

THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL E** held on **THURSDAY, 24TH MARCH, 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

Councillor Cotton declared that the premises in relation to Agenda Item 7 (Ripe Kitchen, 136 Regents Park Road) 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.

Order of Agenda

The Chair also announced that he had received a request from the applicant's legal representative in relation to 67 Whitfield Street to change the order of business, as such Agenda Item 9 was heard prior to Agenda Item 8. It was also agreed that Agenda Item 6 minutes was heard after the items of substantive business.

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

There was no urgent business.

6. RIPE KITCHEN, 136 REGENTS PARK ROAD, LONDON NW1 8XL

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.

It was noted that neither of the interested parties, that had submitted representations were in attendance at the meeting, therefore their written submissions would be taken as read.

The applicant, Tom Burdon, outlined his application.

Members sought clarification on whether the nearby Streatery was included within the application. Mr Burdon advised that the temporary permission for the Streatery would expire at the end of September and that customers of Ripe Kitchen would not be served alcohol if using the Streatery. Therefore, the Streatery was not included as part of the application.

Responding to a question about vertical drinking, Mr Burdon advised that this was not permitted and would not be allowed to happen. Discussions had taken place with the Police and Interested Parties to alleviate concerns surrounding vertical drinking. Mr Burdon assured the Panel that the café was not going to be turned into a bar and alcoholic drinks would be served to seated customers and ancillary to food and coffees. Furthermore, the premises would close at 9pm.

Mr Burdon, the applicant, 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 this application.

In deliberation, Panel Members considered whether the application would contribute to public nuisance, noting that this seemed to be the primary concern amongst interested parties. Members were reassured that no vertical drinking would take place and that alcohol would only be served to those seated in the café, which the panel believed sufficiently alleviated the concerns of the interested parties.

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

RESOLVED –

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

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

11:00 – 21:00 Monday to Saturday

11:00 – 20:00 Sunday

Summary of conditions consistent with the operating schedule

1. The Premises Licence holder shall ensure that all staff are trained in the main principles of the Licensing Act 2003, notably the promotion of the four licensing objectives and specific conditions of the premises licence before being allowed to sell alcohol. All staff will receive refresher training every six months about their responsibilities under the Licensing Act 2003.
2. Training records will be made available to Police and authorised officers upon request.
3. The Designated Premises supervisor shall co-operate with reasonable requests made by authorised officers of responsible authorities under the Licensing Act 2003 to ensure that licensing objectives are not undermined.
4. A CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as “identification standard” of all persons entering and/or leaving the premises.
5. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of one calendar month.

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6. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum delay when requested.
7. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
8. No alcohol shall be supplied if the CCTV equipment is inoperative for any reason.
9. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and shall be made available to a relevant responsible authority when called upon.
10. All exit routes and public areas shall be kept unobstructed, shall have non slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
11. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
12. Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
13. Patrons using the outside area of the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.
14. The premises "frontage" shall be regularly monitored to keep it clean and clear of litter.
15. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises exit.
16. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards, a driving licence, a passport, a military identification card or a proof of age card carrying a PASS logo.

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17. Notices advertising that the premises operates a “Challenge 25” scheme shall be displayed in a clear and prominent position at the premises entrance. All occasions when persons have been refused service shall be recorded in the premises daily register.
18. The Premises Licence holder or Designated Premises supervisor shall ensure that all management and staff who are not Personal Licence holders are fully trained in the four licensing Objectives and Challenge 25, and they are adhered to.
19. Staff shall use a refusals book which is to record any attempted order by persons suspected to be under 18 or fail to show suitable ID and to record evidence of those suspected to be underage but do not prove they are over 18.
20. All deliveries will be made by a reputable courier who has a relevant age verification process or the Premises Licence holder.
21. Alcohol shall not be delivered to a person in a public place such as carpark, street corner, bus stop etc.

Conditions agreed with the Police responsible authority

1. Police must be called to incidents of violence and/or serious disorder
2. A minimum of 8 tables and 19 seats to always be available in the premises when licensing activities take place.

7. 67 WHITFIELD STREET, LONDON W1T 4DE

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 outlined the application and advised that the premises was not in a culminative impact policy area and that one of the representations had been withdrawn, so six valid objections remained, all relating to the prevention of public nuisance. The Panel were advised that the hours for the supply of alcohol had been reduced and new conditions had been agreed.

