

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL C** held on **THURSDAY, 23RD MAY, 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 Jonathan Simpson and Matthew Kirk

MEMBERS OF THE PANEL ABSENT

Councillor Nina De Ayala Parker

ALSO PRESENT

Councillor Shah Miah

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. ELECTION OF CHAIR

A nomination for Chair was received and seconded for Councillor Simpson.

RESOLVED –

THAT Councillor Jonathan Simpson be elected as Chair 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

An apology for absence was received from Councillor de Alya Parker. Councillor Miah attended the meeting as substitute.

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

Councillor Simpson declared for transparency that he knew the Night Czar, Amy Lamé, who was attending in support of the application in respect of Farsight Collective, he confirmed that he had not discussed the application with her.

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

The Chair also announced that a supplementary agenda had been published, which contained documents in relation to both applications on the agenda.

Order of Agenda

The Chair also announced that there had been an amendment to the order of the agenda and the application in respect of Ning's Fresh Beef Hotpot and Cantonese Sushami would be heard as the first substantive item.

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

There was no urgent business.

7. MINUTES

Consideration was given to the Minutes of the previous meeting.

RESOLVED –

That the Minutes be agreed and signed as an accurate record of the meeting that took place on 18 April 2024.

8. FARSIGHT COLLECTIVE, 4 FLITCROFT STREET, LONDON WC2H 8DJ

Consideration was given to the report of the Executive Director Supporting Communities.

Samina Khan, Licensing Officer, summarised the report and confirmed that the application was for a premises in the Seven Dials Cumulative Impact Policy Area (CIA).

It was also confirmed that 172 relevant representations were received in relation to the application. 20 of the representations opposed the application, including representations from the Police Responsible Authority, Licensing Responsible Authority, and Public Health responsible authority. 152 representations supported the application.

Gary Grant, representing the applicant, confirmed that amended conditions had been agreed by the applicant and were set out in the agenda pack.

Esther Jones, Licensing Team Leader, representing the Licensing Responsible Authority summarised their representation, objecting to the application, as set out in the agenda.

PC Joel Francis, representing the Police Responsible Authority, summarised their representation, objecting to the application, as set out in the agenda.

Responding to questions, PC Francis provided the following information:

- A terminal hour of 02:00hrs would be more appropriate for the premises, a view shared by the Licensing Responsible Authority.
- As the premises was not yet in operation, it was impossible to say whether there were any concerns about the venue and its operations. PC Francis did confirm, however, that the applicant had been very proactive in engaging with residents and addressing concerns.
- Sometimes conditions were not reassuring enough in respect of a new large premises especially those with vertical drinking and late hours.
- It may be more prudent to see how the premises operated before doing the late night, so it was the view of the Police Responsible Authority that the terminal hour should be 02:00hrs at first, then a later hour applied for after the premises had been operating a while, so that all parties could make valued judgment.
- St Giles Square had, historically, had challenges with crime and anti-social behaviour but explained that recent redevelopment in the area had meant the area had improved.

Amy Lamé (Night Czar), Niall Forde (Music Venues Trust), Jane Palm-Gold (neighbouring resident), and Michael Kill (Night-time industries Association)

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summarised their representations in support of the application, as set out in the agenda.

David Kaner, Covent Garden Community Association, Sarah Herriot, Richard Cohen, Ali Negyal, and Barbara Brekle (neighbouring residents) summarised their representations in objection to the application.

Responding to a question, David Kaner confirmed that the applicant had accepted conditions 47 and 53, as outlined in the agenda. However, the condition relating to change of change of ownership had not been formally agreed by the applicant.

Responding to a question about the dispersal hierarchy, David Kaner agreed that egress from the venue via the alley way would be more suitable, however there would be some nights that this was not possible due to events running at other venues in the area and was therefore not a satisfactory solution.

Responding to a question, Amy Lamé, Night Czar, explained that whilst the night tube was in operation at the weekend only, there was an extensive network of 24-hour bus routes and night buses that operated seven days a week. This meant that patrons would be able to use public transport to leave the venue on weekday nights.

