

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL B** held on **THURSDAY, 25TH JULY, 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 Steve Adams, Jenny Headlam-Wells and Lorna Greenwood (Chair)

ALSO PRESENT

Councillor Linda Chung

The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel B and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. ELECTION OF CHAIR

Councillor Greenwood was proposed and seconded as Chair, therefore it was

RESOLVED –

THAT Councillor Lorna Greenwood be elected Chair of Licensing Panel B for the 2024/25 municipal year.

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

RESOLVED –

THAT the guidance on remote meetings be noted.

3. APOLOGIES

There were none.

4. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

There were no such declarations.

5. 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 Agenda

A supplementary agenda was published which included additional documentation submitted by Charlotte Street Association, in respect of Farmer Cafe.

Item 9 Resolved

The application for Item 9, Kairos, was resolved ahead of the meeting and would therefore not be considered by the Panel.

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

There was no urgent business.

7. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 1 February 2024 be approved and signed as a correct record.

8. FARMER CAFE, 35 CONWAY STREET, LONDON W1T 6BW

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The Licensing Officer took the Panel through the report and advised the Police Responsible Authority had withdrawn their representation subject to amendments to the application and agreed conditions. Therefore, five relevant representations remained opposing the application.

The Licensing Officer advised that the application had been amended as follows:

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- a) Sale by Retail of Alcohol (on and off the premises)**
Monday to Saturday 10:30 – 21:30
Sunday 11:00 – 21:30

- b) Plays**
Friday to Sunday 14:00 – 22:00

- c) Films**
Thursday to Sunday 16:00 – 22:00

- d) Live Music**
Wednesday to Sunday 16:00 – 22:00

- e) Recorded Music**
Monday to Sunday 08:00 – 22:00

- f) Performance of Dance**
Friday to Sunday 17:00 – 22:00

- g) Opening hours**
Monday to Sunday 08:00 – 22:00

The Licensing Officer clarified that regulated entertainment for less than 500 people, taking place before 23:00hrs had been deregulated and no licence was required. Therefore, on this application the main activity to be licensed was the sale of alcohol.

The applicant confirmed there were no further amendments to the application.

Clive Henderson of the Charlotte Street Association (CSA) represented the Interested Parties and outlined their objections as stated in their written submissions.

Responding to a question, Clive Henderson confirmed that the CSA objection remained, despite agreement of the conditions outlined in the supplementary agenda, due to the use of the outside area. Clive Henderson explained that if the activities were inside only this would be acceptable, however live or recorded music in the outside area could be a nuisance for residents.

Usually, the CSA made an effort to meet with applicants to discuss concerns, however there had not been enough time to meet the applicant face to face prior to the hearing.

Responding to a point of clarification, Clive Henderson confirmed that condition 9, contained within the supplementary agenda which stated 'the terminal hour for all licensable activities shall be the same as the terminal hour for the supply of alcohol' should be omitted as it was contradictory to the amended terms now applied for.

The applicant, Vahid Mahdavi, summarised the amended application and responded to questions providing the following information:

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- Efforts had been made to ensure that rubbish was cleared from the street and outside the premises every morning.
- Sale of alcohol for consumption on and off the premises had been applied for so the café could increase its offering to customers.
- The applicant would be responsive to complaints about the volume of music, if it ever became an issue.
- Regulated entertainment, such as dance performance was initially applied for in case a private party was booked at the venue.
- The applicant wanted to be able to have live music for the enjoyment of customers. However, music was always kept to an acceptable level and the premises only had two small speakers.
- Due to the building being listed, installing air conditioning was difficult, so in the summer months windows would need to be open.
- There were other licensed premises in the area with outside areas, such as pubs, and the noise generated from the café was comparatively less due to the small size of the premises.
- The toilets were located downstairs in a common area, so were not included in the plan.
- Films had been applied for because the applicant was planning to show classic films to small groups of around 16 patrons, who would be served food and drink.
- Regulated entertainment had been applied for to cover all bases to allow the applicant flexibility when planning small events and parties at the premises.
- There were 6 tables within the venue each with two chairs, and one with three chairs, and there was seating for 14 people outside. Therefore, the total seated capacity was currently around 30.
- The cafe intended to provide bottled wine for sale for consumption off the premises, and as per condition 16, this must be sold with a takeaway food order. There would be a sign notifying customers of this requirement.

