

## **THE LONDON BOROUGH OF CAMDEN**

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 18TH APRIL, 2024** at 7.00 pm in Remote meeting via Microsoft Teams. This meeting can be watched live at [www.camden.gov.uk/webcast](http://www.camden.gov.uk/webcast)

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

Councillors Jonathan Simpson (Chair) and Patricia Callaghan

### **MEMBERS OF THE PANEL ABSENT**

Councillors Nina De Ayala Parker and Matthew Kirk

**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 be agreed.

#### **2. APOLOGIES**

Apologies for absence were received from Councillors Matthew Kirk and Nina de Ayala Parker. Councillor Patricia Callaghan was substituting.

#### **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**

##### **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

*Licensing Panel C - Thursday, 18th April, 2024*

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 on 17 April 2024 which included late papers relating to the Wendy’s application (item 7) submitted by the Applicant.

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

There was no urgent business.

**6. MINUTES**

**RESOLVED –**

THAT the Part I and Part II minutes of the meetings held on 21 November 2023 and 30 November 2023 be approved and signed as a correct record.

**7. WENDY’S: 189-191 CAMDEN HIGH STREET, LONDON, NW1 7BP**

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.

Paru Bhudia, Licensing Officer, summarised the report.

The Panel agreed to admit the late papers included within the supplementary agenda.

Since the main agenda publication, the following additional conditions proposed by the Police had been agreed by the Applicant:

1. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for licensable activities.
2. Police must be called to incidents of violence and/or disorder.

### *Licensing Panel C - Thursday, 18th April, 2024*

PC Rachel Aldis, Police responsible authority, spoke to their representation. The following concerns were raised: the premises was situated within a Cumulative Impact Area (CIA) and this premises did not demonstrate any exception to Camden's Licensing Policy's rebuttable presumption to refuse a new application, therefore granting this new licence would undermine the promotion of the licencing objectives; regardless of the proposed licence being limited to dry-sales, the premises could become a flashpoint for incidences involving people leaving other late night venues and staying in the area; and that despite the Applicant claiming that 20 TENS had been held without incidents, during this period there were no conditions requiring the premises to report incidents to the Police.

In response to questions, PC Rachel Aldis confirmed there had been no incidents of crime reported to the Police in relation to the premises during the period Wendy's had been operating until 02:00hrs firstly without a licence and then the granted TENS which followed.

Esther Jones, Licensing Authority responsible authority, spoke to their representation. Esther Jones explained their objection was due to the premises being located in the CIA and the application should be refused on that basis.

Paul Newton, Wendy's Regional Operations Manager, accompanied by Michael Clarke, Wendy's Managing Director U.K. & Europe, spoke to their application. The following points were made:

- It relation to the Licensing Authority's representation, it was confirmed the Applicant had already accepted the proposed conditions relating to the women's safety principles and retaining CCTV for 31 days. The premises already had three refuse areas across the floors which were regularly changed.
- As stated in proposed conditions 15-17, there would be security on the ground floor entrance and the first floor who would be present longer than the licensable activities took place. There were currently 13 security cameras in the interior of the premises, and Applicant was happy to install more to the exterior of the building if requested.
- It was confirmed that it was a mistake of the premises during the period this Wendy's site was operating without a licence and trading until 02:00hrs. During that period of nearly 12 months, there had been no incidents (including antisocial behaviour) recorded internally or to the Police.
- As a business, Wendy's wanted to be a part of the community and be an offering of late night refreshments. The premises wanted to prevent litter and did not want drunk people carrying alcohol into the venue. Wendy's were willing to comply with everything reasonable to help the smooth running of the premises.

In response to questions, the following points were clarified:

- The premises had been trading since 22 April 2023 and during that period had been operating until 02:00hrs on Fridays and Saturdays. Once it was realised a

### *Licensing Panel C - Thursday, 18th April, 2024*

licence was required, the premises applied for 10 Temporary Event Notices (TENs) for the same hours as previously operating.