Responding to a question, Niall Forde (Music Venues Trust) reported that the venue operators were highly regarded in their field and had extensive experience running licenced premises and music venues so were in a good position to run the premises and uphold all the imposed conditions.

The applicant's representative, Gary Grant, provided an overview of the application, as outlined in the agenda, and their written summary, as set out in the supplementary agenda.

The applicant accompanied by Gary Grant, Jack Spiegler, Liam O'Hare, Alistair Turnham, and Richard Vivian, responded to questions as follows:

- The applicant was agreeable to amending the application so that the terminal hour for the sale of alcohol was 03:00hrs.
- However, late night refreshment was required until 04:00hrs so that soft drinks and tea and coffee could be supplied to those using the departure lounge, which would facilitate a staggered departure from the premises.
- In response to concerns about noise from the smoking terrace, which was an open courtyard, Big Sky Acoustics had been consulted and provided a report, as set out in the agenda.
- Currently the gates in the courtyard were mesh but would be upgraded to solid gate, and acoustic absorption materials would be installed to reduced reverb and achieve sound attenuation.
- Big Sky acoustics had assessed these techniques and advised that their installation could halve the noise in the courtyard area.
- Smoking in the courtyard area was considered preferable to the applicant than having patrons smoking in the street.

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- The venue did not allow re-entry, therefore they did not want aggrieved customers to leave to smoke and not be allowed re-entry, as this could cause a disturbance.
- As part of the dispersal policy, the applicant had had ongoing discussion with neighbouring premises Outernet and would continue to have a weekly meeting to discuss upcoming events and coordinate dispersal and identify the best routes for patrons to exit the venues.
- As per condition 53, the dispersal policy stated that the licence holder must communicate and cooperate with other venues in the area to manage dispersal from the venues in the area.
- Condition 15 required the premises to have continuous engagement with residents and businesses through quarterly meetings.
- Contact information would also be available for residents so they could contact the premises with any concerns.
- The applicant had not agreed to the condition proposed by Covent Garden Community Association regarding change of ownership, as they were intending to manage the premises long term. If there was a change of ownership for any reason, it would be expected that the new owner would have to reapply for a premises licence.
- The applicant expected that the premises would host a variety of different events, such as daytime exhibitions and community events, which could then lead into an evening music event as well as other live music events.
- The applicant wanted to offer a creative space for young people and up and coming musicians to perform.
- A trial period with earlier closing time was not considered to be suitable to the applicant as it would not be financially viable due to the large financial investment made in the premises.
- Furthermore, it would deter important external investment as without the flexibility of a late license the premises would be loss making.
- Once people have entered the premises through area downstairs it would then become the departure lounge.
- When the entire venue was in operation the departure lounge would be in operation, however if there was a smaller gallery style event it would not.
- On any occasion the venue was operating running past 02:00hrs, the departure lounge would operate.
- The proposed departure lounge would not serve alcohol after 00:00hrs on any day that activities were taking place in the wider venue.
- Having a maximum capacity in the smoking area would prove difficult as it formed part of the egress route from the premises, however the applicant would be agreeable to amending condition 53 to include the smoking area.

Deliberation and Reasons

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

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In deliberation, the Panel noted that whilst there had been several objections to the application, including objections from the Police, Licensing and Public Health Responsible Authorities, there had also been a substantial number of representations in support of the application.

The Panel were in agreement that the applicant had rebutted presumption to refuse the application, noting that the application was very well thought out and of a high quality. It was clear the applicant had employed a highly professional and experienced team and the level of engagement with local residents and business was very good.

Panel Members considered the suggestion to amend the terminal hour for sale of alcohol on the premises and all other licensable activities to 03:00hrs on Friday and Saturday, with the exception of late-night refreshment. The Panel agreed that this was a good suggestion and accepted that having closing time and late-night refreshment until 04:00hrs would mean that the departure lounge could operate effectively, minimising disruption as patrons left events.