Jeremy Phillips QC, representing the applicant outlined the amendments to the application. He advised that the hours applied for had changed and were now as follows:

12:00 – 15:00 & 17:00 – 22:00 Monday to Friday
12:00 – 15:00 & 17:00 – 23:00 Saturday
11:00 – 17:00 Sunday

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Mr Phillips outlined conditions that had been agreed with the Charlotte Street Association.

Rob Gunn, representing residents on Chitty Street, outlined concerns as set out in his written statement adding that he was pleased that the Sunday hours had been changed and the proposed hours were now satisfactory. However, Mr Gunn remained concerned about the use of the 'Undercroft' area.

The applicant Enzo Mirto and Jeremy Phillips QC and Caroline Abbot representing the applicant outlined the application and address some of the concerns of the interested parties, making the following comments:

- The Undercroft fell outside the of premises, therefore all alcohol consumed in this area would be as off-sales. There would be no more than four tables each with four seats in the area.
- It would be difficult to predict the level of noise that would be generated by patrons using the area but planning conditions were in place, including the prohibition of audible music.
- The Application should be granted and then if the use of the Undercroft generated any noise complaints, interested parties should apply for a review specifically focusing on the provision of off-sales.
- There were 70 covers within restaurant but only 16 in the Undercroft, this gave customers the option of being outside, but the hours of outside area had been limited to reduce potential disruption.
- The applicant had another restaurant on Old Street that was very successful, and the operation was highly regarded and professional. It specialised in running artisanal master classes in pasta making. Generally, customers wanted to enjoy a glass of high-quality wine with their food, it was not a place that customers came to get intoxicated. There had been no issue with noisy, drunk customers in the Old Street location.
- The application had been carefully considered by all the authorities and the Charlotte Street Association, all of whom are satisfied with the application due to the agreed conditions.
- If there was a problem with the Undercroft area, which was outside of the premises, a review could be called to determine the suitability of off-sales.
- To prevent patrons leaving the Undercroft area and going to the adjacent park, planters would be used around the curtilage of the seating area, which would block access to the park area. Furthermore, signage would be displayed.
- The main focus of the restaurant was food, with alcohol ancillary to this. Drinks would only be served with food, by waiting staff, to customers sat at a table.

The Licensing Officer clarified that the applicant had not applied for off-sales and therefore customers could not be served alcohol in the outdoor Undercroft area as it did not fall within the premises.

The meeting was adjourned so that the applicant could consult with his representatives.

The applicant advised that as off-sales had been omitted from the application, the application before the panel was for on-sales only. Therefore, the outside seating area referred to as the 'Undercroft' would not be in use until such a time the application could be varied to include off-sales.

Rob Gunn, an interested party, made some closing remarks.

Jeremy Phillips QC, the applicant's representative, 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 this application.

In deliberation, Panel Members considered whether the application would contribute to public nuisance, noting that this seemed to be the primary concern amongst interested parties. The Panel stated that as the 'Undercroft' area would not be in use due to the application not including off-sales, the disruption to the neighbouring residents would be minimised.

The Panel noted that the applicant had intended to apply for a variation to the license to include off-sales so the 'Undercroft' area could be used by customers in future. Whilst the Panel were concerned about the public nuisance this could cause, they accepted this would be a consideration for a future panel.

Panel Members were mindful that restaurants could be noisy whilst customers enjoyed their meals but were satisfied that the amendments to the timings of the application and the agreed conditions would satisfactorily manage this and uphold 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)

12:00 – 15:00 & 17:00 – 22:00 Monday to Friday

12:00 – 15:00 & 17:00 – 23:00 Saturday

11:00 – 17:00 Sunday

Conditions consistent with the operating schedule

1. Alcoholic beverages shall only be sold to customers seated at tables and only when taking a table meal.

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2. Orders for food and beverages shall be taken and dispensed by waiter or waitress service only.
3. No alcoholic beverages or glass containers shall be taken outside the premises by customers at any time.
4. Means of escape shall be maintained unobstructed, immediately available, and clearly identifiable.
5. Exit doors shall be checked before opening each day to ensure they function satisfactorily.
6. Notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving.
7. 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.
8. 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.
9. The CCTV camera views shall not be obstructed.
10. At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises.
11. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the police or authorised officers on request.
12. 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.
13. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority.
14. The facility to transfer the images to a compatible, removable format shall be held on the premises.
15. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this