- Wendy's used a third-party company to electronically record incidents which escalated to a Risk Team based in the US who would then use the data to analyse themes of incidents promptly. There had been no incidents since the premises opened.
- It was confirmed that the premises had not contacted any local residents alongside the application, although they knew they made deliveries to local residents. Wendy's worked with Streets Kitchen Camden (UK and Ireland grassroots group who organised food kitchens for the homeless community) who were located opposite the premises. Wendy's tended to donate food rather than cups to prevent litter.
- In relation to truck deliveries to the restaurant, it was confirmed that there were four food and drink deliveries per week which all took place overnight and were delivered by a third-party through a side door to inside of the restaurant.
- In relation to current system of refuse, it was confirmed the refuse was taken outside and collected between 05:00-06.30hrs everyday. External refuse was stored in separate wheelie bins (food waste, recycling and general waste) and was not left in plastic bags on the street.
- To manage rubbish in the immediate area, it was confirmed that staff litter picked outside of the restaurant and they were happy to increase the frequency of inspections. Within the restaurant, dining customers used trays and tended to dispose of their own rubbish in one of the two bins upstairs or one bin downstairs which were regularly emptied.
- There was no seating on the ground floor.

In their closing remarks, PC Rachel Aldis stated that granting this licence would increase the cumulative impact of licensed premises in the CIA and would result in additional pressure on resources for the Police and other authorities. In their view there was no evidence to show this premises should be an exemption to Cadmen's Licensing Policy.

In their closing remarks, Esther Jones stated that if the Panel were minded to grant the application, further litter picking policies should be considered when considering the warmer months of the year.

### **Decision and Reasons**

In their deliberations, Panel Members acknowledge that the premises was located in a CIA and the application engaged the crime and disorder and public nuisance objectives. The area was a sensitive to location in the borough for licenced venues, particularly as it was located next to a tube station. By reducing current proposed late-night hours on Friday and Saturday nights, the risk would be reduced of negatively impacting the licencing objectives and straining the resources of responsible authorities.

### ***Licensing Panel C - Thursday, 18th April, 2024***

Panel Members understood the venues reluctance to reduce their operation to framework hours and acknowledged that the Applicant had agreed nearly all of the conditions proposed by responsible authorities and seemed to be willing to work with Licensing Officers improve their operation. Panel Members were reassured that the venue had operated without incidences during their TENS and since operating in Camden.

The Panel did not want to impose additional waste and delivery conditions because the current system seemed to operate well and there had not been any complaints.

Panel Members advised the venue to converse with local residents going forward. The premises could apply for extended hours at a later date when they could evidence responsible operation with a licence terminating at 01:00hrs on Friday and Saturday nights.

#### **RESOLVED –**

i) THAT a licence be granted for:

**a) Late night refreshment**

23:00 – 00:00 Sunday to Thursday

23:00 – 01:00 Friday to Saturday

**b) Opening hours**

08:00 – 00:00 Sunday to Thursday

08:00 – 01:00 Friday to Saturday

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

#### **Conditions consistent with the operating schedule**

1. Our establishment uses CCTV surveillance systems placed strategically to cover key areas of our premises.
2. This monitoring helps prevent and detect incidents, ensuring the safety and security of our customers and staff.
3. CCTV is placed to capture patrons head and shoulders as they enter the building, and throughout.
4. There are security personnel present at the restaurant from 8pm on Fridays and Saturdays until close.
5. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises

*Licensing Panel C - Thursday, 18th April, 2024*

licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.

6. Our push-pull restaurant doors self-close, and we try to encourage our customers to be considerate to our neighbour's and to limit noise both when ordering their food and on leaving the local area.
7. Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbour's when leaving.
8. 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.
9. All staff members are required to complete a late-night security module upon commencing their employment.
10. This course outlines essential guidelines, including specific instructions for late-night shifts, emphasizing what not to do to maintain a secure environment.
11. Patrols of the area outside the premises shall be undertaken every 1 hour during the use of the licence and any litter attributable to the premises cleared.
12. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.
13. No alcohol is allowed to be served or sold on the premises.
14. Where the premises are open for licensable activities on Fridays, Saturdays and Bank Holiday Sundays from 2200 hours, a minimum of two (2) SIA-registered door supervisor shall be employed at the premises until 30 minutes after close with a log sheet to be kept (and available immediately to the Police upon request) showing who was working on any given night that the Police visit the venue.
15. A minimum of one (1) SIA will be on the first-floor seating area at all times that licensable activities take place.
16. A minimum of one (1) SIA will be situated at the main entrance of the venue at all times that licensable activities take place.