With regard to the concerns about noise from the smoking area in the courtyard the panel agreed that condition 53 should be amended to:

“The premises management shall take all reasonable steps to ensure patrons wanting entry to the premises or are in the courtyard do not cause annoyance or nuisance to any other person living in the vicinity of the premises.”

With the amendment to the terminal hour of licensable activities and the amended condition 53, the Panel were satisfied that the applicant would uphold the licensing objectives and therefore, it was

RESOLVED –

THAT the application for a new license under section under section 17 of the Licensing Act 2003 be granted, as follows:

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

10:00 – 02:00 Monday to Thursday
10:00 – 03:00 Friday and Saturday
12:00 – 00:00 Sunday

b) Plays

c) Films

d) Live Music

e) Recorded Music

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f) Performances of Dance

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

10:00 – 02:00 Monday to Thursday
10:00 – 03:00 Friday and Saturday
12:00 – 00:00 Sunday

h) Late night refreshment

23:00 – 02:00 Monday to Thursday
23:00 – 04:00 Friday and Saturday
23:00 – 00:00 Sunday

i) Opening hours

08:00 – 02:30 Monday to Thursday
08:00 – 05:00 Friday and Saturday
08:00 – 00:30 Sunday

j) Seasonal Variations for Opening Hours and Licensable Activities

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British Summertime commences. 03:00hrs on Sundays immediately before Bank Holiday Mondays

With the following conditions:

- 1) The premises licence holder shall promote and comply with the principles set out in the Women's Night Safety Charter and Woman's Safety Principles set out in the London Borough of Camden's Statement of Licensing Policy.
- 2) Staff shall be trained in Welfare and Vulnerability Engagement (WAVE), "Ask for Angela", drink spiking, first aid and Martyn's Law. Records of staff training shall be provided to an authorised officer upon request.
- 3) A dedicated welfare room and first aid area shall be available at the premises from 20:00hrs whenever licensable activities are provided after 00:00hrs.
- 4) A dedicated welfare officer shall be employed at the premises from 20:00hrs whenever licensable activities are provided after 00:00hrs. Their role will be to monitor the welfare of customers and liaising with management/security staff to assist where necessary. All welfare interventions and outcomes to be logged in the welfare log.
- 5) The premises shall operate a system whereby a record is maintained of

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refusals to serve alcohol. Details to be produced for inspection to the Police and other responsible authorities upon request.

- 6) This record must include 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. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within 24 hours of a request by an officer of a Responsible Authority.
- 7) There shall be a personal licence holder on duty whenever licensable activities are provided after 00:00hrs.
- 8) Relevant and appropriate staff shall be trained in:
 - a) Relevant age restrictions in respect of age restricted products;
 - b) Recognising signs of drunkenness and vulnerability;
 - c) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003;
 - d) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people;
 - e) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services; and
 - f) The conditions in force under this licence
- 9) Training shall be regularly refreshed, at least every 6 months.
- 10) Training records shall be made available for inspection upon request by a police officer or an authorised officer of the licensing authority.
- 11) There shall be no new admissions of customers to the premises after 02:00 hours.
- 12) There shall be no sale of alcohol or regulated entertainment on the ground floor:
 - a) after 02:00hrs on any day; or
 - b) after 00:00hrs on any day licensable activities are provided after 02:00hrs in the basement.
- 13) The security team shall monitor parking along Denmark Street and shall discourage patrons from parking illegally. If cars have parked illegally then security shall inform Camden Council for the purposes of ticketing.
- 14) A duty manager, head door and core staff working shall stay 30 minutes after close to actively help with dispersal and to ensure that the premises is completely devoid of members of the public.
- 15) The premises licence holder shall host a quarterly meeting inviting local

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residents and businesses to attend. Minutes of the meetings shall be taken and circulated. The premises licence holder shall also maintain an online forum or email address for local residents and businesses to communicate with premises management.