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16. Signs must be displayed in the customer areas to advise that CCTV is in operation.
17. If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.
18. An incident logbook will be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The logbook shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.
19. Customers shall be supervised when leaving the premises and shall be asked to leave quietly.
20. The premises shall operate a challenge 25 policy
21. Deliveries to the premises shall not take place between (insert time) and (insert time).
22. Collections of waste from the premises shall not take place between (insert time) and (insert time).
23. Collections of waste from the premises which include glass shall not take place between (insert time) and (insert time).

Conditions agreed with the Police Responsible Authority

1. There shall be no vertical drinking
2. Police must be called to incidents of violence and disorder

Conditions agreed with the Charlotte Street Association Interested Party

1. There shall be no tables and chairs for customer use on Chitty Street
2. To avoid noise and disruption to residents, and congestion in the street, for takeaway food orders that are being collected by delivery companies using couriers, there shall be the following arrangements:
 - a. to encourage the use of cycle couriers (instead of scooters) to cut down on noise disturbance
 - b. If a scooter courier is used, the delivery/collection company will only be called when the order has been prepared and is ready for collection;
 - c. Generally, there will be one collection at a time whenever possible; and

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- d. Scooter couriers must turn off their engines and there shall be no prolonged waiting or idling.
3. There will not be more than 6 smokers at any one time outside, and they must not smoke on Chitty Street or bring their alcoholic drinks outside.
4. The sliding doors that lead from the restaurant to the outdoor space referred to as the 'Undercroft' must be closed, save for entry and egress to the premises.
5. The premises shall always adhere to the three "Women's Safety principles", which are:
 - a. Let's Communicate – Staff need to feel comfortable to speak up and approach colleagues and management about any form of harassment that they may witness or be subjected to themselves and know the processes available to them to express their views and concerns.
 - b. Supporting Each Other – Ensure that you and your staff are aware of the various support campaigns available such as Ask Angela and that these are clearly displayed around your venue.
 - c. Training for All – Staff training on how to report any issues, what to say and do should they witness or be subject to harassment and how to identify harassment and those who may be vulnerable, make them aware of your internal policies.

8. UNIT R01 AND R02, CENTRE POINT, 101-103 NEW OXFORD STREET, LONDON WC1A 1DD

Consideration was given to a report of the Executive Director Supporting Communities detailing an application to vary a 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, however nine relevant representations remained, with two from the Licensing and Environmental Health responsible authorities.

Alun Thomas, representing the applicant, outlined amendments to the application as follows:

- The extension of the hours for licensable activities was time limited, all other variations were permanent.
- Most amendments had been set out in the Operational Management Plan that had been circulated as part of the supplementary agenda.

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- The wording of condition 15 had been changed to “save for the area hatched black on the plan limited to 35 persons only alcohol may only be consumed by persons seated and taking table meals at the premises. After framework house alcohol must only be served ancillary to a table meal.”
- Further conditions had also been agreed with the Environmental Health Service.

Responding to points of clarification, the Applicant’s representative provided the following responses:

- 35 persons can have a drink without a meal in marked area and within the framework hours only, all other patrons must have an alcoholic drink with a meal.
- The external seating area was included in the premises.
- The delicatessen area was within the premises and off-sales would only be permitted with a deli food order, therefore the existing provisions in relation to off-sales remained part of the licence.

Julia Peterson, Licensing Enforcement Officer, representing Paru Bhudia of the Licensing Responsible Authority summarised Ms Bhudia’s written submission. Ms Peterson explained that as the premises fell within the Culminative Impact Policy Area, which meant that there was a presumption to refuse, however if the panel were minded to grant the variation, the Licensing Authority recommended that the premises should not open beyond 00:00hrs and should have conditions added that promoted the licensing objectives.

Lee Parella, representing the Environmental Health Responsible Authority outlined his representation. Mr Parella advised that negotiations had been ongoing with the applicant and that he had proposed nine additional conditions.

Responding to a question, Mr Parella advised that it was proposed that live music would be inside the venue only, not outside.