*Licensing Panel C - Thursday, 18th April, 2024*

17. The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
18. 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:
  - a) all crimes reported to the venue.
  - b) all ejections of patrons.
  - c) any incidents of disorder and violence
  - d) all seizures of drugs or offensive weapons
  - e) any faults in the CCTV system or searching equipment or scanning equipment.
  - f) any refusal of the sale of alcohol to include date, time, and staff member.
  - g) any visit by a relevant authority or emergency service.
19. CAD reference numbers where Police are called.
20. The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law; crime scene best practice. Training shall be written into a programme of going review and will be made available for inspection by Police or other responsible authority, upon request.
21. 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.
22. 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.
23. The CCTV camera views shall not be obstructed.
24. 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.
25. 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.
26. 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.
27. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
28. The facility to transfer the images to a compatible, removable format shall be held on the premises.

*Licensing Panel C - Thursday, 18th April, 2024*

29. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this.
30. Signs must be displayed in the customer areas to advise that CCTV is in operation.
31. 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.
32. Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
33. 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.
34. The premises shall ensure their staff are trained in WAVE, details of this are available on our website or they could contact my colleague Ms Sarah Williams for further details on [licensing@camden.gov.uk](mailto:licensing@camden.gov.uk) mark the email for the attention of Ms Sarah Williams.
35. Suitable and sufficient refuse receptacles shall be provided to the premises such that they are capable of accommodating all the waste that may be generated by the premises and collection, storage and disposal of refuse can be done in a timely manner. This should be incorporated into the policy referred to in the application for the collection of street litter.
36. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for licensable activities.
37. Police must be called to incidents of violence and/or disorder.

**ACTON BY: Executive Director Supporting Communities**

**8. I AM DONER: 44 CHALK FARM ROAD, LONDON, NW1 8AJ**

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.

Paru Bhudia, Licensing Officer, summarised the report.



### *Licensing Panel C - Thursday, 18th April, 2024*

Frank Fender, legal representative to the Applicant, stated that the proposed operating hours had been reduced from 04:00hrs to 02:00hrs on Friday and Saturday nights. Between 01:00-02:00hrs on Friday and Saturday nights the operation would be limited to delivery only.

Esther Jones, Licensing Authority responsible authority, spoke to their representation. Esther Jones stated that their objection was due to the premises being located in the CIA. The risks of the premises operating late-night hours in the CIA in a residential zone was that people would gather in the area and disturb local residents through noise pollution, littering, and the increased likelihood of antisocial behaviour occurring.

In response to questions, it was confirmed that the premises already had an existing premises licence and there had been no previous reports of issues at the premises.

Kate Gemmell spoke to the three interested party objecting representations: herself as TRACT, on behalf of Patricia Thomas as a local resident, and on behalf of Brenda Gardiner as the Castlehaven Community Association. The following concerns were raised: the premises was situated in a CIA and the Applicant had not made a case demonstrating this application was an exemption to Camden's Licensing Policy, therefore any extension of the current terminal hours would add to the cumulative impact of licenced venue's in the area and would negatively impact the licensing objectives; once customers were outside of the venue and finished being served, the venue had no means of controlling their behaviour; takeaway delivery operatives would disturb local residents late at night and there were no proposed conditions which addressed mitigation of this issue.

In response to questions, Kate Gemmel confirmed that she was not aware of the premises causing any disturbance to residents on the current licence, however noted that any new extended terminal hours would change the type of operation into a late-night venue which created different problems.