- 16) A direct dial telephone number shall be provided to residents that shall be manned during operating hours of the venue. Details of any calls received shall be logged and a note subsequently made of the action taken. Details to be made available upon request to responsible authorities.
- 17) The premises shall not engage the service of street promoters to encourage clientele to attend the premises.
- 18) During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 19) An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a) All crimes reported to the venue, or by the venue to the police;
 - b) All ejections of patrons;
 - c) Any incidents of disorder;
 - d) Seizures of drugs, offensive weapons, fraudulent ID or other items;
 - e) Any faults in the CCTV system, searching equipment or scanning equipment;
 - f) Any refusal of the sale of alcohol;
 - g) Any faults in the CCTV system;
 - h) Any visit by a relevant authority or emergency service; and
 - i) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
- 20) The premises licence holders shall provide, maintain and retain the following documents:
 - a) Premises management plan (living document).
 - b) Suitable and sufficient risk assessments for the premises and planned events
 - c) Training for staff esp. Women's Safety "Ask for Angela" scheme.
 - d) Arrangement for vulnerable people (Chill room/area).
 - e) Fire detecting and firefighting system.
 - f) First Aid arrangements, to include training for first aiders and refresher training.

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- g) Provide safety certificates for: -
 - i. Firefighting equipment;
 - ii. Electrical installation;
 - iii. Emergency electrical installation;
 - iv. Fire rated doors; and
 - v. Renovation of building to be in line with current building regulations and to be signed off by contractor(s)
 - h) Challenge 25 policy in the bars and training for staff and refresher training.
 - i) Crowd control, capacity, and queue control.
 - j) Risk assessments for each specialised event(s).
 - k) Provision of body worn cameras for security, first aid and door staff.
 - l) Refuse storage and collection and disposal arrangement.
 - m) Proscribed drugs policy (Prevention, detection, and disposal).
 - n) Provision of club scan, wand, and special vibrating metal detecting glove.
 - o) Dispersal Policy.
 - p) Adverse weather plan.
 - q) Emergency Evacuation policy and procedure.
 - r) Facility for disabled visitors to the premises.
 - s) Security arrangements – Inside and the immediate vicinity of the premises.
 - t) 24-hour CCTV and records to be maintained for 3 months.
 - u) Crises communication plan/policy with neighbouring licensed premises.
 - v) Arrangements for vulnerable people and underage visitors.
 - w) Counter-terrorism plan – Martyn's Law.
 - x) Public Liability Insurance.
- 21) The provision of door security on the premises shall be on a risk assessed basis.
- 22) A copy of the risk assessment shall be kept on the premises and made available to the Police and Licensing Authority on request.
- 23) The risk assessment shall be reviewed at least annually.
- 24) When employed, a register of Door supervisor staff shall be kept. The register must show the following details:
- a) Full SIA registration number;
 - b) Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manager;
 - c) Date and time that the Door Supervisor finished work; and
 - d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
- 25) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer from the Licensing Authority and the Police and shall be retained for a period of twelve months.

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- 26) Where the premises are operating after 2 am, then from 9 pm an ID Scan system shall be used as a condition of entry for any member of the public (excluding VIP, artists, or manager guest list) attending a public promoted event.
- 27) In relation to any event involving a promoter, their associates, DJ(s) or artist(s), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for a profit then:
 - a) The licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform Camden Police Licensing at least 7 days before the event occurs on email: CNMailbox.CamdenPoliceLicensingTeam@met.police.uk;
 - b) The licensee shall notify Camden Police Licensing Team via the same email if there are any high- risk events or any unusual or large-scale events (due to occur within less than 7 days) as soon as reasonably practicable. The Police will have the right of absolute refusal of any such events for reason of late notification; and
 - c) Where the venue runs a promoted event using a DJ or MC who performs to background music then they should risk assess the need to search every customer upon entry taking cognizance of Police advice. If the risk assessment determines that searching will be conducted, then if a customer refuses to being searched this will result in NO ENTRY.
- 28) The premises licence holder shall undertake a dynamic risk assessed search policy as a condition of entry using metal detecting search gloves whenever licensable activities are provided after 00:00hrs.
- 29) All searches are to be conducted by authorised door staff and must be carried out within an area covered by the venue's CCTV system.
- 30) 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. CCTV to cover all areas where the public have access to (except toilets and changing areas).
- 31) 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.
- 32) The CCTV camera views are not to be obstructed.
- 33) At least one CCTV camera is to be placed no more than seven feet above floor level; near to the exits to capture clear facial images of all persons leaving the premises.