Ali Negal, a local resident and interested party, also representing Innes Catto, a local resident, provided an overview of his representation, as stated in his written submission.

David Kaner, representing the Covent Garden Community Association, provided an overview of his representation, as stated in his written submission.

The applicants, Joe Mair and Josh Kirk and Alun Thomas, the applicant’s legal representative, outlined the application and responded to questions by making the following comments:

- The Premises had been closed for two years, due to the coronavirus pandemic, and was due to reopen in two weeks.
- 130 new and existing staff would be employed by the premises.

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- The variation in the operating hours had been applied for temporarily, so the business had the opportunity to re-establish itself following the closure due to the pandemic.
- The new Elizabeth Line that was due to be completed later in the year would be used by 110million passengers per year and around 300,000 per day, many of whom will be traveling to the vicinity of the premises. Therefore, cumulative impact would not be caused by variation of the licence when cumulative impact has already been established by the creation of a large new transport hub.
- The business was primarily food lead and there was only a small area, comprising of less than 10% of covers, where customers would be allowed to drink without a table meal.
- It was not yet known what kind of music the regulated entertainment was comprise of, but assurance was made that it was not going to be loud rock bands, but more likely DJs and singers.
- Regarding the expansion of the outside area, the applicant intended to submit an application for new pavement license, which if granted, the area will be more appropriate, and a new layout was under consideration.
- The applicant had not received any complaints from residents as they had joined the operation later and would, therefore, not be aware of any previous complaints. However, the applicant wanted to establish a positive relationship so residents that residents were comfortable coming straight to the licence holder. A direct telephone number would be provided to local residents to contact the applicant with any concerns,
- Security staff at the premises would not allow people to congregate in the tunnel area to smoke or otherwise and would disperse anyone who did so, the Centre Point security would also not allow people to congregate in this area.
- The Elizabeth Line was a 24-hour service and therefore would be bringing more people to and from the area throughout the day and night.
- The applicant would be willing to agree a condition that stated after 23.30hrs only the main entrance on New Oxford Street would be used for access and egress.
- The applicant was willing to agree to a condition that the west door facing centre point would be closed at 23.00hrs to minimise music traveling to St Giles Square and a sound limiter would be in use, which would cut off the music if it was too loud.
- The smoking area outside the west entrance would be limited to four people at any one time only.

Responding to a question from the Chair, Mr Thomas confirmed that nine additional conditions had been proposed by the Environmental Health Service, and the applicant had agreed to these conditions.

Lee Perella, representing the Environmental Health Responsible Authority, made some closing remarks.

Ali Negal, an interested party, made some closing remarks.

David Kaner, an interested party, made some closing remarks.

Alun Thomas, the applicant's representative, made some closing remarks.

Josh Kirk, the applicant, 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 this application.

The Panel noted that the premises was in a Culminative Impact Policy Area, which mean that there was a rebuttable presumption to refuse the application. It was acknowledged that the License had previous granted despite this, however the variations to the application significantly changed the nature of the application, extending the hours, increasing outdoor seating and the addition of regulated entertainment.

In deliberation, Panel Members considered whether the application would contribute to public nuisance, noting that this seemed to be the primary concern within the representations. The panel considered that the area was already saturated with licensed premises, however, none of which opened beyond framework hours.

Members discussed whether the application to vary the license by increasing the hours, including more licensable activities, and extending the size of the premise was appropriate and suited the locality. The Panel felt that having all three variations at one time made the application overly ambitious and the proposed mitigations would not effectively manage the proposed activities.

Furthermore, Members considered that residents had stated in their representations that noise nuisance was already a major problem in the area so were concerned that the variations the applicant sought would increase this problem and would add to cumulative impact.

In addition to the conditions that had been agreed, the Environmental Health Responsible Authority had proposed further conditions. However, Members were not convinced that these would satisfactorily mitigate the impact on the surrounding area and prevent public nuisance.

Overall, the Panel agreed that the application that was before them was overambitious and would therefore add to cumulative impact in the area and that the proposed conditions and mitigations would not be successful in upholding the prevention of public nuisance licensing objective.

Therefore, it was

RESOLVED –

THAT the application be refused.

9. MINUTES

RESOLVED –

THAT the minutes of the meeting of the Panel held on 9th December 2021 be approved as a correct record.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 12.58 pm.

CHAIR

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MINUTES END