Frank Fender, accompanied by the Applicants Mr. Moshe Forte and Mrs. Agnieszka Forte, spoke to their application. The following points were made:

- The difference between the existing licence and the application was an extension of hours for alcohol sales, including the introduction of off-sales, and the extension of hours for late-night refreshments.
- A meeting took place between with the Police which resulted in the withdrawal of their representation where it was agreed the terminal hours would be reduced.
- All four representations were made due to the CIA policy and they made no reference to the existing operation causing any issues for local people or the licensing objectives being undermined. There had been no complaints raised about the premises. In response to the resident concerns about the potential noise created by delivery operatives, the Applicant was happy to add new conditions that no takeaway deliveries should be made for the restaurant using motorised vehicles beyond 23:00 (including third-party operatives) and that a

### *Licensing Panel C - Thursday, 18th April, 2024*

direct contact phone number to the restaurant manager be made available to local residents.

- The Applicant was happy to accept the Licensing Authority's proposed condition on refuse.
- I am Doner was a franchise restaurant which had to follow litter and environmental conditions from the central franchise, for example using environmentally friendly packaging and separating refuse (food waste, recycling, general waste). When refuse was collected within trading hours, secure bags would be left on the street for 30 mins.
- The restaurant was not aimed at inebriated custom. Customers tended to work in hospitality and shift work patterns. The restaurant also provided for people with food intolerances and vegan diets. In their view Camden itself had evolved and was now less of a place associated with inebriated people. The premises wanted to run a clean, well run and high-end establishment.
- The premises wanted to be part of the local community and the Applicant was happy to converse with local residents.

In response to questions, the following points were clarified:

- The Applicant contacted everyone who made a representation ahead of the hearing, but not prior to making the application, and out of those they only reached Kate Gemmell.
- The premises had a pavement licence however only capacity was used, using two tables and chairs which were taken inside the restaurant later in the evening (latest 23:00pm) to prevent people gathering outside. If a group was seen to be congregating, staff were advised to take the furniture inside and the area was always monitored. The Applicant was happy to add a condition that the tables and chair be brought in at an earlier specified time.

In their closing remarks, Kate Gemmel stated that the resident concerns related to cumulative impact of late-night activities on residential streets. If there was a phone number to the restaurant manager, it would be challenging for residents to know which customers were associated with which licenced premises due to the number of venues in the area. Extending the operation hours would add to the cumulative impact and create public nuisance in the area. If the Panel was minded to grant the application, residents would welcome the electric vehicle condition offered by the Applicant.

In their closing remarks, Frank Fender stated the premises was already operating with a licence in excess of the framework hours and within the CIA and there were no complaints recorded. The Applicant was confident that the proposed conditions, including the additional conditions agreed with the Police, the reduced hours from the original application, and the additional conditions proposed during the hearing would ensure the operation would not negatively contribute to the CIA.

## **Decision and Reasons**

In their deliberations, Panel Members stated that despite there having been no prior incidents of public nuisance or crime with the premises current operating hours, the extended hours applied for were late night and created a higher risk of issues occurring in the densely populated residential area.

A particular risk of disturbance was from delivery drivers operating until 02:00hrs on Friday and Saturday nights creating noise pollution from chatting and repeated door closing. There were already many premises in the area, therefore an additional venue adding to the cumulative impact of late-night operations was a consideration.

Panel Members were reassured that the additional conditions proposed by the Applicant during the hearing, and those agreed previously with the responsible authorities, would ensure a strengthened licence and increase safety in the area. Panel Members stated they could not support the proposed extended operating hours but could accept the terminal hours to extend to 12 midnight on Monday to Saturday and 22:30hrs on Sunday.

## **RESOLVED –**

i) THAT a licence be granted for:

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

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

To extend the terminal hour for the sale of alcohol until 01.00hrs the following day on Christmas Eve, Boxing Day, New Year's Day, Burns Night (January 25th), Valentines Day (14th February), St Patrick's Day (17th March), St George's Day (23rd April) and the Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends.

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

### **b) Late Night Refreshments**

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

To extend the terminal hour for late night refreshment until 01.00hrs the following day on Christmas Eve, Boxing Day, New Year's Day, Burns Night (January 25th), Valentines Day (14th February), St Patrick's Day (17th March) and St George's Day (23rd April) – where those days fall other than on a Friday or a Saturday.