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- 34) 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 within 48 hours of request.
- 35) 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.
- 36) The facility to transfer the images to a compatible, removable format shall be held on the premises.
- 37) From 21:00hrs on any night the premises is operating after 02:00hrs CCTV shall be monitored by an incident spotter on a multiplexer screen.
- 38) Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
- 39) The venue shall supply, and fit to every static table or counter, suitable anti-theft devices, such as table/counter clips, in order that customers may secure their bags.
- 40) When the venue is open for licensable activities, the toilets are to be checked by staff at least every two (2) hours and these checks are to be documented on each visit.
- 41) All flat surfaces in toilet cubicles, including any toilet roll holder eclipses, are to be 'designed out' in order to prevent drug misuse.
- 42) Where any illegal substance is found within the premises then a record shall be made in the incident book by a duty manager. Any illegal substance shall be stored securely pending collection by the Police unless they are present on site, and this is handed to them. Any seizure of drugs and weapons shall be recorded in the incident book by a duty manager.
- 43) No persons carrying visibly open alcohol vessels shall be admitted to the premises at any time that the premises are open for any licensable activity.
- 44) Police must be called to incidents of violence and /or disorder.
- 45) Details of instances of disorder, damage to property or personal injury shall be recorded in an incident book kept at the premises. Such details shall be made available for inspection by the Police and other responsible authorities upon request.
- 46) The licensee shall ensure that staff are trained as appropriate, in respect of relevant licensing law, crime scene best practice and upon the sale of alcohol to drunks and persons underage. This training is to be clearly documented

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and signed and any training for future staff must also be organised at the appropriate time. Refresher training shall be carried out every 6 months and details of training are to be made available for inspection by Police or other Responsible Authorities, upon request.

- 47) Where available, a responsible member of staff shall join the local pub watch or other such local crime reduction scheme approved by the Police.
- 48) All security staff and management will be connected by a secure-channel handheld radio system or similar communications device.
- 49) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 50) The premises shall maintain a complaints log detailing the nature of the complaint, complainant (if known) and any action taken. The log to be made available for inspection by Environmental Health upon reasonable request.
- 51) Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- 52) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 53) The premises management shall take all reasonable steps to ensure patrons wanting entry to the premises or are in the courtyard do not cause annoyance or nuisance to any other person living in the vicinity of the premises.
- 54) The premises will implement a dispersal policy and all relevant staff will be trained in its implementation. The policy shall contain measures intended to encourage patrons leaving the premises after 23:00 to disperse via Charing Cross Road. The policy will be reviewed regularly and whenever the licensee becomes aware of issues associated with dispersal.
- 55) Stewards must maintain a presence on the streets surrounding the premises at all times the licence is in use, to ensure that patrons entering and exiting the building do so in an orderly manner. Any queues must be maintained in the same manner.
- 56) Servicing and deliveries (excluding council servicing and event kit, musical instruments and equipment) will take place between 08:00 and 20:00 hours Monday to Sunday and Public/Bank Holidays.
- 57) A 'Service Management Plan' be developed to the satisfaction of the Environmental Health Team and detail the management of deliveries and servicing which shall include arrangements for the collection and delivery of event equipment, refuse storage and collection; and that the Service

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Management Plan be updated by the Premises Licence Holder from time to time as appropriate. The Premises Licence Holder shall be bound by the Service Management Plan. A copy of the plan shall be retained at the premises and made available for inspection by the relevant authorities.

