

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 1ST FEBRUARY, 2024** 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), Jenny Headlam-Wells and Lorna Greenwood

ALSO PRESENT

Councillors Meric Apak

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 be agreed.

2. APOLOGIES

There were none.

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 none.

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.

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 23rd November 2023 be agreed and signed as an accurate record.

7. CAMDEN TOWN POST OFFICE, 124 CAMDEN HIGH STREET, LONDON NW1 0LU

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.

The Licensing Officer took the Panel through the report and advised that seven representations had been received opposing the application, including representation from the Police, Public Health, and Licensing Authority Responsible Authorities.

The premises was located within the Camden Town Culminative Impact Policy Area (CIA), so there was a rebuttable presumption to refuse the application.

The applicant's representative advised there were no amendments to the application, however additional conditions had been agreed with the Police Responsible Authority.

Police Constable Joel Francis, representing the Police Responsible Authority, made submissions to the panel by summarising the objections set out in their written representation.

Esther Jones, Licensing Team Leader, representing the Licensing Responsible Authority, made submissions to the panel, and summarised the objections set out in their written representation.

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Responding to a question, the Licensing Team Leader confirmed that, should the Licence be granted they had recommended in their written submission that framework hours should be applied and a condition requiring the premises to sign up for the Ask for Angela scheme and employees attend WAVE training be added to the licence. However, the applicant had not confirmed whether they were agreeable to these additional measures.

Patricia Thomas, interested party, and representing Kate Gemmel, of the Tenants and Residents Association Camden Town (TRACT), summarised objections to the application, as outlined in their written submissions.

Patricia Thomas proposed 10 conditions as follows to be added to the licence if members were minded to grant it:

- 1) Licensable activities should be within framework hours.
- 2) There will be a maximum capacity of 40 customers.
- 3) There shall be a smoking area for a maximum of five people at any one time, which shall be managed by staff to avoid disturbance to residents.
- 4) Alcohol must only be served ancillary to a substantial meal and only to seated customers.
- 5) Any off sales must be preordered and sold ancillary to a meal and must only be delivered to a private residential or business address.
- 6) There must be no audible noise that causes disturbance to neighbouring residents.
- 7) There shall be background music only.
- 8) Delivery operatives shall use non-motorised or electric bicycles only.
- 9) Delivery operatives must be allowed access to WC facilities and fresh drinking water.
- 10) One Security Industry Authority (SIA) registered door supervisor shall be employed at the premises from the end of framework hours to closing time.

The applicant, Dewan Ashrafi, was accompanied by legal representative Stewart Gibson, who summarised the application and responded to questions by providing the following information:

- The applicant intended to diversify the business to make it viable. The current Post Office offer would be supplemented by a café, including take away food, and an off licence.
- It was recognised that the premises was in a CIA, and there was a rebuttable presumption to refuse the application, however the applicant believed that they had rebutted the presumption with the conditions that they had proposed.
- The applicant had agreed to provide a SIA door supervisor, which would ensure extra security for staff and customers and would help filter out any troublemakers or those under the influence.
- There would be no self-service of alcohol, as it would be stored behind counters in lockable fridges.

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- The applicant was willing to agree to the condition requiring the premises to sign up for Ask for Angela and all staff would undertake WAVE training.
- The café would offer Indian street food.
- Alcohol would only be offered ancillary to the primary purpose of the convenience store, and it was normal and expected for a convenience store to sell alcohol. Alcohol would only be served for off sales only from the convenience store counter and would not be served in the café.
- If the Panel were uncomfortable with the late hours applied for, they could instead grant framework hours, which the applicant had indicated would be agreeable.
- The café would have seating during the day so that customers could eat their food on the premises, but after 23:00hrs it would be take away only.
- Customers would only be able to purchase alcohol for consumption off the premises only and would not be able to drink alcohol in the café.
- The applicant was an experienced Postmaster and licence holder and operated six other Post Offices.
- The applicant had run a Post Office at Kings Cross, and other convenience stores in the borough, none of these had generated any complaints or concerns.
- It had been proposed that one SIA door supervisor would be at the premises from 18:00hrs and until 02:00hrs, and several staff would be working in the convenience store. If the premises was busier on certain days more staff would be present to assist.
- The applicant had applied for hours outside framework hours, as longer hours were needed to keep the business viable.
- Later hours had not been tried at the premises and no Temporary Events Notice had been applied for, but the King Cross Post Office had operated as late as 04:00hrs, so the applicant had experience managing a late-night premises.