### ***Licensing Panel C - Thursday, 18th April, 2024***

To extend the terminal hour for late-night refreshment until 01.00hrs the following day on the Sundays and Mondays of Bank Holiday weekends.

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

#### **c) Opening hours**

23:00 – 00:00 Monday to Saturday

10:00 – 22:30 Sunday

To extend the terminal hour for the closing of the premises until 01.30hrs the following day on Christmas Eve, Boxing Day, New Year's Day, Burns Night (January 25th), Valentines Day (14th February), St Patrick's Day (17th March) and St George's Day (23rd April) – where those days fall other than on a Friday or Saturday.

To extend the terminal hour for the closing of the premises until 01.30hrs the following day on the Sundays and Mondays of Bank Holiday weekends.

From the end of opening hours on New Year's Eve until the opening hours on New Year's Day.

#### **Conditions consistent with the operating schedule**

1. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and licence conditions and the measures necessary for compliance with those conditions.
2. A record shall be made of the training provided and this record shall be made available to Police and authorised officers upon reasonable request.
3. CCTV shall be installed and maintained at the premises in an efficient working order.
4. Any area of the premises to which the public have access (except toilets) will be covered by CCTV and shall operate at all times when the premises are open to the public.
5. The quality and standard of recorded images must meet the requirements of the Police and Local Authority, to enable positive identification of individuals.
6. Recorded images shall be retained by the venue for a period of no less than 31 days.
7. Recorded images shall be supplied to the Police, Fire Service and Licensing Authority upon reasonable request in a format so it can be played back on a standard personal computer or standard DVD player. (e.g. Memory

*Licensing Panel C - Thursday, 18th April, 2024*

stick/CD/DVD). Authorised staff shall be trained in the operation and usage of the CCTV system including the viewing and downloading of images in order that they can be made available to the Police or an authorised officer of a responsible authority upon reasonable request.

8. An incident log shall be maintained and kept at the premises, and made available on request to the Police, Fire Service and Licensing Authority. The log 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. Alcoholic drinks which are sold for consumption on the premises will only be consumed within the premises boundary.
9. The premises shall operate as a restaurant:
  - (i) where the supply of alcohol for consumption on the premises is by waiter or waitress service only;
  - (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table or breakfast bar; and
  - (iii) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
10. Alcohol sold for consumption off the premises shall be sold in sealed containers only.
11. Alcohol sold for consumption off the premises shall only be sold to customer who have ordered substantial food, either directly from the premises or by way of delivery following an order placed via telephone or internet.
12. Alcohol delivered as part of an off sale shall only be delivered to a residential or business address, and not to a public place.
13. Customers ordering alcohol as part of their order will be advised that ID will be requested at the point of delivery if the customer appears to be under the age of 25 years. This will be carried out verbally if ordering by telephone, or by a warning on any website used to make such orders.
14. All deliveries of alcohol for consumption off the premises shall only be made by recognised food and drink delivery companies who have written terms and conditions in respect of age restrictive products.

Such terms and conditions shall include the following information:

- (a) a requirement that persons ordering alcohol are over the age of 18 years.