- 58) Regular glass collection shall be undertaken by staff where the sale of alcohol is occurring at the premises.
- 59) Subject to any relevant consents which may be required from the Local Authority, the designated queuing area shall be enclosed within appropriate barriers to ensure that the public footway is kept clear.
- 60) Staff shall be fully trained on safety issues, including fire safety, and management shall carry out regular safety inspections of the premises before members of the public are allowed on to the premises and after close of business.
- 61) The premises shall ensure that an enhanced Risk Assessment shall be carried out to determine how many disabled customers they can safely accommodate and vacate in the event of an emergency.
- 62) Safety Inspection Certificates (which shall be maintained up to date) shall be available on site for inspection by Authorised Officers.
- 63) All fire detecting and firefighting equipment in the premises shall be serviced regularly and maintained in working condition at all times.
- 64) There shall be planned regular fire drills to test out the evacuation policy the company has developed.
- 65) The premises shall provide suitable and sufficient refuse receptacles which shall be used for the storage of waste from the premises.
- 66) A minimum of one staff member to be first aid trained and on duty from 21:00hrs whenever the premises is operating after 02:00hrs.
- 67) The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- 68) A sign shall be displayed at the point of sale stating No Proof of Age - No Sale.
- 69) The premises shall display prominent signage indicating at any point of sale, and at the entrance to the premises, that it is an offence to buy, or attempt to

buy, alcohol for a person under the age of 18.

- 70) The premises shall not be used for striptease or entertainment of a like kind to dancing which involves nudity without the prior consent of the Council.

9. NING'S FRESH BEEF HOTPOT AND CANTONESE SASHIMI, 5-7 TOTTENHAM STREET, LONDON W1T 2AG

Consideration was given to the report of the Executive Director Supporting Communities.

Samina Khan, Licensing Officer, summarised the report and confirmed that the application was not in a Cumulative Impact Policy Area (CIA).

The Licensing Officer advised that following negotiation and compromise with the applicant, several representations in objection to the application had been withdrawn, however one valid representation in objection to the application remained.

It was noted that the interested party who had made a submission in objection to the application was not in attendance. The panel agreed to proceed in their absence, as per Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, and took the submission as read.

The applicant's representative confirmed that the terminal hour in respect of supply of alcohol (for consumption on the premises) had been amended to 21:30hrs Monday to Sunday.

In making their submission, Sumin Ng, representing the applicant, explained that the concerns raised by the objector, in relation to deliveries to the premises, had been addressed by agreement of conditions.

Responding to a question of clarification the applicant's representative, explained that conditions 8, 9, and 10, agreed with Charlotte Street Association, as set out within the supplementary agenda addressed the concern expressed about deliveries.

Deliberation and Reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application in respect of Ning's Fresh Beef Hotpot and Cantonese Sashimi.

In deliberation, the Panel noted the representations from the Police Responsible Authority and had been withdrawn upon agreement of additional conditions and amendments to the application, demonstrating the applicant's willingness engage with local residents and the responsible authorities.

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Furthermore, the Panel were satisfied that the agreed conditions addressed the concerns raised by the remaining representation.

Therefore, it was

RESOLVED –

THAT the application for a new license under section under section 17 of the Licensing Act 2003 be granted, as follows:

Sale of alcohol (for consumption on the premises)

Monday - Sunday: 11:00 – 21:30

With the following conditions:

- 1) The sale of alcohol shall only be legitimate whilst the permitted use of the premises for planning purposes remains that of a Restaurant.
- 2) There shall be no vertical drinking in the Premises.
- 3) Alcohol will only be sold by waiter/waitress service to customers seated at tables.
- 4) Alcohol sales will be ancillary to a meal.
- 5) Police must be called to all incidents of crime and/or serious disorder.
- 6) Off sales of Alcohol are only permitted alongside food orders. Alcohol only sales are not permitted for consumption off the premises.
- 7) 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
 - 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.
- 8) Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.

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- 9) 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 authorised 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 also the area the delivery drivers park their vehicles.
 - g) CCTV will be of good quality, a standard approved by the police/council licensing officers.
- 10) 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.
- 11) The CCTV camera views are not to be obstructed.
- 12) CCTV recordings must be concurrent with accurate time.
- 13) 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.
- 14) 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.
- 15) 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.
- 16) The facility to transfer the images to a compatible, removable format, shall be held on the premises.