The Responsible Authorities, the interested party and the applicant then 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 representations by the interested parties, and Responsible Authorities, and the information provided by the applicant and the applicant's representative.

The Panel were in agreement that the applicant had rebutted presumption to refuse the application, noting that the applicant had demonstrated he was an experienced licence holder and had been willing to agree additional conditions.

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However, Panel Members were unconvinced that the premises should operate outside of framework hours, so discussed granting the licence for framework hours only, noting that applicant had indicated through their representative that they would be agreeable to this.

The Panel then discussed applying conditions to the licence and considered the list of conditions proposed by the applicant, as set out at pages 117 – 118 of the agenda. The Panel agreed that these conditions should be applied with the exception of the following, as it was irrelevant to operating within framework hours:

- 30) The applicant will engage the services of an SIA guard between the hours of 23:00 and 02:00 daily when the premises are open. The guard will remain in situ until the premises are closed to the public.

The Panel then considered the conditions suggested by the Police Responsible Authority, the Licensing Responsible Authority, and the Interested Party and agreed to apply the additional conditions.

The Panel were of the view that granting the licence with framework hours and addition of the conditions, would ensure that the premises upheld the licensing objectives and not add to cumulative impact.

Therefore, it was

RESOLVED –

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

- a) Supply of Alcohol (for consumption off the premises only)
08:00 – 23:00 Monday to Saturday
10:00 – 22:30 Sunday
- b) Late night refreshment (for consumption off the premises only)
23:00 - 23:30 Monday to Thursday
23:00 – midnight Friday and Saturday

Subject to the following conditions:

Conditions Consistent with the Operating Schedule

- 1) 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.
- 2) The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access.

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- 3) The CCTV camera views shall not be obstructed.
- 4) At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
- 5) 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 for inspection by the police or authorised officers on request.
- 6) 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 authorised officers in obtaining the CCTV footage.
- 7) Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
- 8) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 9) Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.
- 10) Signs must be displayed in the customer areas to advise that CCTV is in operation.
- 11) If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.
- 12) Strong beer and cider above 5.5% ABV shall not be sold, save for a pre agreed premium range.
- 13) A minimum of two members of staff to be present at all times whilst the premises remain open for the sale of alcohol.
- 14) Notices shall be displayed in prominent positions on the premises near to where alcohol is kept and sold advising customers that the whole of the London Borough of Camden is a controlled drinking zone.
- 15) The licence holder shall ensure that alcohol is not sold in an open container, opened on the premises, or consumed on the premises.
- 16) Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.

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- 17) An accident book will be in operation, and ongoing will be kept for a period of three years.
- 18) Deliveries to the premises shall not take place between 22:00 and 07:00
- 19) Collections of waste from the premises shall not take place between 23:00 and 08:00
- 20) Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
- 21) External lighting for the premises shall be turned off after the premises are closed to the public.
- 22) Patrols of the area outside the premises shall be undertaken every hour during the use of the licence and any litter attributable to the premises cleared.
- 23) A minimum of 2 litterbins shall be provided by the licence holder at the front of the store for the use of customers.
- 24) Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
- 25) Posters shall be displayed in prominent positions around the till advising customers of the proof of age policy in force at the premises.
- 26) A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to police and authorised Council officers on request.
- 27) The designated premises supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
- 28) The premises shall operate a Challenge 25 policy.
- 29) The premises shall use cash till prompts to remind staff to ask for proof of age.
- 30) All display of alcohol will be behind counters in locked door fridges.

