

THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL E** held on **THURSDAY, 28TH APRIL, 2022** at 10.00 am in Remote meeting via Microsoft Teams. This meeting can be watched live at www.camden.gov.uk/webcast

MEMBERS OF THE PANEL PRESENT

Councillors Richard Cotton (Chair) and Steve Adams

MEMBERS OF THE PANEL ABSENT

Councillors Angela Mason

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

MINUTES

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

RESOLVED –

THAT the guidance on remote meetings be agreed.

2. APOLOGIES

Apologies for absence had been received from Councillor Mason.

It was noted that the meeting was quorate with 2 members present.

3. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no such declarations.

4. ANNOUNCEMENTS

Webcasting

The Chair announced: “in addition to the rights by law that the public and press have to record this meeting, I would like to remind everyone that this meeting is being broadcast live by the Council to the Internet and can be viewed on our website for six

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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”

Items on the Agenda

It was noted that the applications in respect of Sardo Restaurant and Wine Shop, Agenda Item 7, and Vapino, Agenda Item 9, had been resolved and would no longer be considered by the Panel.

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

There was no urgent business.

6. SARDO RESTAURANT AND WINE SHOP, 45 GRAFTON WAY, LONDON W1T 5DQ

This application had been resolved so was not considered by the Panel.

7. THE TOP SECRET COMEDY CLUB, 170A DRURY LANE, LONDON WC2B 5PD

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 provided the Panel with a summary of the application and advised that the premises was within the Culminative Impact Policy Area. She reported that the Police Responsible Authority had withdrawn their representation as the applicant had agreed additional conditions. Furthermore, the interested party, the Covent Garden Community Association, had also withdrawn their representations as conditions had been agreed with the applicant. One relevant representation remained from the Licensing Responsible Authority.

The Panel were informed that off-sales had been removed and the hours applied for had been amended and were now within framework hours, as follows:

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

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

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12:00 – 22:30 Sunday

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

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

12:00 – 22:30 Sunday

c) Opening hours

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

12:00 – 22:30 Sunday

The Licensing Officer stated that condition 25 was to be removed from the application and that condition 4, which was agreed with the Police Responsible Authority, was no longer relevant due to the removal of off-sales from the application. The applicant's legal representative, Andy Grimsey, confirmed these amendments.

The applicant's representative also confirmed to the Panel that Condition 9 had also been amended by inserting *'that any complaints and actions taken to address them'* would be recorded. Furthermore, the applicant's representative proposed that a condition be included that if the application for a new licence was granted it would not come into effect until the two existing licenses were surrendered.

A Member sought clarification on the address of the premises, as the licenses and plans showed two different street numbers. The applicant, Mark Rothman, explained that the address on the lease was listed as 170a Drury Lane. The Licensing Officer advised that this needed to be updated on the licence.

Julia Peterson, Licensing Enforcement Officer, representing the Licensing Responsible Authority summarised her written submission. Ms Peterson explained that as the premises fell within the Culminative Impact Policy Area, there was a presumption to refuse all new and variation applications. However, upon receiving further information from the applicant, including an Operational Management Policy, and the agreement of additional conditions with the Covent Garden Community Association, Ms Peterson was satisfied that granting the premises licence would not add to the culminative impact in the area.

The applicant and his representative summarised the application and responded to members queries, as follows:

- The venue was a pre-eminent comedy club that hosts a variety of well know comedians.
- The premises has two separate licenses that go back many years which include old and inconsistent conditions. Therefore, the applicant sought to harmonise these licenses and bring them up to date, by making this application.
- The applicant would surrender the previous two licenses if the new application was granted.

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- An operational management policy was circulated, which was a thorough document addressing the concerns that had been raised by the Covent Garden Community Association, such as queuing, entry, the smoking area and dispersal.
- The venue did not attract potential for crime and disorder, but there was potential for public nuisance when customers were queuing to go into the venue and upon dispersal.
- However, the operational management policy addressed these concerns and the applicant intended to use WalkUp, a digital queuing solution, to ensure that customers were able to go elsewhere whilst having a place in a virtual queue so there would be no nuisance caused by people waiting outside the venue.
- The applicant had been happy to bring the application within framework hours and close at 22.30hrs on a Sunday.
- The main issue before the committee was whether the application was an exception to the culminative impact policy, which the applicant and his representative believed to be the case.

Deliberation and Reasons

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

In deliberation, the Panel noted that the premises was in a Culminative Impact Policy Area, which meant that there was a rebuttable presumption to refuse the application. As such, Panel Members stated that the main point of discussion was whether the application was an exception to this policy.

The Panel were in agreement that the application was an exception to the policy, due to the operational management policy and the additional conditions the applicant had accepted, which meant that it was unlikely to add to cumulative impact in the area and so some was to promote the licensing objective of the prevention of public nuisance.

Therefore, it was

RESOLVED –

THAT the application for a new premises licence, as amended, be granted with the following conditions:

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

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

12:00 – 22:30 Sunday

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

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

12:00 – 22:30 Sunday

f) Opening hours

12:00 – 23:00 Monday to Thursday

12:00 – 00:00 Friday to Saturday

12:00 – 22:30 Sunday

Conditions consistent with the operating schedule

1. The Premises Licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police.
2. The CCTV system shall be maintained in good working order and at all times the premises is open to the public will be fully operational covering both internal and external areas of the premises to which the public have access. Cera views shall not be obstructed. Images 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. 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. Copies of any CCTV image shall be made available within 48 hours of the request to the Police or Local Authority. The facility to transfer the images to a compatible, removable format shall be held on the premises. Staff working at the premises shall be trained in the use of CCTV.
3. Signs must be displayed in the public areas to advise that CCTV is in operation.
4. If the CCTV is inoperative or not installed and working to the satisfaction of the Police, the Designated Premises Supervisor shall notify the Police with 48 hours and give an estimate of the repair timescale. The Designated Premises Supervisor and staff shall comply with all reasonable requests from the Police.
5. The DPS or a deputy will attend Local Pub Watch /Retail Watch meetings if available.
6. A personal licence holder shall remain on the premises during the hours that licensable activities are taking place.

