

THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL E** held on **THURSDAY, 9TH DECEMBER, 2021** at 10.00 am in a remote meeting via Microsoft Teams.

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

Councillor Cotton declared that in relation to item 8 (HHE Camden Unit 87-88 and Former Horse Hospital, The Stables Market, Chalk Farm Road NW1 8AH) was in the ward (Camden Town with Primrose Hill) he represented but he had not been involved in any discussion with the applicants or interested parties about the application.

4. ANNOUNCEMENTS (IF ANY)

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.

The Panel noted that additional documents in respect of item 7 (The Goodness Tap, 20 Heath Street, London NW3 6TE) and had been published in supplementary agendas 1 and 2 on 6th and 7th December 2021. Respectively. The papers were received by the required deadline.

Supplementary agenda 1 included:

- an additional representation from Marc Hutchinson (Chair Heath and Hampstead Society) that was not included in the main agenda- pages 3-4 Supplementary Agenda 1
- Additional information provided by David Milne – Church Row pages 5-211
- Additional representation provided by the applicant Alex Costa pages 212-238

Supplementary agenda 2 included

- Information sent in by the applicant's representative – setting out the list of conditions agreed between the applicant and the Police pages 3-6

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

There was no such business.

6. MINUTES

RESOLVED –

THAT the minutes of the meeting of the Panel held on 5th October 2021 be approved as a correct record.

7. THE GOODNESS TAP, 20 HEATH STREET, LONDON NW3 6TE

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.

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The Chair informed those present that additional information had been received from the applicant earlier in the day, but this had not been included in the papers and had not been considered by the Panel. He suggested that with the agreement of all parties this should be summarised in the applicant's representation.

The Licensing Officer provided the Panel with a summary of the application.

Robert Sutherland, solicitor for the applicant Angelo Sofocieous, informed the Panel that he wanted to amend the hours of the application to be in line with Camden framework hours, the only change would be:

'On Sales' Sunday 11.00 until 22.30 rather than the hours provided in the application 11.00 until 23.00. On Sales Monday to Saturday were in line with framework hours.

Marcus Lavell Barrister speaking on behalf of Deborah Davies, David Milne Church Row Association and several other interested parties, summarised the main points of the interested parties' submissions as follows:

- Although Licensing and Planning were separate regimes with separate requirements, the applicant had taken advantage of the introduction of flexible Class E to change a former retail unit on a High Street which was now being used as an A4 premises under planning.
- This would have involved a lengthy process and consideration by the Planning Department. In this situation, the License would not simply carry on with licensable activity, it would effectively be the authorisation that allowed A1 retail premises, with anticipated hours of use that related to retail use on the high street to allow for trade to 11pm in the night with dispersal moving on till midnight with the use of the license.
- The high street was a mix of commercial and residential premises, while the surrounding areas were purely residential. The commercial premises were made up of entirely class A1 use with activity in these premises expected to end around 6pm. Granting this application would mark a significant change with activity in the area continuing to 11pm at night causing significant nuisance to residents.
- The Police and other parties supporting the application were given the erroneous impression that this was a restaurant, and this had influenced their decision making and conditions that interested parties felt were inappropriate.
- This, however, was not an application for a restaurant but for a sit-down bar. This was a concern for residents as it appeared to be an application that would permit a bar with no limit on capacity except that people must be seated without any further conditions.
- This bar would not be appropriate for this location with people dispersing up till midnight creating great deals of noise nuisance.
- If this were indeed a restaurant then a restaurant condition should be imposed on this application. The few restaurants in this area had restaurant conditions.
- The local area was quiet and residential.
- The applicant had not tried to engage with residents and the application was inadequate, the conditions agreed with the Police raised more concerns and

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questions as it referred to operations outside the premises which would create more noise nuisance.

Andrew Haslam -Jones speaking on behalf of Marc Hutchinson (Chair Heath and Hampstead Society) interested party objecting and Councillor Stark as the local ward Councillor, summarised the main points of their submissions as follows:

- The area was a mixed commercial and residential area, the change of use had not been considered by planning.
- Residents were encouraged that the opening hours were now in line with Camden's framework hours.
- The Police condition relating to no vertical drinking also appeared to address the basement bar issue.
- The Police condition referred to drinking in the outside area which was entirely inappropriate for this residential area.
- The application appeared to be for a bar rather than a restaurant which was a cause for concern for residents.
- Residents were entitled to the quiet and peaceful enjoyment of their family homes, the applicant was therefore requested to provide sufficient insulation to minimise the noise from the premises to the flats above.
- A condition should be imposed that the path leading to Oriel Court could not be used by the applicant and this should be enforced by the applicant using a doorman on their premises.
- Request that the extractor at the rear of the premises be relocated away from the residential properties.
- Request that the applicants agree to set up a working group with residents to deal with any issues that might arise.