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- 17) 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.
- 18) Signs must be displayed in the customer areas to advise that CCTV is in operation.
- 19) 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.
- 20) 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.
- 21) A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
- 22) No more than 10 customers shall be permitted to smoke outside the premises at any one time.
- 23) 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.
- 24) Installation of CCTV in premises to cover all entrances and exits and public area.
- 25) Display notices to inform customers that they will be subject to recording by means of CCTV.
- 26) All CCTV systems shall be well maintained, and all recordings made must be continuous and shall be retained and stored securely for a minimum of 30 day period. Specific requirement about recording CCTV must be sought from policy authority.
- 27) All firefighting/safety equipment to be maintained and checked annually.
- 28) All emergency exits shall be indicated by suitable signage. All means of escape shall be checked before the admission of the public.
- 29) All employees shall be given appropriate instruction, training and supervision and must be familiar with all current operational policies.

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- 30) Prominent notices to be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and area quietly.
- 31) Adequate number of waste receptacles shall be provided to patrons and any litter dropped or discarded shall be retrieved by member of staff to prevent nuisance.
- 32) The Disposing of glass bottles should not be carried out between 21:00hrs to 08:00hrs Monday to Sunday.
- 33) Suitable measures shall be in place for the disposal of waste from the business.
- 34) The premises must ensure that all waste is disposed of in a suitable receptacle.
- 35) The area surrounding the premises must be kept clear of litter.
- 36) Anyone who appears to be under 21 and is attempting to purchase alcohol in the licence premises or is consuming alcohol in the licence premises shall be requested to show "acceptable proof of age".
- 37) Food delivery service will stop to operate at closing hour of the restaurant.
- 38) The restaurant forecourt will not form part of dining area.
- 39) The last time of entry for taking a table meal shall be no later than 30 minutes before closing time.
- 40) The supply of alcohol on the premises shall only be to customers seated taking a table meal there, and for consumption by such persons as ancillary to their meal.
- 41) The supply of alcohol and food shall be by waiter and/or waitress service only.
- 42) Smokers from inside will not be allowed to take out to outside their alcoholic drink; and no more than five customers shall be permitted to smoke outside the premises at any one time; and the location for smokers to be agreed.
- 43) Customers smoking on the public highway (public pavements) shall not be permitted to cause obstruction of the highway (pavements) to passersby/ members of public.
- 44) Notices shall be prominently displayed stating that this is also a residential area and asking patrons to respect to be quiet and considerate to neighbours and residents when leaving.

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- 45) There shall be no consumption of food and alcoholic drinks; and no tables and chairs on the external "private" forecourt area.
- 46) If the external forecourt area is used, then the terminal hour for the use of Chairs and Tables on the forecourt by customers shall be 9.00pm Monday to Sunday.
- 47) Customers who are waiting to collect take-away meals are to wait inside the premises, and not outside, in order to prevent noise and disturbance to nearby residents.
- 48) Courier collections will only take place during the opening hours of the restaurant.
- 49) To avoid noise and disruption to residents, and congestion in the street, for take away food orders that are being collected by delivery companies using couriers, there shall be the following arrangements:
 - a) the use of cycle couriers shall be encouraged (instead of scooters) in order to cut down on noise disturbance;
 - b) If scooter courier, the delivery/collection company will only be called when the order has been prepared and is ready for collection;
 - c) Generally, one collection at a time whenever possible; and
 - d) Scooter couriers shall turn off their engines, and there shall be no prolonged hanging around/waiting.
- 50) The collection of rubbish outside the premises shall not take place between 21:00hrs and 08:00hrs Monday to Sunday.
- 51) Deliveries shall not take place between 20:00hrs and 08:00hrs Monday to Saturday; and not before 12:00hrs on Sundays and Bank/Public Holidays.
- 52) Restaurant management will sign up to Welfare and Vulnerability Engagement (WAVE) Training for all staff.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The hearing ended at 9.58 pm.

CHAIR

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MINUTES END