Conditions Agreed with Police Responsible Authority

- 31) Police must be called to incidents of violence and/or disorder where appropriate.
- 32) An incident log shall be kept at the premises and be made available upon request to the Police or the Local Authority. The book will record the date, time and whom is making the entry. The following must be recorded:
 - a) All crime reported to the venue
 - b) All refused sales
 - c) Any complaints received
 - d) Any faults in the CCTV system
 - e) Any visit by a relevant authority or emergency service
 - f) CAD reference numbers where Police are called
- 33) All alcohol in the public parts of the premises shall be kept in display units. All display units for alcohol will have metal shutters.
- 34) Shutters will be locked at the end of permitted hours for the sale of alcohol and shall not be opened again until the start of permitted hours the following day.
- 35) There must be no single cans of beer, lager, cider, ale, or spirit mixtures sold at the premises.
- 36) All non-personal licence holders are trained to level 1 standard, with written training records kept up to date and available for inspection at any time. No member of staff to be permitted to work on the shop floor until this training has been successfully completed.
- 37) No alcohol to be stored beneath the serving counters at any time.
- 38) All products to be paid for in full at the point of sale. No 'credit' to be offered to any customers.
- 39) The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a convenience shop.

Conditions added by the Licensing Panel

- 40) The premises will sign up to the Ask for Angela scheme and all staff employed at the premises shall undergo WAVE training.

8. GATEHOUSE, THE GATE HOUSE, HIGHGATE WEST HILL, LONDON N6 6DB

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to vary a premises licence under section 34 of the Licensing Act 2003. Consideration was also given to the information included in the Supplementary Agenda.

The Licensing Officer summarised the report and stated that one representation had been received opposing the application from the Highgate Society.

The applicant's representative confirmed that there were no amendments to the application.

Francis Wilkinson, representing the Highgate Society summarised their objections to the application, as outlined in their written submission.

Responding to a question, Francis Wilkinson stated that the applicant had proposed to have a condition on the lease specifying that the Greenroom could only be used by theatre patrons during performances. However, this lease could subsequently be changed, and therefore, it was preferable if this condition was imposed on the premises licence instead.

In response to points raised by the interested party, the Legal Adviser to the Panel clarified that the theatre's status as an Asset of Community Value was not a consideration under the licensing regime and that the theatre was entirely separate to the premises licence that was being considered.

Representing the applicant, Alun Thomas summarised the application and responded to questions as follows:

- Controlling the use of the proposed Greenroom bar was a management issue. The premises was currently well managed and did not experience problems with customers causing a disturbance.
- It would be disproportionate to have a condition controlling who could have access to the bar because if a patron wanted to meet a friend in the Greenroom bar after a show this would be a breach of a licence condition, which is a criminal offence.
- Security would not be required to manage access to the upstairs bar, the applicant deemed this entirely unnecessary.
- The licensing objectives could continue to be upheld through robust management. Customers at the pub did not currently disturb performances at the theatre and this was not expected to change if an upstairs bar was in operation.
- The upstairs bar would be more convenient for theatre patrons who currently had to go to the downstairs bar to purchase a drink.

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- Furthermore, the proposed Greenroom bar was part of the pub, not the theatre, so the pub would be prevented from using an area included in their lease if the condition was applied.
- A letter had been sent to the Highgate Society outlining the position, but it was not included with the agenda pack.
- It was not appropriate to discuss the lease during this Panel meeting, such discussions should take place between the proprietor and the tenants.

The interested party and the applicant's representative then 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 this application.

In deliberation, the Panel considered the comments from the interested party and the information provided by the applicant's representative.

Panel Members considered the issues raised and agreed that they could be sufficiently dealt with by robust management of the premises, and it would be in the interest of the applicant to ensure that users of the Greenroom bar did not disturb the performances in the theatre. It was, therefore, deemed unnecessary by the Panel to impose additional conditions.

Therefore, it was

RESOLVED –

THAT the variation to the licence be granted as applied for, to include the Green Room bar situated on the first floor of the premises as shown in the revised premises floor plan (reference number HG/UB/340/03, dated May 2023).

9. NEW MILANO PIZZA & GOURMET BURGERS, 128 KENTISH TOWN ROAD, LONDON NW1 9QB

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.

The Licensing Officer informed the panel that the Police Responsible Authority had agreed conditions with the applicant and had withdrawn their representation. Therefore, three relevant representations remained.

It was confirmed by the applicant that there were no amendments to the application.