Robert Sutherland, solicitor for the applicant Angelo Sofocieous, read out the statement provided by Alex Costa son of the applicant included as supplementary agenda 3 and answered questions as follows:

- Supplementary Agenda 2 pages 3-6 clarified conditions the applicant had agreed with the police, including, 'there shall be no vertical drinking. Alcohol would only be sold to waiter/waitress service to those seated at a table.'
- The applicant also welcomed a regular meeting with residents to discuss any issues.
- The applicant would manage the path leading to Oriel Court ensuring its customers did not cause a nuisance to residents in that area.
- The extractor system would be entirely new, there was nothing there at the moment.
- The freehold of 20 Heath Street was owned by Camden Council, the lease for the whole building was held by the family. Living on the first floor where the proposed gallery would be where Angelo Sofocieous and his wife. On the 2nd and 3rd floor was Alex Costa the son and his family. The access to this flat was in the small alleyway to the right- hand side of the premises. The studio flat was also accessed via the narrow path referred to.
- It was intended that the gallery would be there on a permanent basis.

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- The idea of the gallery was as an artistic hub, the intention was to marry food with art.
- The menu for the restaurant was on page 235 of the main agenda. The concept was as a brassiere.
- The condition offered in relation to table service would apply and there was no intention that there would be vertical drinking.
- The basement was part of the application.
- The applicant had agreed to accept the condition relating to alcohol only being served ancillary to a meal.
- There was never an intention to have any drinking outside the premises so a condition regarding that would be agreed.
- With regards to names on the electoral register, flat 3 Mr Stavori should be Miss Stavori which was Mr Alex Costa's wife's maiden name and with regards to the name Wright he was not sure why that name was on the register a person by that name had not lived at the premises.
- In ensuring there was compliance with conditions on the licence it was about responsible management, the managers trained staff and ensured they were aware of their responsibilities. The premises were not a large premise you could stand in the middle and see all parts of the ground floor. The additional advantage here was that the operators lived directly above the premises and they had access to the narrow path.
- It would be monitored and maintained by staff.
- In relation to vertical drinking the only time alcohol would be provided would be to seated customers and with food which would be part of the conditions in place.
- It would be also part of monitoring and supervision, the premises had extensive CCTV which was always available to be looked at by Licensing and Police Officers.

Marc Lavell, Andrew Haslam -Jones and Robert Sutherland summarised their submissions.

Decision and Reasons

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

In deliberation, Panel Members considered whether the application would contribute to public nuisance, noting that there were concerns amongst residents that it would. Members also felt there was some confusion over the application as it had been presented as a restaurant and yet it appeared to be a kind of bar. The explanation and presentation of the applicant's solicitor and son had been helpful in clarifying the application.

Members were encouraged that the conditions relating to *no vertical drinking, Alcohol would only be sold to waiter/waitress service to those seated at a table and with a meal* had been agreed. Members also felt that the suggestion relating to regularly meetings between the applicant and residents to resolve issues was good

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and agreed that quarterly meetings between the applicant and local residents' associations should be included as a condition. Members also agreed that a condition prohibiting outside drinking should be added to the License but did not feel there was a requirement for a door supervisor. They believed a member of staff could monitor the outside areas as part of other duties.

Members felt that the fact that the operator lived on the premises was a sizeable mitigating factor against any anti-social behaviour or noise nuisance that might take place outside the premises.

It was felt that the conditions in the operating schedule and conditions agreed with the Police were duplicated and required clarity. Officers were asked to confirm the actual wording of these conditions outside of the meeting.

Members believed the application should be granted subject to the additional conditions as follows:

- No vertical drinking, Alcohol would only be sold to waiter/waitress service to those seated at a table and ancillary to a table meal.
- No outside drinking; and
- Regular quarterly meetings should take place between the applicant and local residents associations to resolve issues.

On this basis, the Panel agreed that granting the application, as amended, with conditions would uphold the licensing objective of the Prevention of Public Nuisance.

RESOLVED –

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

- a) Supply of Alcohol (For consumption on the premises)**
11:00 – 23:30 Monday to Thursday
11:00 – midnight Friday to Saturday
11:00 – 22:30 Sunday

Conditions agreed with the Police responsible authority

1. The Licensee will ensure that any incidents of a criminal nature that may occur on the premises will be immediately reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises and ensure it is operated and maintained at the premises to the satisfaction of the Police and the Local Authority. CCTV recordings shall be retained for a period of 31 days.
2. The CCTV camera views are not to be obstructed.

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3. 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.
4. 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.
5. copies shall be made available within 48 hours to the Police or Local Authority, upon request.
6. The facility to transfer the images to a compatible, removable format, shall be held on the premises.
7. Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
8. Signs must be displayed in the customer areas to advise that CCTV is in operation.
9. 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.
10. Notices shall be displayed within the premises warning customers about personal thefts; and to be vigilant.
11. 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.
12. Management will ensure that patrons utilising the external area, remain within the curtilage of the venue when consuming alcohol.
13. 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

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passports, photo-card driving licence or proof of age card bearing the PASS hologram.