Members sought clarification on the plan of the premises, as the application stated that the area for licensable activity was inside and immediately outside the venue. However, there was no red line on the plan clearly denoting the area for licensable activity. The Legal Adviser explained that if granted the plan could be revised so it was clear where the licensable activities were taking place.

The interested party 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 the application.

In deliberation, the Panel commented that there had been some confusion in how the application was presented however, having considered the amendments made and the submissions from the parties the panel could not see a reason to refuse the application.

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The Panel discussed whether it would be appropriate to have a maximum capacity listed on the licence, but due to the premises only being able to cater for about 30 patrons, this was considered unnecessary.

The Panel raised concerns about some elements of the application, such as the toilets being in a downstairs communal area, which could have implications for women's safety and the intended use of the outside area. However, the Panel agreed that these concerns were addressed by the conditions and did not justify refusal of the application.

The Panel agreed that the application should be granted with the conditions as set out at pages 95 – 96 of the agenda and pages 3 – 4 of the supplementary agenda, with the exception of proposed condition 9 in the supplementary agenda. This condition was no longer necessary due to the amendments to the timings of the licensable activities. The Panel considered that granting the licence, subject to the agreed amendments and conditions above, would uphold the licensing objectives.

Therefore, it was

RESOLVED –

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

a) Sale by Retail of Alcohol (on and off the premises)

Monday to Saturday 10:30 – 21:30

Sunday 11:00 – 21:30

b) Plays

Friday to Sunday 14:00 – 22:00

c) Films

Thursday to Sunday 16:00 – 22:00

d) Live Music

Wednesday to Sunday 16:00 – 22:00

e) Recorded Music

Monday to Sunday 08:00 – 22:00

f) Performance of Dance

Friday to Sunday 17:00 – 22:00

g) Opening hours

Monday to Sunday 08:00 – 22:00

Subject to the following conditions:

Conditions consistent with the operating schedule:

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- 1) The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a Cafe / Restaurant.
- 2) There shall be no vertical drinking in the premises.
- 3) Police must be called to all incidents of crime and/or serious disorder.
- 4) 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.
- 5) The CCTV camera views are not to be obstructed.
- 6) CCTV recordings must be concurrent with accurate time.
- 7) 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 with 48 hours.
- 8) 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 of the Licensing Authority in obtaining the CCTV footage.
- 9) At least one Staff working at the premises at any one time shall be trained in the use of CCTV and a log will 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, then within 48 hours the Police shall be notified and an estimate given of the repair timescale. The premises shall comply with all reasonable requests from the Police.
- 12) 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, photocard driving licence or proof of age card bearing the PASS hologram.
- 13) A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.

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- 14) Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the Police.
- 15) The sale of alcohol for consumption off the premises shall be in sealed containers only.
- 16) Off sales of alcohol are only permitted alongside food orders. Alcohol only sales are not permitted for consumption off the premises.
- 17) Staff will ensure that regular collection of glass is conducted on the exterior of the premises.
- 18) The premises shall operate as a cafe/restaurant where alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal; and where orders of food and beverages shall be dispensed by serving staff.
- 19) There shall be no vertical drinking inside or outside the premises at any time.
- 20) Prominent notices requesting patrons to respect the residential area when leaving.
- 21) Doors and windows will remain closed during performance of music and dancing to prevent noise break-out.
- 22) Noise levels are kept to a minimum and do not cause a nuisance to nearby residents.
- 23) Outside tables and chairs shall not obstruct public highway.
- 24) Inward deliveries of stock shall only be received when the premises are open for licensable activities.
- 25) Disposal of bottles shall only be done during the hours of licensable activity.
- 26) Rubbish and recycling shall only be placed on the forecourt or within two metres of the premises forecourt ready for collection.
- 27) The premises shall adhere at all times to Camden's Women's safety principles including the "Ask for Angela" initiative to ensure safety and support for all patrons and staff.

9. KAIROS, 84 TOTTENHAM COURT ROAD, LONDON W1T 4TG

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

10. BDIANI HAMPSTEAD, 55 SOUTH END ROAD, LONDON NW3 2QB

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 the Police Responsible Authority have withdrawn their representation subject to amendments to the application and agreed conditions. Therefore, five relevant representations remain in opposition to the application.

The applicant confirmed there were no amendments to the application.

The Interested Parties outlined their objections as stated in their written submissions.

The Licensing Officer clarified that as set out on page 137 of the agenda, the application was for sales of alcohol for consumption on the premises only.