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Caroline Hill, Kentish Town Road Action, also representing Kate Gemmel, of TRACT, summarised the objections to the application, as outlined in their written submissions.

Councillor Meric Apak, speaking as an interested party, summarised his objection to the application, as outlined in his written submission. Councillor Apak also declared for transparency that he was a Member of the Licensing Committee and Licensing Panel E but had not discussed the application with any Licensing Committee Member.

Responding to a question Councillor Apak stated that he had consulted with the community, and it was clear that residents did not think having a premises open beyond framework hours would be appropriate for the area and the few outlets in the area that did open beyond framework hours created disturbance to residents.

Responding to a point of clarification, Councillor Apak stated that he had asked a sample of residents who lived in the immediate vicinity of the premises and the main resident groups in the area.

The applicant Hafiz Farooq, represented by Saheeb Inayat, and supported by Rashad Jabar summarised the application and responded to questions as follows:

- The application was for late night refreshment so that food could be served to customers until 02:00hrs.
- The premises was takeaway only and had no seating available, so people came in ordered their food and left once it was ready. Free delivery was also offered to all customers, which aimed to encourage customers to order from home instead of coming into the premises.
- The applicant had been trading since August 2023, but had taken the business over from an associate who had operated the premises for about a year.
- The applicant had applied to open until 02:00hrs to cater for night shift workers, including staff at the nearby hospitals and it was a new business so needed to maximise income and diversify their offer.
- The premises offered an alternative to other late-night restaurants, away from busy areas such as Camden Town.
- The premises was next to a bus stop, where people often congregated and could be noisy, but this was not the responsibility of the licence holder.

The interested parties and the applicant then made closing remarks.

Decision and reasons

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

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In deliberation, the Panel considered the comments from the interested parties and the information provided by the applicant and the applicant's representative.

The Panel noted that the premises was not situated in a CIA, and that the Police Responsible Authority had withdrawn their representations upon the agreement of conditions.

Whilst it was acknowledged that issues with other premises in the area had been raised, the application was to be considered on its own merit.

Some of the Panel were minded to grant the application beyond the framework hours, on the basis that the premises seemed well run and there were other late night food outlets in the area. One Panel Member, however, did not think that the application was appropriate and was opposed to the application being granted outside framework hours, stating that it could set a precedent for other outlets in the area to extend their opening hours, which would create disturbances for local residents.

Panel Members did not think it was appropriate given the location of the premises for it to be open until 02:00hrs, so instead discussed granting the licence for late night refreshment from 23:00hrs until 00:00hrs Monday to Sunday.

The Panel noted the conditions that had been proposed by the applicant and the conditions that had been agreed with the Police, as set out at pages 161 to 162 of the agenda pack and agreed to apply all to the licence. These would help the premises to promote the licensing objectives and reduce disturbance to local residents.

Therefore, on being put to the vote with 2 in favour and 1 against,

RESOLVED – Sarah please confirm the times and conditions.

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

- a) Late Night Refreshment**
23:00 – midnight Monday to Sunday

Subject to the following conditions:

Conditions consistent with the operating schedule:

- 1) A CCTV recording notice will be put on display near the point of sale and window/door.
- 2) Delivery drivers will park and switch off engines and wait to be summoned to collect orders, so they do not create a hazard or disturbance to neighbours.
- 3) No one under the age of 18 shall be employed to work at the premises.

Conditions agreed with the Police Responsible Authority:

- 4) CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
 - a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
 - b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorized officer on request.
 - c) The Police will be informed if the system will not be operating for longer than one day of business for any reason.
 - d) The system will record in real time and recordings will be date and time stamped.
 - e) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act requirements) within 24 hours of any request.
 - f) CCTV to cover all entry and exit points of the building and the area the delivery drivers park their vehicles.
 - g) CCTV will be of good quality, a standard approved by the police/council licensing officers.

- 5) The premises Licence holder shall endeavour to eliminate or reduce any nuisance arising out of its licensable activities. In doing so the premises Licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary. A direct telephone number for the manager at the premises shall be publicly available at the times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.

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

There was none.

The hearing ended at 10.03 pm.

CHAIR

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MINUTES END