14. A sign shall be displayed at the point of sale stating No Proof of Age – No Sale.
15. Regular glass collection shall be undertaken by staff.
16. Police must be called to incidents of violence and/or disorder.
17. 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.
 - (j) There shall be no vertical drinking. Alcohol will only be sold by waiter/waitress service to customers seated at tables. Alcohol sales will be ancillary to a table meal.
18. The Licensee will ensure that appropriate fire safety procedures are in place. This to include fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. The Licensee will ensure that all appliances are inspected annually and that all emergency exits are kept free from obstruction at all times.
19. Clear and legible notices will be prominently displayed to remind customers to leave quietly.
20. There will be no sale of alcohol to visibly intoxicated persons.
21. 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.
22. No sound emanating from the premises to be audible between 2300 hours and 0800 hours.

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23. 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.
24. At the end of your licensed hours, staff will actively encourage and disperse patrons directly from outside the venue and the close proximity of the venue.
25. Where customers are permitted to drink alcohol outside the premises, regular litter and glass collections shall be carried out in all areas where customers are congregating
26. The number of customers allowed outside the premises shall not be such a number as to cause obstruction of the highway and staff, when employed are to monitor and manage those patrons.
27. Management shall ensure that no bottles or glasses are left by customers outside the premises.
28. No more than 5 customers shall be permitted to smoke outside the premises at any one time.
29. The Licensee and staff will ask persons who appear to be under the age of 25 for photographic ID. All staff will be trained for Underage Sales Prevention regularly. A register of refused sales will be kept and maintained on the premises.

ACTION BY: Executive Director Supporting Communities

8. HHE CAMDEN UNIT 87-88 AND FORMER HORSE HOSPITAL, THE STABLES MARKET, CHALK FARM ROAD, NW1 8AH

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

The Licensing Officer reported that the application was for

Additional Licensable Activity

Supply of Alcohol (For consumption off the premises)

10:00 – 21:00 Monday to Saturday

12:00 – 21:00 Sunday

and the applicant had agreed conditions with the Police who had subsequently withdrawn their representation.

Andrew Wood solicitor for the applicant, confirmed that there were no further amendments to the application.

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Dennis Viechweg of the Licensing Authority summarised his written submission and, in response to a question, confirmed that his only objection to the application was that the premises was situated in the Cumulative Impact Policy Area where a rebuttable presumption to refuse applications for all new or variation applications applied.

Pat Thomas, an interested party, then summarised her written submission and that of Brenda Gardner (Castlehaven Community Association) and Kathryn Gemmell of Tenants and Residents Associations Camden Town, confirming that they remained opposed to the application as it was in the CIPA and the area was rapidly returning to an area of significant anti-social behaviour with stabbings and public nuisance. Noting that the price of alcohol did not significantly deter public nuisance or anti-social behaviour.

Andrew Wood then summarised the application and gave answers to questions as follows: -

- There had been an agreement with the Police that there would be no sales of off sales from the outside area, customers would have to go into the building to purchase the alcohol.
- The premises management would liaise with security and walk around the Stables Market to prevent alcohol from being consumed in the street where possible.
- Based on the price points of what customers were buying it was unlikely that customers would drink this alcohol in the street.
- The wine shop would be situated in Unit 87 and 88 of the Farrier, forming part of the back bar.
- The Farrier was a pub that had a restaurant area. There was a condition which required that in a specific area, customers had to be seated and have a table meal. That did not apply to the whole of the Farrier, however in the dining area customers were required to take a table meal.
- People were able to purchase a drink and sit in the outside area. The part that served the outside area would not be used for off sales.
- The 3 different sites had varying capacities- the fire capacity for the Horse Hospital was 700, however because it would not be used as a nightclub as it once was- it was expected that the capacity would be 350 people in this area, subject to the Fire Brigades assessment. The Farrier had a fire capacity of 200, in the Venue in the restaurant seating for 60, in the pub seating for 40 and the smoking area seating capacity for 60. Therefore, the capacity was 150.

Mr Viechweg then summed up his submission.

Ms Thomas then summed up her submission.

Mr Woods then summed up his submission.

Decision and reasons

Members of the Panel confirmed that they had been able to hear and follow all the submissions.

Members noted that the application site was in the Cumulative Impact Policy Area, where the presumption was to refuse all new and variation applications, but that there were some exceptions to this rebuttable presumption. Members noted that they were required to consider whether the sale of alcohol would have a further adverse effect on the CIPA.

The Panel had considered the representation of the Licensing Responsible Authority and noted that the Responsible Authority would have been satisfied with the application had it not been in the CIPA. However, the application was in the CIPA and were it minded to grant the application there should be additional conditions namely:

- The price of the alcohol sold should be sealed bottles of wine at a minimum price of £12.00 a bottle; and
- There should be no off sales in the outside area.

Members concluded that on this basis they were content to grant the application, subject to the above additional conditions. It was thus

RESOLVED –

1. Off sales will only be permitted Monday to Saturday 10:00 to 21:00 and Sunday 12:00 to 21:00
2. Any alcohol for consumption off the premises shall be sold in a sealed container
3. Alcohol for off sales shall not be consumed in the surrounding areas of Stables Market
4. The price of the alcohol sold should be sealed bottles of wine at a minimum price of £12.00 a bottle; and
5. There should be no off sales in the outside area.

ACTION BY: Executive Director Supporting Communities

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 11.57 am.

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CHAIR

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MINUTES END