statement was supported by Lorraine Hayward and Evie Dineen who confirmed that they had lived in Tolmer's Square for 28 and 24 years, respectively, and had made the same observation.

Piers Warne, counsel speaking on behalf of the Licence Holder was accompanied by Robin Belither, Graeme Endacott, Jo Lake, Ryan Bridge (all of Punch Pubs) and Faye Kewell (Licence Holder) and Petar Ivanisevic (Designated Premises Supervisor).

Piers Warne presented the Licence Holders case and responded to questions by providing the following key information:

- The Licence Holder had turned around a failing business and revitalised a pub which had been closed as a result of Covid-19.
- A series of proposed conditions, based on those proposed by the Licensing Responsible Authority, were detailed at pages – of the supplementary agenda.
- The operators had tried to work with residents and want the premises to be a community venue, so offered a co-working space, food and function rooms for hire.
- The pub was built when Tolmer's Square was developed, so was always intended to be part of the local community.
- The Licence Holder had accepted that some mistakes had been made and sincerely apologised for the incidents that had occurred, such as the emptying of glass bins late at night. Assurances were made that this would not happen again.
- The noise disturbance and rowdy behaviour in the square, as shown in the video footage, was a retirement party and the Licence Holder acknowledges the event was poorly managed and apologised and made assurances that it would not happen again.
- CCTV was installed following engagement with the Licensing Responsible Authority.
- Residents had reportedly entered the pub and displayed threatening behaviour and had filmed customers and staff without their consent, which was intimidating.

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- The aforementioned letter, dated 25th May 2023, was not detailed in the agenda, as part of the Licensing Responsible Authority representation, therefore this could not be commented on.
- Off-sales should only be removed in extreme circumstances. These sales did not currently make up a large part of the business, however the Covid-19 Lockdown had meant that these were essential for food and drink venues to continue operating as delivery only.

In response to additional questions from Members, Faye Kewell and Petar Ivanisevic made the following comments:

- It was understood that the Square was a community hub and efforts were made to contribute to the community.
- The area being used as a beer garden was the commercial area directly outside the pub and nearby offices.
- The premises attracted local residents and working professionals and these patrons were not considered to be the type to engage in loutish behaviour.
- Staff training was taken very seriously, and following noise complaints, members of staff were reminded of their training and made fully aware of the duties expected of them and were reminded that they must check the outside area every 10 minutes.
- The Licence Holder did not live in the Square but was frequently in attendance at the premises as late as 22:00hrs.

Chris Roberts, the applicant for the review, made some closing remarks.

The Licensing Responsible Authority made some closing remarks.

Piers Warner, counsel to the Premises Licence Holder made some closing remarks.

Decision and Reasons

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

In deliberation, the Panel noted the submissions made by the applicant, the interested parties, Responsible Authority, and the information provided by the Licence Holder.

The Panel sought legal advice before proceeding with deliberations and passed the following resolution at 8:27pm:

RESOLVED –

THAT the press and public be excluded from the proceedings of the Licensing Panel on 21st September 2023 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

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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 Items 7 & 8 would be likely to lead to the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings by virtue of Category 5 of Schedule 12A of the Local Government Act 1972 (as amended).

PART II

During private session, the Panel received specific legal advice on the options available to them and their questions of clarification were responded to.

PART I

The meeting returned to public session at 8:34pm.

Members were in consensus that there were valid concerns that had prompted the review brought by the resident. However, the Panel did not consider that suspension or revocation was appropriate or proportionate in this instance, but instead agreed that amending the licence and applying additional conditions would be appropriate.

Upon considering the issues raised, including noise disturbance from patrons using the outdoor area, loud music and waste disposal, and complaint handling the panel discussed applying the conditions proposed by the Licensing Responsible Authority and the Licence Holder, as set out in the supplementary agenda. The Panel noted that both lists of proposed conditions had merit so proposed conditions, would be applied from both lists, as appropriate.

In discussion the panel suggested that the following conditions be applied, as amended, in addition to those on the current licence:

1. CCTV system to be in operation to cover all licensable areas (except toilets) to which the public have access. This includes any outdoor seating areas.
2. The CCTV system is to be operational at all times when licensed activities are being carried out. The system is to be adequately maintained and be capable of downloading recorded material onto removable media.
3. CCTV footage will be made secure and retained for a minimum of 31 days.
4. At all times when the premises are open to the public there will be a member of staff on duty who is conversant with the operation of the CCTV system and who is able to download immediately any footage as requested by the police or an officer of Camden Council. Production of CCTV footage to be provided in line with data protection requirements.