*Licensing Panel C - Thursday, 18th April, 2024*

- (b) that the delivery company shall operate a Challenge 25 age verification policy whereby customers who look under 25 will be asked by the delivery driver to provide proof that they are over 18.
15. The premises licence holder shall adopt Camden's "Ask for Angela" initiative.
  16. No alcohol shall be consumed on the premises from 01.30hrs until the commencement of permitted hours, on any day the premises is open after 01.30hrs.
  17. All alcohol products and drinking vessels shall be cleared from all tables from 01.30hrs on any day the premises is open after this time.
  18. Customers shall not be permitted to bring their own alcohol for consumption on the premises.
  19. Adequate and appropriate supply of first aid equipment must be available on the premises at all times. Staff shall be trained in respect of the fire risk assessment for the premises and a record of such training shall be maintained at the premises. The record shall be made available for inspection by Authorised Officers.
  20. Prominent, clear and legible notices shall be displayed at the exit requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
  21. Prominent, clear and legible notices shall be displayed at the external area at the front of the premises requesting that they use this area quietly.
  22. Refuse, such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to neighbouring properties.
  23. Deliveries to the premises will be arranged so as to cause minimum disturbance to neighbouring properties.
  24. The provision of live and recorded music at the premises shall not be a source of disturbance to noise sensitive premises in the vicinity of the premises.
  25. Tables and chairs if placed outside by the premises shall not obstruct the public pathway such that members of the public are not able to use the pavements.
  26. All staff members are required to complete a late-night security module upon commencing their employment. This course outlines essential guidelines, including specific instructions for late-night shifts, emphasizing what not to do to maintain a secure environment.

***Licensing Panel C - Thursday, 18th April, 2024***

27. Patrols of the area outside the premises shall be undertaken every 60 minutes during the use of the licence and any litter attributable to the premises shall be cleared.
28. A 'Challenge 25' scheme will be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing acceptable identification (as per the Home Office Guidance on acceptable ID – ID must contain a photograph, date of birth, holographic mark or ultraviolet feature).
29. A notice shall be displayed in a prominent position at the premises to advise, customers that Challenge 25 is in operation at the premises.
30. A refusal log / electronic till record shall be kept detailing all refused sales of age-related products including alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.
31. The log shall be available for inspection at the premises by the Police, and authorised officers of the licensing authority at all times whilst the premises are open. Customers ordering alcohol as part of their order will be advised that ID will be requested at the point of delivery if the customer appears to be under the age of 25 years. This will be carried out verbally if ordering by telephone, or by a warning on any website used to make such orders.

**Conditions agreed by Licensing Panel C on 18 April 2024**

- 35 No takeaway deliveries should be made for the restaurant using motorised vehicles beyond 23:00hrs (including third party operatives).
- 36 A direct contact phone number to the restaurant manager should be made available to local residents.
- 37 Suitable and sufficient refuse receptacles shall be provided to the premises such that they are capable of accommodating all the waste that may be generated by the premises and collection, storage and disposal of refuse can be done in a timely manner. This should be incorporated into the policy referred to in the application for the collection of street litter.
- 38 Tables and chairs outside of the restaurant should be moved inside by 22:00hrs.

**ACTON BY: Executive Director Supporting Communities**

**9. FIVE GUYS: UNIT 2, WEST HAMPSTEAD CENTRAL 160 WEST END LANE, LONDON, NW6 1HU**

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.

Paru Bhudia, Licensing Officer, summarised the report. Since the publication of the main agenda five additional conditions had been added and the Licensing Authority had withdrawn their representation.

Alex Tomlinson and Felix Faulkner, legal representatives for the Applicant, accompanied by Marc Sherman, Five Guys Operational Team - Head of Property, spoke to their application. The following points were made:

- The hours applied for were close to framework hours and the premises was not in a CIA. The application was proportionate the style of operation.
- Additional conditions had been agreed with the Licensing Authority leading them to withdraw their objection. There had been no objections from any other responsible authorities.
- Five Guys already had another site in Camden which operated later hours than being applied for in this application and that site had not ever had issues with authorities or enforcement. Five Guys did not have any issues on their London sites and they were known for being good neighbours.
- Five Guys was an experienced operator in the UK for over 10 years and had 164 sites in the UK. Five Guys prided themselves on being a good employer and neighbour to local residents. Five Guys would be happy to have continued dialogue with local residents.
- Alcohol sales in Five Guys operations were minimal and were on average only 2% of sales. Five Guys did not operate as a drinking establishment and the only offer was small bottle beers.
- The premises was located under a new build block which housed 160 residential units. There were existing agreements in place with the developer to limit delivery hours a to the premises therefore the likelihood of causing a nuisance to residents was limited. All stores had a dedicated contact number.