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7. An incident book shall be kept and maintained at the premises and shall be made available to a Police Officer or an Authorised Officer of and Responsible Authority upon request.
8. The incident book shall be used to record the date and time of any incident, the name of the staff member and a brief description of the customer concerned.
9. All incidents of the following must be recorded in the incident book within 24 hours and retained for a minimum of 12 months.
 - a) Attempted underage purchases
 - b) Attempted alcohol purchase by a person who is (or appears to be drunk)
 - c) Any theft or attempted theft of an alcoholic drink
 - d) Seizures of drugs or offensive weapons
 - e) Incidents of violence by any person against another
 - f) Any other criminal incidents
 - g) Any complaints received and actions taken to address them
10. From 21:00 the searching of bags and persons will be carried out on a random basis on persons wishing to gain entry into the premises. This will take place before the individual(s) enter or while on the premises. This search is to secure the integrity of the premises; this search will be carried out under the supervision of either the DPS or the Head of Security and in full view of a CCTV camera.
11. Anyone found with drugs will have them confiscated and the Police will be called, any Police must be called to incidents of violence and/or serious disorder.
12. SIA security staff will carry out regular toilet checks.
13. The staff will be trained by outside agencies in Drugs Awareness for Licensed Premises.
14. Prominent notices shall be displayed behind the bars and in each of the toilets in the premises stating "These Premises operate a Zero Tolerance Policy towards the possession or use of drugs" Any person found to be dealing or under the influence of or in the possession of drugs will be immediately reported to the Police.
15. Emergency services access and entry needs will be facilitated and preopening and closing safety checks carried out.

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16. Staff will refuse to sell alcohol to any person who is (or appears to be) drunk and/or intoxicated.
17. The capacity of the ground floor of the premises including staff and performers shall not exceed 150.
18. The capacity of the basement shall not exceed 220 including the staff and performers.
19. Signage shall be displayed asking customers to leave the premises quietly.
20. Staff will use their best endeavours to ensure that patrons smoking outside do not cause an obstruction or a noise nuisance in the immediate area.
21. Deliveries to and Collections from the premises should be made within the hours of 08:00 to 20:00 Monday to Friday 09:00 to 20:00 on Saturday and 10:00 to 18:00 on Sunday.
22. A physical barrier, such as a rope will be used to mark the boundary of the areas outside the premises where customers are permitted.
23. All shows on the ground floor will finish at least 15 minutes before or 15 minutes after the show in basement to stagger the times at which customers leave the premises.
24. Last entry shall be 30 minutes before the premises close.
25. The staff will use their best endeavours to prevent customers dispersing along Betterton Street, Shorts Gardens and Macklin Street. They will encourage customers to disperse North or South along Drury Lane to disperse via High Holborn or Great Queen Street/ Long Acre.
26. Any customers waiting for taxis are required to wait inside the premises.
27. A mobile telephone number be provided for local residents to contact members of staff to report noise disturbance issues.
28. Doors and windows will be kept closed except for the entry and exit of customers.
29. No noise shall emanate from the premises which gives rise to a nuisance.
30. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of the Environmental

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Health service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

31. A designated smoking area will be provided and will be clearly marked. There shall be no more than 15 people using the smoking area at any time and it will also be monitored by CCTV. This includes any smokers from the basement premises. When the basement is not operating this number will be reduced to 10.
32. There will be a minimum of 2 SIA door supervisors stationed at the entrance of the premises who are able to manage the external area, including the designated smoking area and ensure that no noise nuisance is caused either by smokers or patrons who go outside the premises during breaks. On any day when the basement area is not operating the minimum number can be reduced to 1.
33. The provision of off sales will be limited to the area delineated in the green line on the associated plan labelled "Smoking Area"
34. The premises will operate a Challenge 25 Policy
35. Children will only be admitted to the premises if accompanied by a parent or guardian.

Conditions agreed with the Police Responsible Authority

1. Police must be called to incidents of violence and/or serious disorder.
2. 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.
3. All staff that sale and/or deliver alcohol (including any outside delivery service, if used) shall receive appropriate training in relation to undertaking appropriate age checks, sales to a person who is drunk, obtaining alcohol for a child. Staff

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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.

Conditions Agreed with the Interested Party

1. The premises shall have an Operational Management Plan and all staff shall be trained in its implementation. This will cover the process of customers admission, the management of the outside area during breaks and dispersal. The dispersal section includes the requirement that at least 4 members of staff in high visibility jackets are stationed outside the premises from the end of the show until the premises have closed to ensure that people disperse from the area quietly. This Policy will be reviewed regularly and whenever the Licence Holder becomes aware of an issue associated with the management of the external area.
2. This licence will have no effect unless and until the premises licences numbered PREM-LIC\3611 and PREM-LIC\3458 are surrendered.

8. VAPIANO, UNIT R05 CENTRE POINT, 101-103 NEW OXFORD STREET, LONDON WC1A 1DD

This application had been resolved so was not considered by the Panel.

9. MINUTES

RESOLVED –

THAT the minutes of the meeting of the Panel held on 24th March 2022 be approved as a correct record.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 10.28 am.

CHAIR

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Contact Officer: Rebecca Taylor

Telephone No: 020 7974 8543

E-Mail: licensing.committee@camden.gov.uk

MINUTES END