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5. Staff to be trained and understand their responsibilities in the sale and supply of alcohol.
6. Staff Training logs to be kept and maintained and be made available upon request by any responsible authority.
7. An incident log shall be maintained and kept at the premises, and made available on request to the police or licensing authority an authorised person which will record the following:
 - (a) All crimes which occur within the venue.
 - (b) All ejections of patrons.
 - (c) Any incidents of disorder.
 - (d) Seizures of drugs or offensive weapons.
 - (e) Refusal of entry/ sale of alcohol due to being underage.
8. In relation to the sale of alcohol the DPS premises will draft and implement adopt a Challenge 25 policy. Any person who appears to be 25 years of age or under will be asked to provide identification to prove that they are in fact over 18. The only acceptable forms of identification are a passport, a photo style driving licence, a military ID card or, a PASS logo ID card or any other form of identification authorised by the Home Office for the purpose of age verification relating to sales of alcohol.
9. Notices to be positioned in prominent positions within the venue within the toilets at the premises stating: "ANY PERSON FOUND USING OR IN POSSESSION OF ANY DRUGS WILL BE BANNED FROM THE PREMISES AND REPORTED TO THE POLICE".
10. Notices will be displayed requesting customers to leave the premises quietly. These notices will be placed at all ingress / egress exits from the premises.
11. All doors and windows will be kept shut during any provision of live or amplified music or entertainment.
12. A complaints log will be maintained and all complaints from residents will be recorded therein. For the avoidance of doubt, this log can be incorporated within the incident log, so long as complaints are clearly identified as such. Any complaint logged will include date, time, name of complainant (if known) and reason for complaint. Any action taken in relation to that complaint to also be recorded.
13. An external area management plan will be drawn up and approved by the Licensing Authority and implemented at the premises. The management plan will be made available to the licensing officer or police on request. The plan will detail measures for controlling customers and regular collection of crockery and glassware.

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14. No drink should be allowed outside the venue after 20:00hrs.
15. All external furniture will be rendered unusable to the public by 20:15 daily.
16. Bottle bins will be emptied internally and only placed outside for collection between 08:00 and 20:00 hours on any day.
17. No smoking outside the premises after 22:00hrs.
18. All persons wishing to smoke, shall leave their drinks inside after 20:00hrs.
19. The maximum number of people allowed out to smoke shall not exceed 7 people at any time.
20. Suitable and sufficient refuse receptacles shall be provided by the premises.
21. The premises shall sign up for the "Ask for Angela" scheme.

The Panel also considered the Licensing Responsible Authority's proposal to amend the premises licence to remove off-sales. This was considered by the Panel to be appropriate with regard to the issues raised during the hearing.

The Panel reminded the Licence Holder they were able to apply for a variation to amend the Licence and conditions, once they had been able to sufficiently demonstrate they were able to promote the licensing objectives.

Overall, Panel Members determined that amending the licence and applying additional conditions would ensure that the licensing objectives were promoted.

Therefore, it was

RESOLVED –

- i) THAT the Premises Licence be amended to remove Off-Sales; and
- ii) THAT the additional conditions be applied to the Premises Licence, as follows:

Additional Conditions added by the Licensing Panel on 19 October 2023

1. CCTV system to be in operation to cover all licensable areas (except toilets) to which the public have access. This includes any outdoor seating areas.
2. The CCTV system is to be operational at all times when licensed activities are being carried out. The system is to be adequately maintained and be capable of downloading recorded material onto removable media.
3. CCTV footage will be made secure and retained for a minimum of 31 days.

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4. At all times when the premises are open to the public there will be a member of staff on duty who is conversant with the operation of the CCTV system and who is able to download immediately any footage as requested by the police or an officer of Camden Council. Production of CCTV footage to be provided in line with data protection requirements.
5. Staff to be trained and understand their responsibilities in the sale and supply of alcohol.
6. Staff Training logs to be kept and maintained and be made available upon request by any responsible authority.
7. An incident log shall be maintained and kept at the premises, and made available on request to the police or licensing authority an authorised person which will record the following:
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8. In relation to the sale of alcohol the DPS premises will draft and implement adopt a Challenge 25 policy. Any person who appears to be 25 years of age or under will be asked to provide identification to prove that they are in fact over 18. The only acceptable forms of identification are a passport, a photo style driving licence, a military ID card or, a PASS logo ID card or any other form of identification authorised by the Home Office for the purpose of age verification relating to sales of alcohol.
9. Notices to be positioned in prominent positions within the venue within the toilets at the premises stating: "ANY PERSON FOUND USING OR IN POSSESSION OF ANY DRUGS WILL BE BANNED FROM THE PREMISES AND REPORTED TO THE POLICE".
10. Notices will be displayed requesting customers to leave the premises quietly. These notices will be placed at all ingress / egress exits from the premises.
11. All doors and windows will be kept shut during any provision of live or amplified music or entertainment.
12. A complaints log will be maintained and all complaints from residents will be recorded therein. For the avoidance of doubt, this log can be incorporated within the incident log, so long as complaints are clearly identified as such. Any complaint logged will include date, time, name of complainant (if known) and reason for complaint. Any action taken in relation to that complaint to also be recorded.

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13. An external area management plan will be drawn up and approved by the Licensing Authority and implemented at the premises. The management plan will be made available to the licensing officer or police on request. The plan will detail measures for controlling customers and regular collection of crockery and glassware.
14. No drink should be allowed outside the venue after 20:00hrs.
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16. Bottle bins will be emptied internally and only placed outside for collection between 08:00 and 20:00 hours on any day.
17. No smoking outside the premises after 22:00hrs.
18. All persons wishing to smoke, shall leave their drinks inside after 20:00hrs.
19. The maximum number of people allowed out to smoke shall not exceed 7 people at any time.
20. Suitable and sufficient refuse receptacles shall be provided by the premises.
21. The premises shall sign up for the "Ask for Angela" scheme.

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

There was none.

The hearing ended at 8.58 am.

CHAIR

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MINUTES END