In response to questions, the following points were clarified:

- The Police and Applicant had agreed conditions which were included in the application and the Police did not make a representation.
- The women's safety principles conditions were not common in Five Guys venues and had not been requested by the Police, however the Applicant would be happy to adopt them.
- The majority of sales were generated from dining customers at 75%. There was a small number of customer collections. The takeaway deliveries that were collected from third party operatives were managed quickly by staff as to not affect the dine-in customer's experience. As a general point, delivery operatives



## ***Licensing Panel C - Thursday, 18th April, 2024***

tended to congregate in areas between a number of restaurants, and therefore even if a group was close to the premises they may not be waiting for Five Guys specifically. There were clear policies for operatives from third parties that they should be positioned in a sensible location and away from main roads.

In their closing remarks, Alex Tomlinson stated Five Guys wanted to reassure residents that loading from deliveries would have minimal impact due to the existing agreements with the housing developer and they were limited to daytime hours. They also wanted to reassure there would be any potential littering would be controlled due to the number of waste recycling points and that usually Five Guys customers did not take food off-site.

### **Decision and Reasons**

In their deliberations, Panel Members stated that the application was broadly in line with framework hours, therefore the risk of negative impacts of disturbance to residents was less impactful. Panel Members were reassured the Applicant was able to promote the licensing objectives having agreed additional conditions with the responsible authorities, offering to adopt the women's safety principles, and outlining their organised delivery and waste arrangements.

### **RESOLVED –**

i) THAT a licence be granted for:

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

11:00 - 23:00 - Sunday to Wednesday  
11:00 - 00:00 - Thursday to Saturday

#### **b) Late Night Refreshment**

23:00 - 00:00 - Thursday to Saturday

#### **c) Films and Recorded Music**

08:00 - 23:30 - Sunday to Wednesday  
08:00 - 00:30 - Thursday to Saturday

Non-Standard Timing –

Supply of alcohol and Late-night refreshment to terminate at 02:00 on New Year's Eve. Films and Recorded Music to terminate at 02:30 on New Year's Eve.

#### **d) Opening Hours**

08:00 - 23:30 - Sunday to Wednesday  
8:00 - 00:30 - Thursday to Sunday

*Licensing Panel C - Thursday, 18th April, 2024*

Non-Standard Timing - to terminate at 02:30 on New Year's Eve.

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

**Officers' summary of conditions consistent with the operating schedule**

1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises (unforeseen faults excepted). Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998.
2. Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are underage and those who are drunk).
3. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.
4. Whilst the premises are being used under the licence, the premises licence holder shall ensure that all litter and waste directly outside the premises is removed and disposed of.
5. Notices shall be prominently displayed at the premises requesting that customers leave the premises quietly and respect the needs of local residents in the area.
6. The licence holder will ensure any noise generated from the premises is managed by the Premises Licence Holder and Management team on site.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises.
9. 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.
10. The CCTV camera views are not to be obstructed.

*Licensing Panel C - Thursday, 18th April, 2024*

11. 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.
12. 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 Local Authority upon request.
13. 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.
14. Copies of CCTV shall be made available within 48 hours to the Police or Local Authority, upon request.
15. No persons carrying visibly open or sealed alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
16. 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 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.
17. Police must be called to incidents of violence and/or disorder.
18. There shall be no vertical drinking in the Premises.
19. 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:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder and violence
  - (e) all 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 visit by a relevant authority or emergency service.
  - (i) CAD reference numbers where Police are called.
20. Alcohol sales for consumption on the premises will be ancillary to a table meal.

21. There will be no sales of alcohol for consumption off the premises after 23:00.

**Conditions agreed by Licensing Panel C on 18 April 2024**

22. The premises shall adopt and implement Camden's Women's Safety principles into their day-to-day operation, which are:
- a) Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
  - b) Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
  - c) Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.

**ACTON BY: Executive Director Supporting Communities**

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

There was no urgent business.

The hearing ended at 8.45 pm.

**CHAIR**

**Contact Officer: Anoushka Clayton-Walshe**

**Telephone No: 020 7974 8543**

**E-Mail: [licensing.committee@camden.gov.uk](mailto:licensing.committee@camden.gov.uk)**

**MINUTES END**