Representing the applicant, Faraj Faraj, Head of Operations, summarised the application and responded to questions by providing the following information:

- Any music played at the premises would be background music, which was not a licensable activity.
- Neighbouring residents had been engaged with to ensure that the music did not cause them any nuisance.
- The applicant was in contact with residents and had provided their personal contact number so that residents could get in contact if the music was too loud.
- It was intended that any alcohol served would be in gelato based cocktails, rather than alcoholic drinks such as beer and cider.
- Alcohol was ancillary to the main offering of ice cream and gelato.
- The venue hosted private parties, such as gelato tasting events, including wine and gelato pairing in some of the businesses other venues. These events took place in the evening.
- A private party was previously hosted at the premises using a Temporary Event Notice, which was a success and the premises therefore wanted to expand their offering to hold these events more often.
- The premises was open late at night to accommodate customers who wanted dessert after eating at nearby restaurants.
- The applicant was agreeable to amend the hours applied for to supply alcohol for consumption on the premises to 21:30hrs on Sunday, in order to accommodate a 30-minute wind down period.
- The applicant was also agreeable to a condition that stated alcohol could only be served with gelato and ice cream.
- There would be no seating available to consume products outside, the premises would be indoor seating only.

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- Waste collection would be carried out by Camden Council by their contractors Viola and would be picked up from the refuse area across the road from the premises.

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 agreed that the application was well thought out and that the applicant's representative, Mr Faraj, had alleviated their concerns in his presentation. All Panel Members were minded to grant the application.

The Panel noted that the applicant was agreeable to amend the terminal hour of the sale of alcohol to 21:30hrs on a Sunday, to allow for a winding down period, and agreed that this amendment should be included in the licence.

The applicant's representative had also agreed to a condition that alcohol would be served with gelato and ice cream only, which the Panel hoped would provide reassurance to the interested parties that alcohol was ancillary to gelato and ice cream and aimed to enhance the premises offering.

It was also acknowledged that the shop had later opening hours so that customers could stop for a dessert after eating at the local restaurants, which the Panel deemed acceptable.

Overall, the Panel were reassured by the applicant's presentation and agreed that the application was interesting and well thought out. The Panel considered that granting the licence, subject to the agreed amendments and conditions above, would uphold the licensing objectives.

Therefore, it was

RESOLVED –

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

a) Sale by Retail of Alcohol (on the premises only)

Monday to Friday 12:00 – 21:00

Saturday 12:00 – 22:30

Sunday 12:00 – 21:30

b) Opening hours

Monday to Thursday 11:00 – 22:00

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Friday to Saturday 10:00 – 23:00
Sunday 11:00 – 22:00

Subject to the following conditions:

- 1) CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. CCTV will comply with the following:
 - a) The system will record in real time and recordings will be date and time stamped;
 - b) 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 48 hours of any request.
 - c) 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.
 - d) The CCTV camera views are not to be obstructed.
 - e) At all times when the premises are open for the purposes of licensable activities, a
 - f) suitably trained member of staff shall be present to assist the Police or an authorised officer in obtaining the CCTV footage.
- 2) There shall be no vertical drinking and all alcohol sales shall be ancillary to food.
- 3) The capacity of the venue inside the premises will not exceed 50 persons.
- 4) Police must be called to incidents of violence and/or serious disorder.
- 5) 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.
- 6) 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.

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- 7) The licensee will ensure that staff are trained, as appropriate, in respect of relevant Licensing Law, crime scene best practice and upon the sale of alcohol to drunks and to persons underage. Training shall be written into a programme, on-going review and will be made available for inspection by Police or other responsible authority, upon request.
- 8) The venue shall not engage the services of street promoters to encourage clientele to attend the venue.
- 9) No patron shall be permitted to leave the premises whilst in the possession of any drinking vessel or open glass bottle whether empty or containing any beverage. This includes patrons using the smoking area(s).
- 10) Consumption of alcohol on the premises shall cease 30mins after the permitted hours for the sale of alcohol.
- 11) There shall be a waste management plan to ensure timely and proper disposal of waste, reducing litter and unpleasant odours.
- 12) Deliveries and waste collections shall be scheduled during daytime hours to minimize disturbance to neighbours.
- 13) Alcohol shall only be served with gelato and ice cream.

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

There was none.

The hearing ended at 9.01 pm.

CHAIR

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MINUTES END